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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 424

[Docket No. FSIS-2025-0017]

RIN 0583-AE07

Removal of Pumped Bacon Sampling Regulations

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: FSIS is amending the Federal meat inspection regulations to remove the provisions providing for FSIS' sampling and testing of pumped bacon for nitrosamines. FSIS stopped sampling for nitrosamines in 1998.

DATES: The final rule is effective on July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Denise Eblen, Acting Deputy Under Secretary for the Office of Food Safety, at (202) 205-0495 or doCKETCLERK@usda.gov with a subject line of "Docket No. FSIS-2025-0017." Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In 1978, USDA codified provisions for an Agency sampling and testing program (hereinafter the "nitrosamine sampling program") for pumped bacon, consisting of analysis of the product for nitrosamines (43 FR 20992; May 16, 1978; 9 CFR 424.22(b)(1)(i) (previously 9 CFR 318.7(b)(2))). Test results also could be furnished by establishments (43 FR 32136; July 25, 1978). The Agency later provided alternative

procedures for controlling the levels of nitrite added to bacon (51 FR 21731; June 16, 1986) and, in doing so, modified sample selection procedures under the nitrosamine sampling program (9 CFR 424.22(b)(1)(ii)(C) (previously 9 CFR 318.7(b)(4))).

FSIS stopped collecting samples of pumped bacon under the nitrosamine sampling program on October 23, 1998, in part because the program identified very few samples of pumped bacon that contained confirmable levels of volatile nitrosamines. For example, FSIS conducted 174 initial screenings for nitrosamines in pumped bacon from 1994 to 1998. Of these, only 9 samples were presumptively positive for nitrosamines. Only one sample was confirmed positive.

The Agency also stopped administering the program in 1998 because the codified testing methods had become antiquated. The formation of nitrosamines in products depends on several factors, including the cooking method. The regulations provide that all testing for nitrosamines be made on pumped bacon fried at 340 °F for 3 minutes on each side (9 CFR 424.22(b)(1)(i)). However, since the regulations were implemented, greater variability in cooking methods for bacon (e.g., microwave cooking, oven cooking) and greater use of ready-to-eat bacon, meant the codified testing procedures did not necessarily reflect how consumers would actually prepare the product.

Additionally, the nitrosamine sampling program is no longer necessary, given other regulatory requirements control the formation of nitrosamines in pumped bacon. The use of nitrate or nitrite to cure pumped bacon can cause the formation of nitrosamines in the cooked product. As such, FSIS regulations prohibit the use of nitrate in such products and limit the amount of ingoing nitrite to 120 parts per million (9 CFR 424.21 and 9 CFR 424.22). The regulations also require the use of sodium ascorbate or sodium erythorbate in pumped bacon because these substances are curing accelerators and reduce the amount of residual nitrite in the finished product, thus reducing the likelihood of the formation of nitrosamines in the product.

Inspectors can verify that establishments meet the requirements for the use of nitrate, nitrite, and curing

accelerators without collecting samples for testing. Therefore, the nitrosamine testing program is no longer necessary.

Given FSIS ended its nitrosamines sampling program and can verify that establishments meet the requirements for pumped bacon through other means, the Agency is removing the program's implementing regulations at 9 CFR 424.22(b)(1)(i) and (ii)(C). This final rule is solely an administrative change to Agency procedure or practice related to its obsolete nitrosamine sampling program. It is therefore excluded from the requirement for notice and comment under the Administrative Procedure Act (5 U.S.C. 553(b)(B)). FSIS regulations will continue to require the use of curing accelerators, prohibit the use of nitrate, and limit the use of nitrite in pumped bacon, which is consistent with FSIS' Hazard Analysis and Critical Control Point requirements (9 CFR part 417), as well as the conditions set out in 9 CFR 424.21 and 424.22.

Executive Orders (E.O.s) 12866, 13563, 14215, and 14192

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA has determined that this final rule is not significant as defined by E.O. 12866. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 14215 amends E.O. 12866 to ensure Presidential supervision and control of the entire executive branch and to require that all executive departments and agencies submit for review all proposed and final significant regulatory actions to OIRA before publication in the **Federal Register**. The Department has developed the final rule consistent with E.O. 13563 and E.O. 14215.

This final rule is considered an E.O. 14192 deregulatory action.

Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the

Congressional Review Act) (5 U.S.C. 801 *et seq.*), OIRA has designated this final rule as not a major rule as defined by 5 U.S.C. 804(2).

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; Pub. L. 104–121, 110 Stat. 857), agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. FSIS has concluded and hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. The final rule is an administrative change that merely updates the meat product inspection regulations to remove obsolete Agency sampling procedures and practices that have not been implemented since 1998. Because the final rule does not impose any new requirements or restrict production, it is not expected to have any adverse economic effect on small or very small establishments.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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. FSIS has assessed the impact of this final rule on Indian tribes and determined that this rule would not have tribal implications that require consultation under Executive Order 13175.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), FSIS has reviewed the final rule. The Administrator has determined that this rulemaking would not impact

information collection, paperwork, or recordkeeping activities.

E-Government Act Compliance

The Department is committed to complying with the E-Government Act of 2002 to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

E.O. 13132; Federalism Summary Impact Statement

The final rule has no effect on States and local governments; accordingly, FSIS anticipates that this rule will not have implications for federalism. Therefore, under Section 6(b) of the E.O., a federalism summary is not required.

Environmental Impact

This final rule will not have a reasonably foreseeable significant effect on the quality of the human environment. The rule is an administrative change that merely updates the meat product inspection regulations to remove obsolete Agency sampling procedures and practices that have not been implemented since 1998. Accordingly, this action is appropriately subject to the categorical exclusion from the preparation of an Environmental Assessment or an Environmental Impact Statement as authorized under 7 CFR 1b.4 of the USDA regulations.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.*, Braille, large print, audiotope, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made

available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>. FSIS also will make copies of this publication available through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

Lists of Subjects in 9 CFR Part 424

Food additives, Food packaging, Meat inspection, Poultry and poultry products.

For the reasons discussed in the preamble, FSIS is amending 9 CFR Chapter III as follows:

PART 424—PREPARATION AND PROCESSING OPERATIONS

■ 1. The authority citation for part 424 continues to read as follows:

Authority: 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 451–472, 601–695; 7 CFR 2.18, 2.53.

■ 2. Amend § 424.22 by

■ a. Removing and reserving paragraph (b)(1)(i);

■ b. Revising paragraph (b)(1)(ii) introductory text; and

■ c. Removing paragraph (b)(1)(ii)(C).

The revision reads as follows:

§ 424.22 Certain other permitted uses.

* * * * *

(b) * * *

(1) * * *

(ii) Sodium nitrite may be used at:

* * * * *

Done in Washington, DC.

Denise Eblen,

Acting Deputy Under Secretary for the Office of Food Safety.

[FR Doc. 2025–12212 Filed 6–30–25; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2025–0475; Project Identifier MCAI–2024–00600–T; Amendment 39–23069; AD 2025–13–03]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This AD was prompted by a determination that the applicable aircraft flight manual (AFM) was providing an incorrect value for maximum cumulative taxi time in freezing fog conditions. This AD requires revising the existing AFM to provide the flightcrew with normal procedures to follow under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 5, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 5, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0475; 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, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

• 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](https://www.regulations.gov) under Docket No. FAA–2025–0475.

FOR FURTHER INFORMATION CONTACT:

James Clary, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 817–222–5138; email: james.clary@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A350–941 and –1041 airplanes. The NPRM was published in the **Federal Register** on March 26, 2025 (90 FR 13707). The NPRM was prompted by AD 2024–0190, dated October 10, 2024; corrected October 11, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0190) (also referred to as “the MCAI”). The MCAI states the applicable AFM was providing an incorrect value for maximum

cumulative taxi time in freezing fog conditions, which could lead to multiple engine surges in a critical flight phase and possibly result in loss of control of the airplane.

In the NPRM, the FAA proposed to require revising the existing AFM to provide the flightcrew with normal procedures to follow under certain conditions, as specified in EASA AD 2024–0190. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0475.

Discussion of Final Airworthiness Directive**Comments**

The FAA received one comment from the Air Line Pilots Association, International, who supported the NPRM without change.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. This AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0190, which specifies procedures for an AFM amendment to correct the maximum cumulative taxi time in freezing fog conditions. 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 the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 32 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REVISING THE AFM

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	\$0	\$85	\$2,720

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2025–13–03 Airbus SAS: Amendment 39–23069; Docket No. FAA–2025–0475; Project Identifier MCAI–2024–00600–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 5, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Unsafe Condition

This AD was prompted by a determination that the applicable aircraft flight manual (AFM) was providing an incorrect value for maximum cumulative taxi time in freezing fog conditions. The FAA is issuing this AD to address the incorrect maximum cumulative taxi time in freezing fog conditions. The unsafe condition, if not addressed, could lead to multiple engine surges in a critical flight phase and result in loss of control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0190, dated October 10, 2024; corrected October 11, 2024 (EASA AD 2024–0190).

(h) Exceptions to EASA AD 2024–0190

- (1) Where EASA AD 2024–0190 refers to its effective date, this AD requires using the effective date of this AD.
- (2) Where paragraph (1) of EASA AD 2024–0190 specifies “implement the AFM DU revision”, this AD requires replacing that text with “revise the applicable existing AFM by incorporating the applicable AFM DU revision”.

(3) Where paragraph (1) of EASA AD 2024–0190 specifies to inform all flight crews, and thereafter, operate the aeroplane accordingly, this AD does not require those actions as those actions are already required by existing FAA operating regulations (see 14 CFR 91.9, 14 CFR 91.505, and 14 CFR 121.137).

(4) This AD does not adopt the “Remarks” section of EASA AD 2024–0190.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Additional Information

For more information about this AD, contact James Clary, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 817–222–5138; email: james.clary@faa.gov.

(k) Material Incorporated by Reference

- (1) The Director of the Federal Register approved the incorporation by reference 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 this AD specifies otherwise.
 - (i) European Union Aviation Safety Agency (EASA) AD 2024–0190, dated October 10, 2024; corrected October 11, 2024.
 - (ii) [Reserved]
 - (3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.
 - (4) 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.

(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 June 18, 2025.

Peter A. White,

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

[FR Doc. 2025–12243 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0619; Project Identifier MCAI–2024–00372–T; Amendment 39–23070; AD 2025–13–04]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701, & 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by an engine indicating and crew alerting system (EICAS) STAB TRIM Caution message that was posted, and subsequent repair that found prematurely worn teeth on a rubber bull gear (RBG) wheel in the horizontal stabilizer trim actuator (HSTA). This AD requires an inspection for part numbers and on-condition replacement of affected RBG wheels. This AD also prohibits the installation of affected parts under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 5, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 5, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–0619; 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, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation.

- 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–2025–0619.

FOR FURTHER INFORMATION CONTACT:

Isabel Saltzman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all MHI RJ Aviation ULC (type certificate previously held by Bombardier Inc.) Model CL–600–2C10 (Regional Jet Series 700, 701, & 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM was published in the **Federal Register** on April 15, 2025 (90 FR 15664). The NPRM was prompted by AD CF–2024–25, dated June 28, 2024 (Transport Canada AD CF–2024–25) (also referred to as “the MCAI”), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that an in-service event occurred where an EICAS STAB TRIM Caution message was posted. Subsequent repair found prematurely worn teeth on an RBG

wheel in the HSTA. Investigation determined that this quality issue affects a limited number of RBG wheels and HSTA serial numbers. Wear of the RBG wheel teeth could cause a failure of the horizontal stabilizer trim system.

In the NPRM, the FAA proposed to require an inspection for part numbers and on-condition replacement of affected RBG wheels, as specified in Transport Canada AD CF–2024–25. The NPRM also proposed to prohibit the installation of affected parts under certain conditions, as specified in Transport Canada AD CF–2024–25. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2025–0619.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Air Line Pilots Association, International, and an individual, who both supported the NPRM without change.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2024–25, which specifies procedures for a part number check and, if necessary, replacement of affected RBG wheels in certain HSTAs. Transport Canada AD CF–2025–24 also prohibits the installation of affected parts under certain conditions. 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 the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 460 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	None	\$85	\$39,100

The FAA estimates the following costs to do any on-condition replacement that would be required

based on the results of determining whether the part is an affected part. The FAA has no way of determining the

number of airplanes that might need this replacement:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
30 work-hours × \$85 per hour = \$2,550	* \$0	At least \$2,550 (up to 32 affected parts in the fleet).

* The FAA has received no definitive data on which to base the cost estimates for the on-condition parts specified in this AD.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2025–13–04 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier Inc.): Amendment 39–23070; Docket No. FAA–2025–0619; Project Identifier MCAI–2024–00372–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 5, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all MHI RJ Aviation ULC (Type Certificate previously held by Bombardier Inc.) airplanes identified in paragraphs (c)(1) through (5) of this AD, certificated in any category.

(1) Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes.

(2) Model CL–600–2C11 (Regional Jet Series 550) airplanes.

(3) Model CL–600–2D15 (Regional Jet Series 705) airplanes.

(4) Model CL–600–2D24 (Regional Jet Series 900) airplanes.

(5) Model CL–600–2E25 (Regional Jet Series 1000) airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by a report of an in-service event where an engine indicating and crew alerting system STAB TRIM Caution message was posted, and subsequent repair found prematurely worn teeth on a rubber bull gear (RBG) wheel in the horizontal stabilizer trim actuator. The FAA is issuing this AD to address premature wear of the RBG wheel teeth. The unsafe condition, if not addressed, could result in a failure of the horizontal stabilizer trim system.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2024–25, dated June 28, 2024 (Transport Canada AD CF–2024–25).

(h) Exceptions to Transport Canada AD CF–2024–25

(1) Where Transport Canada AD CF–2024–25 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2024–25 refers to "Section 1.A. of the applicable MHIRJ SB", this AD requires replacing that text with "Section 1.A. of MHIRJ Service Bulletin 670BA–27–077, dated April 16, 2024".

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or

responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or MHI RJ's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

For more information about this AD, contact Isabel Saltzman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@faa.gov.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 this AD specifies otherwise.

(i) Transport Canada AD CF-2024-25, dated June 28, 2024.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation.

(4) 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.

(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-locationsoremailfr.inspection@nara.gov.

Issued on June 18, 2025.

Steven W. Thompson,

Acting Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0476; Project Identifier MCAI-2024-00482-T; Amendment 39-23068; AD 2025-13-02]

RIN 2120-AA64

Airworthiness Directives; Embraer S.A. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Embraer S.A. Model EMB-545 and EMB-550 airplanes. This AD was prompted by a jamming failure of the main door lock sensor. This AD requires repetitive main door sensor operational tests, repetitive lubrication of the main door sensor mechanism, and on condition actions. The FAA is issuing this AD to address the unsafe condition on these products. August 5, 2025.

DATES: This AD is effective August 5, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 5, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2025-0476; 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, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Agência Nacional de Aviação Civil (ANAC) material identified in this AD, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246-190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203-6600; email pac@anac.gov.br; website anac.gov.br/en/. You may find this material on the ANAC website at sistemas.anac.gov.br/certificacao/DA/DAE.asp.

- 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-2025-0476.

FOR FURTHER INFORMATION CONTACT:

Hassan Ibrahim, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3653; email: hassan.m.ibrahim@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Embraer S.A. Model EMB-545 and EMB-550 airplanes. The NPRM was published in the **Federal Register** on March 26, 2025 (90 FR 13716). The NPRM was prompted by AD 2024-08-02, effective August 23, 2024 (ANAC AD 2024-08-02) (also referred to as the MCAI), issued by ANAC, which is the aviation authority for Brazil. The MCAI states there is a possibility of a jamming failure of the main door lock sensor.

In the NPRM, the FAA proposed to require repetitive main door sensor operational tests, repetitive lubrication of the main door sensor mechanism, and on condition actions, as specified in ANAC AD 2024-08-02. The FAA is issuing this AD to address a false indication of a locked door, even when it is only latched, resulting in a dormant system failure and lack of cockpit indication of the door not locked condition. The unsafe condition, if not addressed, could result in an in-flight door opening due to an operational failure.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA-2025-0476.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD

as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

ANAC AD 2024–08–02 specifies procedures for conducting repetitive

main door sensor operational tests, repetitive lubrication of the main door sensor mechanism, and applicable on condition actions. (The effective date of ANAC AD 2024–08–02 did not get translated to English. The effective date is August 23, 2024.) On-condition actions include adjusting or replacing the sensor or main door locked sensor support and contacting Embraer for repair instructions. 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 the ADDRESSES section.

Costs of Compliance

The FAA estimates that this AD affects 296 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 4 work-hours × \$85 per hour = \$340	\$0	Up to \$340	Up to \$100,640.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 7 work-hours × \$85 per hour = \$595	Up to \$19,845.27	Up to \$20,440.27.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this AD.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2025–13–02 Embraer S.A.: Amendment 39–23068; Docket No. FAA–2025–0476; Project Identifier MCAI–2024–00482–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 5, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Embraer S.A. Model EMB–545 and EMB–550 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by a jamming failure of the main door lock sensor. This jamming could result in a false indication of a locked door, even when it is only latched, resulting in a dormant system failure and lack of cockpit indication of the door not locked condition. The unsafe condition, if not addressed, could result in a door opening in flight due to an operational failure.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Agência Nacional de Aviação Civil (ANAC) AD 2024–08–02, effective August 23, 2024 (ANAC AD 2024–08–02).

(h) Exceptions to ANAC AD 2024–08–02

(1) Where ANAC AD 2024–08–02 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where ANAC AD 2024–08–02 specifies on-condition actions, this AD requires performing the applicable on-condition actions before further flight.

(3) Where ANAC AD 2024–08–02 specifies to discard parts, this AD does not require that action.

(4) Where paragraph (c) of ANAC AD 2024–08–02 specifies to repeat the operational test “each 12 months”, this AD requires replacing that text with “at intervals not to exceed 12 months”.

(5) Where paragraph (e) of ANAC AD 2024–08–02 specifies to repeat the lubrication “each 24 months”, this AD requires replacing that text with “at intervals not to exceed 24 months”.

(6) This AD does not adopt paragraph (f) of ANAC AD 2024–08–02.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(j) Additional Information

For more information about this AD, contact Hassan Ibrahim, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3653; email: hassan.m.ibrahim@faa.gov.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 this AD specifies otherwise.

(i) Agência Nacional de Aviação Civil (ANAC) AD 2024–08–02, effective August 23, 2024.

Note 1 to paragraph (k)(2)(i): The effective date of ANAC AD 2024–08–02 did not get translated to English. The effective date is August 23, 2024.

(ii) [Reserved]

(3) For ANAC material identified in this AD, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email pac@anac.gov.br; website anac.gov.br/en/. You may find this material on the ANAC website at sistemas.anac.gov.br/certificacao/DA/DAE.asp.

(4) 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.

(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-locationsoremailfr.inspection@nara.gov.

Issued on June 18, 2025.

Steven W. Thompson,
Acting Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2025–12244 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 91**

[Docket No. FAA–2023–1415; Amdt. No. 91–369B]

RIN 2120–AM09

Extension of the Prohibition Against Certain Flights in the Kabul Flight Information Region (FIR) (OAKX)

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action extends the prohibition against certain flight operations in the Kabul Flight Information Region (FIR) (OAKX) by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of

U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier, for an additional three years, from July 25, 2025, to July 25, 2028. FAA finds this action necessary to address continuing risks to persons and aircraft engaged in such flight operations.

DATES: This final rule is effective on July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Bill Petrak, Flight Standards Service, through the Washington Operations Center, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–3203; email 9-FAA-OverseasFlightProhibitions@faa.gov.

SUPPLEMENTARY INFORMATION:**I. Executive Summary**

This action extends the expiration date of Special Federal Aviation Regulation (SFAR) No. 119, title 14 Code of Federal Regulations (14 CFR), 91.1619, from July 25, 2025, to July 25, 2028. SFAR No. 119, § 91.1619, prohibits certain flight operations in the Kabul FIR (OAKX) at altitudes below Flight Level (FL) 320, except to operate transiting overflights of the Kabul FIR (OAKX) on jet routes P500–G500 at altitudes at and above FL300, by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. FAA finds this action necessary to address significant unacceptable safety-of-flight risks to U.S. civil aviation that continue to exist in the Kabul FIR (OAKX). FAA also republishes the approval process and exemption information for this flight prohibition SFAR, consistent with other recently published flight prohibition SFARs.

II. Authority and Good Cause**A. Authority**

FAA is responsible for the safety of flight in the United States and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. Section 106(f) of title 49, U.S. Code (U.S.C.), subtitle I, establishes the FAA Administrator's authority to issue rules on aviation safety. Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters,

assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise this authority consistently with the obligations of the U.S. Government under international agreements.

FAA is promulgating this rule under the authority described in 49 U.S.C. 44701, General requirements. Under that section, FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security.

This regulation is within the scope of FAA's authority because it continues to prohibit the persons described in paragraph (a) of SFAR No. 119, § 91.1619, from conducting certain flight operations in the Kabul FIR (OAKX) due to the continuing hazards to the safety of U.S. civil flight operations, as described in the preamble to this final rule.

B. Good Cause for Immediate Adoption

Section 553(b)(B) of title 5, U.S. Code, authorizes agencies to dispense with notice and comment procedures for rules when the agency for "good cause" finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Also, section 553(d) permits agencies, upon a finding of good cause, to issue rules with an effective date less than 30 days from the date of publication. In this instance, FAA finds good cause to forgo notice and comment and the delayed effective date because they would be impracticable and contrary to the public interest.

Providing notice and the opportunity for the public to comment here would be impracticable. FAA's flight prohibitions, and any amendments thereto, need to include appropriate boundaries that reflect the agency's current understanding of the risk environment for U.S. civil aviation. This allows FAA to protect the safety of U.S. operators' aircraft and the lives of their passengers and crews without over-restricting or under-restricting U.S. operators' routing options. However, the risk environment for U.S. civil aviation in airspace managed by other countries with respect to safety of flight is fluid in circumstances involving fighting, violent extremist and militant activity, or periods of heightened tensions, particularly where weapons capable of targeting or otherwise negatively affecting U.S. civil aviation are or may

be present. This fluidity, and the potential for rapid changes in the risks to U.S. civil aviation, significantly limits how far in advance of a new or amended flight prohibition FAA can usefully assess the risk environment. The delay that would be occasioned by providing an opportunity to comment on this action would significantly increase the risk that the resulting final action would not accurately reflect the current risks to U.S. civil aviation associated with the situation and thus would not establish boundaries for the flight prohibition commensurate with those risks.

While FAA sought and responded to public comments, the boundaries of the area in which unacceptable risks to the safety of U.S. civil aviation existed might change due to: evolving military or political circumstances; violent extremist and militant group activity; the introduction, removal, or repositioning of more advanced anti-aircraft weapon systems; or other factors. As a result, if the situation improved while FAA sought and responded to public comments, the rule FAA finalized might be over-restrictive, unnecessarily limiting U.S. operators' routing options and potentially causing them to incur unnecessary additional fuel and operations-related costs, as well as potentially causing passengers to incur unnecessarily some costs attributed to their time. Conversely, if the situation deteriorated while FAA sought and responded to public comments, the rule FAA finalized might be under-restrictive, allowing U.S. civil aviation to continue operating in areas where unacceptable risks to their safety had developed. Such an outcome would endanger the safety of these aircraft, as well as their passengers and crews, exposing them to unacceptable risks of death, injury, and property damage that could occur if a U.S. operator's aircraft were shot down (or otherwise damaged) while operating in the Kabul FIR (OAKX).

Alternatively, if FAA made changes to the area in which U.S. civil aviation operations would be prohibited between a notice of proposed rulemaking and a final rule due to changed conditions, the version of the rule the public commented on would no longer reflect FAA's current assessment of the risk environment for U.S. civil aviation.

In addition, seeking comment would be contrary to the public interest because some of the rational basis for the rulemaking is based upon classified information and controlled unclassified information. In order to provide comment on a proposal meaningfully, the public would need access to the basis for the agency's decision-making,

which FAA cannot provide. Disclosing classified information or controlled unclassified information to seek meaningful comment on the proposal would harm the public interest. Accordingly, FAA meaningfully seeking comment on the proposal is contrary to the public interest.

Therefore, providing notice and the opportunity for comment would be impracticable as it would hinder FAA's ability to maintain appropriate flight prohibitions based on up-to-date risk assessments of the risks to the safety of U.S. civil aviation operations in airspace managed by other countries. It also would be contrary to the public interest, as FAA cannot protect classified information and controlled unclassified information and meaningfully seek public comment.

For the same reasons discussed above, the potential safety impacts and the need for prompt action on up-to-date information that is not public would make delaying the effective date impracticable and contrary to the public interest.

Accordingly, FAA finds good cause exists to forgo notice and comment and any delay in the effective date for this rule.

III. Background

On August 30, 2021, FAA issued Notice To Airmen (NOTAM) KICZ A0029/21 to address the then-existing unacceptable risks to the safety of U.S. civil aviation operations in the Kabul FIR (OAKX) at all altitudes, except for transiting overflight operations on jet routes P500–G500. This NOTAM prohibited, with certain limited exceptions, U.S. civil aviation operations in the Kabul FIR (OAKX) at all altitudes by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and all operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier, due to the risk posed by violent extremist and militant activity, lack of adequate risk mitigation capabilities, and disruption to air traffic services. The NOTAM allowed U.S. civil aviation overflights to transit the Kabul FIR (OAKX) on jet routes P500–G500, as such operations are only in the Kabul FIR (OAKX) very briefly.

Following the Taliban takeover of Afghanistan, the International Civil Aviation Organization (ICAO) Asia-Pacific Office contacted Afghanistan's civil aviation authority and stood up a contingency coordination team (CCT)

composed of Afghanistan and neighboring air navigation service providers, as well as International Air Transport Association (IATA) representation. Afghanistan's civil aviation authority and the CCT worked with neighboring air navigation service providers to establish a contingency plan for the safe resumption of civil overflights in the Kabul FIR (OAKX).

Subsequently, Afghanistan issued a series of NOTAMs delineating overflight procedures and established altitude blocks for specific categories of flight operations across various regions. The overflight procedures rely upon internationally recognized traffic information broadcasts by aircraft (TIBA) procedures, which pilots use in areas around the world where air traffic services are very limited or unavailable to maintain safe separation between aircraft. Consequently, FAA determined that U.S. civil aviation operations throughout the Kabul FIR (OAKX) could resume at altitudes at and above FL320 due to diminished risks to U.S. civil aviation operations at those altitudes. On July 25, 2023, FAA published in the **Federal Register** a final rule allowing U.S. civil overflights of the Kabul FIR (OAKX) to resume at altitudes at and above FL320.¹ However, as described in more detail in the preamble to the July 2023 final rule, FAA continued to assess the situation in the Kabul FIR (OAKX) at altitudes below FL320 as being hazardous for U.S. civil aviation and prohibited U.S. civil aviation operations at those altitudes.

Although FAA did not identify or assess that there existed any increased safety-of-flight risks to transiting U.S. civil aviation overflights operating on jet routes P500–G500 due to violent extremist or militant activity, FAA prohibited operations on those routes at altitudes below FL320 in the July 2023 final rule because the Kabul FIR Air Traffic Management Contingency Plan indicates that, as necessary, FL300 may be reserved for military operations by NOTAM. Consequently, FAA decided to establish a minimum allowed overflight level of FL320 for U.S. civil aviation operations in the entirety of the Kabul FIR (OAKX) to help ensure aircraft separation between any military operations being conducted in the Kabul FIR (OAKX) at FL300 and U.S. civil aviation overflights.

Subsequently, FAA received two petitions for exemption from SFAR No. 119, § 91.1619, from U.S. air carriers requesting to operate on jet routes P500–

G500 at altitudes at and above FL300, instead of at altitudes at and above FL320 as required by SFAR No. 119, § 91.1619, due to aircraft performance issues under certain meteorological conditions.²

Since the publication of the Kabul FIR Air Traffic Management Contingency Plan and continuing since FAA issued the July 2023 final rule, Afghanistan had issued a series of NOTAMs permitting overflight operations between waypoints FIRUZ and MOTMO on jet routes P500–G500 at altitudes between FL300–FL510. FAA was not aware of any safety or security incidents experienced by civil aircraft operating on jet routes P500–G500 in the Kabul FIR (OAKX) at altitudes at or above FL300 due to military flight operations. In addition, FAA was not aware of any active threats to U.S. civil aviation operations on jet routes P500–G500 in the Kabul FIR (OAKX) from violent extremist and militant activity and was not aware of any reports of security incidents involving violent extremist and militant activity posing safety-of-flight risks to civil aircraft overflights using these jet routes at altitudes at or above FL300 in the Kabul FIR (OAKX). The very limited flight time in the Kabul FIR (OAKX) minimizes both potential exposure to any military operations in the Kabul FIR (OAKX) that might be operating at FL300 and to potential opportunistic threats from violent extremists. Specifically, the flight distance between waypoints FIRUZ and MOTMO on jet routes P500–G500 is approximately 12 nautical miles, which takes approximately 95 seconds at cruising speeds.

Consequently, FAA determined that U.S. civil aviation overflights of the Kabul FIR (OAKX) at altitudes at and above FL300 on jet routes P500–G500 presented a low risk. Therefore, FAA amended SFAR No. 119, § 91.1619, to permit U.S. civil aviation to conduct transiting overflights of the Kabul FIR (OAKX) on jet routes P500–G500 at altitudes at and above FL300, subject to the approval of, and in accordance with the conditions established by, the appropriate authorities of Afghanistan.³

IV. Discussion of the Final Rule

FAA continues to assess the situation in the Kabul FIR (OAKX) as being hazardous for U.S. civil aviation. While the Taliban continues to encourage international air carriers to return to Afghanistan, FAA assesses a number of

factors exist that pose safety of flight hazards to civil aviation operations at lower altitudes and while aircraft are on the ground in Afghanistan. These factors include the continued presence and operations of terrorist groups—including the Islamic State of Iraq and ash-Sham, Khorasan Province (ISIS–K) and al-Qa'ida (AQ)—as well as anti-Taliban forces such as the National Resistance Front (NRF) and the Afghanistan Freedom Front (AFF), whose members likely maintain access to small arms, automatic machine guns, anti-aircraft artillery (AAA), anti-tank guided missiles (ATGMs), and unmanned aircraft systems (UAS). These types of weapons could pose a threat to aircraft during low-altitude flight operations, including the arrival and departure phases of flight, as well as to aircraft on the ground at targeted airports and airfields in Afghanistan. Additionally, some of these groups also may have access to legacy man-portable air defense systems (MANPADS), which may be capable of reaching a maximum altitude of up to 25,000 feet above ground level.

Further, these groups maintain the ability to conduct attacks in the Afghan capital, as evidenced most recently by an NRF-claimed attack in December 2024 on the Ministry of Interior in Kabul—adjacent to Kabul International Airport (OAKB) and less than 4,500 feet from the end of the runway—and an AFF-claimed attack on Kabul International Airport (OAKB) in mid-October 2024. Several other attacks occurred throughout Kabul in 2024, and as recently as mid-February 2025, underscoring the continued lack of security in the Afghan capital. ISIS–K claimed responsibility for many of these attacks, showing that, despite Taliban pressure, the group—which was responsible for the August 2021 attack on Kabul International Airport (OAKB) that killed 13 U.S. service members and at least 170 civilians—maintains the capability to operate in Afghanistan. As of early 2025, the Taliban has not demonstrated the ability to mitigate the low-altitude civil aviation risks posed by these myriad threat actors.

In addition to the low-altitude threats posed by armed groups operating within Afghanistan, recent cross-border strikes by neighboring states on Afghan territory highlight airspace deconfliction challenges. Pakistan conducted likely uncoordinated airstrikes on multiple locations in eastern Afghanistan in late December 2024, which Taliban representatives claimed killed dozens of Afghan civilians. Pakistani authorities claimed to have targeted Tehreek-e-Taliban Pakistan (TTP) hideouts, after

¹ *Prohibition Against Certain Flights in the Kabul Flight Information Region (FIR) (OAKX)* final rule, 88 FR 47765 (Jul. 25, 2023).

² American Airlines, docket FAA–2023–1985. United Parcel Service, Co., docket FAA–2023–2065.

³ Amendment of the Prohibition Against Certain Flights in the Kabul Flight Information Region (FIR) (OAKX) final rule, 89 FR 55500 (Jul. 5, 2024).

TTP claimed responsibility for an attack on a Pakistani border outpost that killed 16 soldiers. While the Taliban later claimed to have conducted retaliatory attacks on targets in Pakistan allegedly responsible for coordinating the airstrikes on Afghanistan, there were no details available regarding how they were conducted or any associated casualties or damage reported in Pakistan. Regardless, continued perceived Taliban support for the TTP will likely drive further unannounced and uncoordinated Pakistani airstrikes on targets in Afghanistan, as well as Taliban responses. The continued risk of these cross-border exchanges—particularly in the airspace along the border between the two countries—presents a deconfliction challenge further complicating airspace management in the Kabul FIR (OAKX).

Therefore, as a result of the significant, continuing, unacceptable risks to the safety of U.S. civil aviation operations in the Kabul FIR (OAKX), FAA extends the expiration date of SFAR No. 119, § 91.1619, from July 25, 2025, until July 25, 2028.

Further amendments to SFAR No. 119, § 91.1619, might be appropriate if the risk to U.S. civil aviation safety and security changes. In this regard, FAA will continue to monitor the situation and evaluate the extent to which persons described in paragraph (a) of this rule might be able to operate safely in the Kabul FIR (OAKX).

FAA also republishes the details concerning the approval and exemption processes in Sections V and VI of this preamble, consistent with other recently published flight prohibition SFARs, to enable interested persons to refer to this final rule for comprehensive information about requesting relief from FAA from the provisions of SFAR No. 119, § 91.1619.

V. Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

A. Approval Process Based on an Authorization Request From a Department, Agency, or Instrumentality of the United States Government

In some instances, U.S. Government departments, agencies, or instrumentalities may need to engage U.S. civil aviation to support their activities in the Kabul FIR (OAKX). If a department, agency, or instrumentality of the U.S. Government determines that it has a critical need to engage any person described in paragraph (a) of SFAR No. 119, § 91.1619, including a U.S. air carrier or commercial operator,

to transport civilian or military passengers or cargo or conduct other operations in the Kabul FIR (OAKX), that department, agency, or instrumentality may request FAA to approve persons described in paragraph (a) of SFAR No. 119, § 91.1619, to conduct such operations.

The requesting U.S. Government department, agency, or instrumentality must submit the request for approval to the FAA's Associate Administrator for Aviation Safety in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality.⁴ FAA will not accept or consider requests for approval from anyone other than the requesting U.S. Government department, agency, or instrumentality. In addition, the senior official signing the letter requesting FAA approval must be sufficiently positioned within the requesting department, agency, or instrumentality to demonstrate that the organization's senior leadership supports the request for approval and is committed to taking all necessary steps to minimize aviation safety and security risks to the proposed flights. The senior official must also be in a position to: (1) attest to the accuracy of all representations made to FAA in the request for approval, and (2) ensure that any support from the requesting U.S. Government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless justified by exigent circumstances, requesting U.S. Government departments, agencies, or instrumentalities must submit requests for approval to FAA no less than 30 calendar days before the date on which the requesting department, agency, or instrumentality wishes the operator(s) to commence the proposed operation(s).

The requestor must send the request to the Associate Administrator for Aviation Safety, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request that FAA notify it electronically as to whether FAA grants the request for approval. If a requestor wishes to make an electronic submission to FAA, the requestor should contact the Washington Operations Center by

⁴ This approval procedure applies to U.S. Government departments, agencies, or instrumentalities; it does not apply to the public. The FAA describes this procedure in the interest of providing transparency with respect to the FAA's process for interacting with U.S. Government departments, agencies, or instrumentalities that seek to engage U.S. civil aviation to operate in the area in which this SFAR would prohibit their operations in the absence of specific FAA approval.

telephone at (202) 267-3333 or by email at 9-FAA-OverseasFlightProhibitions@faa.gov for submission instructions. The requestor must not submit its letter requesting FAA approval or related supporting documentation to the Washington Operations Center. Rather, the Washington Operations Center will refer the requestor to an appropriate staff member of the Flight Standards Service for further assistance.

A single letter may request approval from FAA for multiple persons described in SFAR No. 119, § 91.1619, or for multiple flight operations. To the extent known, the letter must identify the person(s) the requester expects the SFAR to cover on whose behalf the U.S. Government department, agency, or instrumentality seeks FAA approval, and it must describe—

- The proposed operation(s), including the nature of the mission being supported;
- The service the person(s) covered by the SFAR will provide;
- To the extent known, the specific locations in the Kabul FIR (OAKX) where the proposed operation(s) will occur, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Kabul FIR (OAKX) and the airports, airfields, or landing zones at which the aircraft will take off and land; and
- The method by which the requesting department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of the proposed operations (*i.e.*, the pre-mission planning and briefing, in-flight, and post-flight phases).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or its prime contractor has a subcontract(s)) for specific flight operations in the Kabul FIR (OAKX) at altitudes below FL320, except for transiting overflights on jet routes P500–G500 at altitudes at and above FL300 that are already permitted under this rule. The requestor may identify additional operators to FAA at any time after FAA issues its approval. Neither the operators listed in the original request, nor any operators the requestor subsequently seeks to add to the approval, may commence operations under the approval until FAA issues them an Operations Specification (OpSpec) or Letter of Authorization (LOA), as appropriate, for operations in

the Kabul FIR (OAKX) at altitudes below FL320 or at altitudes below FL300 on jet routes P500–G500, as applicable. The approval conditions discussed below apply to all operators. Requestors should contact the Washington Operations Center by telephone at (202) 267–3203 or by email at 9-FAA-OverseasFlightProhibitions@faa.gov for instructions on how to submit the names of additional operators the requestor wishes to add to an existing approval to FAA. The requestor must not submit the names of additional operators it wishes to add to an existing approval to the Washington Operations Center. Rather, the Washington Operations Center will refer the requestor to an appropriate staff member of the Flight Standards Service for further assistance.

If an approval request includes classified information or controlled unclassified information, requestors may contact the Washington Operations Center for instructions on submitting it to FAA. The Washington Operations Center's contact information appears in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

FAA approval of an operation under SFAR No. 119, § 91.1619, does not relieve persons subject to this SFAR of the responsibility to comply with all other applicable FAA rules and regulations. Operators of civil aircraft must comply with the conditions of their certificates, OpSpecs, and LOAs, as applicable. Operators also must comply with all rules and regulations of other U.S. Government departments, agencies, or instrumentalities that may apply to the proposed operation(s), including, but not limited to, regulations issued by the Transportation Security Administration.

B. Approval Conditions

If FAA approves the request, FAA's Aviation Safety organization will send an approval letter to the requesting U.S. Government department, agency, or instrumentality informing it that FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or

related to the approved operations in the Kabul FIR (OAKX); and

(b) The operator's written agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the Kabul FIR (OAKX).

(3) Other conditions FAA may specify, including those FAA might impose in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy FAA issues under chapter 443 of title 49, U.S. Code.

If FAA approves the proposed operation(s), FAA will issue an OpSpec or LOA, as applicable, to the operator(s) identified in the original request and any operators the requestor subsequently adds to the approval, authorizing them to conduct the approved operation(s). In addition, as stated in paragraph (3) of this section V.B., FAA notes that it may include additional conditions beyond those contained in the approval letter in any OpSpec or LOA associated with a particular operator operating under this approval, as necessary in the interests of aviation safety. U.S. Government departments, agencies, and instrumentalities requesting FAA approval on behalf of entities with which they have a contract or subcontract, grant, or cooperative agreement should request a copy of the relevant OpSpec or LOA directly from the entity with which they have any of the foregoing types of arrangements, if desired.

VI. Information Regarding Petitions for Exemption

Any operations not conducted under an approval FAA issues through the approval process set forth previously may only occur in accordance with an exemption from SFAR No. 119, § 91.1619. A petition for exemption must comply with 14 CFR part 11. FAA will consider whether exceptional circumstances exist beyond those described in the approval process in the previous section. To determine whether a petition for exemption from the prohibition this SFAR establishes fulfills the standards described in 14 CFR 11.81, FAA consistently finds necessary the following information:

- The proposed operation(s), including the nature of the operation;
- The service the person(s) covered by the SFAR will provide;

- The specific locations in the Kabul FIR (OAKX) where the proposed operation(s) will occur, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Kabul FIR (OAKX) and the airports, airfields, or landing zones at which the aircraft will take off and land;

- The method by which the operator will obtain current threat information and an explanation of how the operator will integrate this information into all phases of its proposed operations (*i.e.*, the pre-mission planning and briefing, in-flight, and post-flight phases); and

- The plans and procedures the operator will use to minimize the risks identified in this preamble to the proposed operations to support the relief sought and demonstrate that granting such relief would not adversely affect safety or would provide a level of safety at least equal to that provided by this SFAR. FAA has found comprehensive, organized plans and procedures of this nature to be helpful in facilitating the agency's safety evaluation of petitions for exemption from flight prohibition SFARs.

FAA includes, as a condition of each such exemption it issues, a release and agreement to indemnify, as described previously.

FAA recognizes that, with the support of the U.S. Government, the governments of other countries could plan operations that may be affected by SFAR No. 119, § 91.1619. While FAA will not permit these operations through the approval process, FAA will consider exemption requests for such operations on an expedited basis and in accordance with the order of preference set forth in paragraph (c) of SFAR No. 119, § 91.1619.

If a petition for exemption includes information that is sensitive for security reasons or proprietary information, requestors may contact the Washington Operations Center for instructions on submitting it to FAA. The Washington Operations Center's contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule. Requestors must not submit their petitions for exemption or related supporting documentation to the Washington Operations Center. Rather, the Washington Operations Center will refer the requestor to the appropriate staff member of the Flight Standards Service or the Office of Rulemaking for further assistance.

VII. Regulatory Notices and Analyses

A. Regulatory Evaluation

This rule has been determined to be a significant regulatory action pursuant to Executive Order 12866. This rule continues to prohibit U.S. civil flights in the Kabul FIR (OAKX) at altitudes below FL320, except for transiting overflights on jet routes P500–G500 which are permitted to be conducted at altitudes at or above FL300, due to the continuing hazards to U.S. civil aviation described in this preamble. The alternative flight routes result in some additional fuel and operations costs to the operators, as well as some costs attributed to passenger time. FAA finds that the incremental costs of extending SFAR No. 119, § 91.1619, are exceeded by the benefits of avoided risks of deaths, injuries, and property damage that could occur if a U.S. operator's aircraft were shot down (or otherwise damaged) while operating in the Kabul FIR (OAKX) at altitudes below FL320, except for transiting overflights on jet routes P500–G500, which are permitted to operate at altitudes at and above FL300 while operating in the Kabul FIR (OAKX) on those jet routes.

This rule is not an Executive Order 14192 regulatory action because it is being issued with respect to a national security or homeland security function of the United States. The benefit-cost analysis demonstrates that the regulation is anticipated to improve national or homeland security as its primary direct benefit and OIRA and the promulgating agency agree the regulation qualifies for a 'good cause' exception under 5 U.S.C. 553(b)(B).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), in 5 U.S.C. 603, requires an agency to prepare an initial regulatory flexibility analysis describing impacts on small entities whenever 5 U.S.C. 553 or any other law requires an agency to publish a general notice of proposed rulemaking for any proposed rule. Similarly, 5 U.S.C. 604 requires an agency to prepare a final regulatory flexibility analysis when an agency issues a final rule under 5 U.S.C. 553 after that section or any other law requires publication of a general notice of proposed rulemaking. FAA concludes good cause exists to forgo notice and comment and not to delay the effective date for this rule. As 5 U.S.C. 553 does not require notice and comment in this situation, 5 U.S.C. 603 and 604 similarly do not require regulatory flexibility analyses.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

FAA has assessed the potential effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from risks to their operations in the Kabul FIR (OAKX), a location outside the U.S. Therefore, the rule complies with the Trade Agreements Act of 1979.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (in 1995 dollars) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." FAA currently uses an inflation-adjusted value of \$183 million in lieu of \$100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires the FAA to consider the impact of paperwork and other information collection burdens it imposes on the public. FAA has determined no new requirement for information collection is associated with this final rule.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, FAA's policy is to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. FAA has determined no ICAO Standards and

Recommended Practices correspond to this regulation. FAA finds this action is fully consistent with the obligations under 49 U.S.C. 40105(b)(1)(A) to ensure FAA exercises its duties consistently with the obligations of the United States under international agreements.

While FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which FAA has issued a flight prohibition for U.S. civil aviation. In addition, foreign air carriers and other foreign operators may choose to avoid, or be advised or directed by their civil aviation authorities to avoid, airspace for which FAA has issued a flight prohibition for U.S. civil aviation.

VIII. Executive Order Determinations

A. Executive Order 13132, Federalism

FAA has analyzed this rule under the principles and criteria of Executive Order 13132. The agency has determined this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, this rule will not have federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

FAA analyzed this rule under Executive Order 13211. The agency has determined it is not a "significant energy action" under the executive order and will not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609 promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609 and has determined that this action will have no effect on international regulatory cooperation.

IX. Additional Information

A. Electronic Access

Except for classified and controlled unclassified information, all documents FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the internet through the docket for this rulemaking.

Those documents may be viewed online at <https://www.regulations.gov> using the docket number listed above. A copy of this rule will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at <https://www.federalregister.gov> and the Government Publishing Office's website at <https://www.govinfo.gov>. A copy may also be found on FAA's Regulations and Policies website at https://www.faa.gov/regulations_policies.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267-9677.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104-121) (set forth as a note to 5 U.S.C. 601) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official or the persons listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.

List of Subjects in 14 CFR Part 91

Afghanistan, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506-46507, 47122, 47508, 47528-47531, 47534, Pub. L. 114-190, 130 Stat. 615 (49 U.S.C. 44703 note); Sec. 828 of Pub. L. 118-63, 138 Stat. 1330 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. Amend § 91.1619 by revising paragraph (e) to read as follows:

§ 91.1619 Special Federal Aviation Regulation No. 119—Prohibition Against Certain Flights in the Kabul Flight Information Region (FIR) (OAKX).

* * * * *

(e) *Expiration.* This SFAR will remain in effect until July 25, 2028. The FAA may amend, rescind, or extend this SFAR, as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5).

Christopher J. Rocheleau,

Acting Administrator.

[FR Doc. 2025-12247 Filed 6-30-25; 8:45 am]

BILLING CODE 4910-13-P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33-11378; 34-103258; 39-2561; IC-35636]

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission ("Commission") is adopting amendments to Volume II of the Electronic Data Gathering, Analysis, and Retrieval system Filer Manual ("EDGAR Filer Manual" or "Filer Manual") and related rules and forms. Certain updates reflect and identify changes to EDGAR made in connection with EDGAR Release 25.2. Additional updates reflect and identify changes to EDGAR made in connection with the Commission's September 27, 2024 EDGAR Filer Access and Account Management rulemaking ("EDGAR Next").

DATES:

Effective date: This rule is effective July 1, 2025, except instruction 3, which is effective September 15, 2025.

Incorporation by reference: The incorporation by reference of a certain publication listed in this final rule is

approved by the Director of the Federal Register as of July 1, 2025. The incorporation by reference of a certain other publication listed in this final rule is approved by the Director of the Federal Register as of September 15, 2025.

FOR FURTHER INFORMATION CONTACT: For questions regarding the amendments to Volume II of the Filer Manual, please contact Rosemary Filou, Deputy Director and Chief Counsel, Laurita Finch, Senior Special Counsel, or Dan Chang, Senior Special Counsel, in the EDGAR Business Office at (202) 551-3900. For questions regarding Open-end Fund Liquidity Risk Management Amendments and Guidance, please contact Heather Fernandez (202) 551-6708 or Gregory Jaffray (202) 551-6717 in the Division of Investment Management. For questions regarding filers' transition to access EDGAR Next, please contact Filer Support in the EDGAR Business Office at (202) 551-8900 and select option "2."

SUPPLEMENTARY INFORMATION: We are adopting updated versions of the Filer Manual, Volume II: "EDGAR Filing," Version 75 (June 2025) and Version 76 (effective September 15, 2025) and amendments to 17 CFR 232.301, Rule 301 of Regulation S-T. We are adopting Version 76 (effective September 15, 2025) at this time as a courtesy providing filers an approximate 90-day preview of significant EDGAR Next related updates in advance of the September 15, 2025 compliance date. These versions of the updated Filer Manual are incorporated by reference into the Code of Federal Regulations as indicated above.

I. Background

The Filer Manual contains information needed for filers to make submissions on EDGAR. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.¹ Filers must consult the Filer Manual in conjunction with our rules governing mandated electronic filings when preparing documents for electronic submission.

II. Recommended Revisions to Volume II of the Filer Manual

EDGAR will be updated in EDGAR Release 25.2 to reflect changes related to the Form N-CEN schema and online application, several errata adjustments, and removal of outdated general technical language. The Commission is

¹ See Rule 301 of Regulation S-T.

approving corresponding amendments to Volume II of the Filer Manual to reflect these changes, which will be published as Version 75 of Volume II.

EDGAR will also be updated on September 15, 2025, to fully implement the Commission's EDGAR Next rulemaking,² compliance with which is required September 15, 2025. These changes to the Filer Manual will be published as Version 76 of Volume II and effective on the EDGAR Next compliance date, September 15, 2025.

A. Version 75 of Filer Manual Volume II: Amendments Related to Form N-CEN, Removal of Submission Types N-PX and N-PX/A From EDGARLink Online, and Certain Errata Changes

Form N-CEN Schema and Online Application Adjustments

In August 2024, the Commission adopted reporting amendments and provided guidance related to open-end fund liquidity risk management program requirements on Form N-PORT and Form N-CEN.³ EDGAR will be updated in Release 25.2 to support changes to the schema for Form N-CEN and the online application to permit filers to comply with the following new requirements:

- Addition of new Item C.22 Liquidity Classification Services.
- Addition of new RSSD ID and other identifying number fields throughout the Form. Previously, certain LEI fields on the Form permitted filers to report either an LEI, RSSD ID, or, in some cases, other identifying number in the same field. This release separates LEI, RSSD ID, and other identifying number into different fields.
- The specific items that will be modified are: B.16.a.iv, B.17.c, C.5.b.ii, C.6.c.ii, C.6.c.v.2, C.6.d.ii, C.9.a.iv, C.9.b.iv, C.9.c.iv, C.9.d.iv, C.10.a.iii, C.11.a.ii, C.12.a.ii, C.13.a.ii, C.14.a.ii, C.15.d, C.16.a.iv, C.17.a.iv, D.12.a.iv, D.12.b.iv, D.12.c.iv, D.12.d.iv, D.13.a.iii, D.14.a.ii, E.2.d, F.1.c, F.2.a.ii, and F.4.c.

Moreover, EDGAR will not enforce field length validations for the LEI field at this time to enable filers to continue to upload and submit submissions according to their current process without generating an error message.

Beginning November 17, 2025, however, filers will be expected to report the appropriate identifier in the appropriate field and EDGAR will

enforce specific validations for each of these fields when an entry is provided. LEI will require a 20-character alphanumeric response or "N/A." RSSD ID will require a numerical response of up to 10 digits or "N/A." Other identifying numbers will be limited to 100 characters, but also will require the filer to provide a description of up to 500 characters. Submissions with entries that do not meet these criteria will not be accepted.

Removal of Submission Types N-PX and N-PX/A From EDGARLink Online

The EDGARLink Online interface will remove inoperable links to the following submission types: N-PX and N-PX/A. Since July 1, 2024, filers have been required to make these submissions in a structured format created by either using the online version available on the EDGAR Filing website, or constructed by filers according to the "EDGAR Form N-PX XML Technical Specification" document. Select references to Form N-PX and its variants will be removed from the Filer Manual, Volume II, Chapter 7 (Preparing and Transmitting EDGARLink Online Submissions).

Errata Changes

The location of payment instructions on *SEC.gov* has changed. Filers may obtain the FEDWIRE Instructions under the "Filing Fee Registrants" section of the "Payment Options" web page on *SEC.gov* at <https://www.sec.gov/about/payment-options>. Submission form type N-CR and N-CR/A must be removed from the list of submission form types that may be filed through EDGAR Link Online; that form type should now be filed through the EDGAR Filing website.

To correct a typographical error in Volume II, Chapter 3, Index to Forms and Submission Types, the SBSE Dispute Notice should be revised to read SBS Dispute Notice (removing the "E").

To correct a typographical error in Volume II, Chapter 6, Interactive Data, Table 6-18, the entry point required for spac-proj should be revised to read spac-despac.

To increase clarity for filers, we are also updating the instructions in Volume II, Chapter 8, Preparing and Transmitting Online Submissions, regarding how to prepare and submit online submissions for Schedule 13D and Schedule 13G to reflect language that currently appears in the online instructions to those schedules.

Certain web page titles were corrected to conform to the recent revisions to the *SEC.gov* website.

Removal of Outdated Technical Language

Volume II of the Filer Manual contains several outdated generic references, explaining for example the nature of the internet and other basic issues that were novel in the time period that the Filer Manual was initially adopted. The Commission has completely revised Volume I to streamline it and remove such references. The Commission now seeks to remove such antiquated language from Volume II. For example, we are removing sentences such as: "The SEC accepts electronic submissions through the internet," "The EDGAR system is comprised of a number of large computers that receive filings submitted by entities," "Many people have become familiar with HTML since they have used the internet," and "Browsers have very similar navigation functions. . . ."

B. Version 76 of Filer Manual Volume II: EDGAR Next

On September 27, 2024, the Commission adopted the EDGAR Next rule and form amendments related to EDGAR filer access and account management.⁴ As part of the EDGAR Next rulemaking, the Commission approved changes to Volume I of the Filer Manual to be effective March 24, 2025, and indicated that it expected to adopt changes to Volume II of the Filer Manual at a future date. Changes to Volume II were not adopted at that time because it was expected that Volume II would subsequently be amended related to other Commission rulemaking in upcoming quarterly releases.

The Commission is now adopting changes to Volume II in Version 76 to accord with the changes to be made to EDGAR to fully implement the EDGAR Next rulemaking on the compliance date of September 15, 2025. Changes to Volume II of the Filer Manual in Version 76 relate primarily to the changed process for accessing EDGAR adopted in EDGAR Next. As of September 15, 2025, presentation of individual account credentials and completion of multifactor authentication, rather than provision of legacy access codes, will be required to access all EDGAR websites. Version 76 of Volume II of the Filer Manual will be effective September 15, 2025, the compliance date for the EDGAR Next rulemaking.

III. Amendments to Rule 301 of Regulation S-T

Along with the adoption of the updated Filer Manual, we are amending

² See EDGAR Filer Access and Account Management, Release No. 33-11313 (Sept. 27, 2024) [89 FR 106108 (Dec. 27, 2024)].

³ See Form N-PORT and Form N-CEN Reporting: Guidance on Open-End Fund Liquidity Risk Management Program, Release No. IC-35308 (Aug. 28, 2024) [89 FR 73764 (Sept. 11, 2024)].

⁴ See footnote 2.

Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations Volume II, Versions 75 and 76. This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

The updated EDGAR Filer Manual is available at <https://www.sec.gov/edgar/filerinformation/current-edgar-filer-manual>.

IV. Administrative Law Matters

Because the Filer Manual and rule amendments relate solely to agency procedures or practice and do not substantially alter the rights and obligations of non-agency parties, publication for notice and comment is not required under the Administrative Procedure Act (“APA”).⁵ It follows that the amendments do not require analysis under requirements of the Regulatory Flexibility Act⁶ or a report to Congress under the Small Business Regulatory Enforcement Fairness Act of 1996.⁷

The Office of Management and Budget has determined that this action is not a significant regulatory action as defined in Executive Order 12866, as amended, and therefore it was not subject to Executive Order 12866 review.

The effective date for the updated Filer Manual, Volume II, Version 75 and related rule amendments is July 1, 2025. The effective date for the updated Filer Manual, Volume II, Version 76 and related rule amendments is September 15, 2025. In accordance with the APA,⁸ we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the related system upgrades.

V. Statutory Basis

We are adopting the amendments to Regulation S–T under the authority in sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,⁹ sections 3, 12, 13, 14, 15, 15B, 23, and 35A of the Securities Exchange Act of 1934,¹⁰ section 319 of the Trust Indenture Act of 1939,¹¹ and sections 8, 30, 31, and 38

of the Investment Company Act of 1940.¹²

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The general authority citation for part 232 continues to read as follows:

Authority: 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78l, 78m, 78n, 78n–1, 78o(d), 78w(a), 78ll, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets forth the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the EDGAR Filer Manual, Volume I: “General Information,” Version 42, issued September 27, 2024. The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 75 (June 2025). All EDGAR material referenced in this paragraph is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available for inspection at the Commission and at the National Archives and Records Administration (NARA). The EDGAR Filer Manual is available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549; (202) 551–3900; Library@sec.gov, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission’s Public Reference Room. The EDGAR Filer Manual may also be obtained from

<https://www.sec.gov/edgar/filerinformation/current-edgar-filer-manual>. For information on the availability of the EDGAR Filer Manual at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

■ 3. Effective September 15, 2025, § 232.301 is further revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets forth the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the EDGAR Filer Manual, Volume I: “General Information,” Version 42, issued September 27, 2024. The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 76 (effective September 15, 2025). All EDGAR material referenced in this paragraph is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available for inspection at the Commission and at the National Archives and Records Administration (NARA). The EDGAR Filer Manual is available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549; (202) 551–3900; Library@sec.gov, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission’s Public Reference Room. The EDGAR Filer Manual may also be obtained from <https://www.sec.gov/edgar/filerinformation/current-edgar-filer-manual>. For information on the availability of the EDGAR Filer Manual at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

By the Commission.

Dated: June 16, 2025

Vanessa A. Countryman,
Secretary.

[FR Doc. 2025–12286 Filed 6–30–25; 8:45 am]

BILLING CODE 8011–01–P

⁵ 5 U.S.C. 553(b)(A).

⁶ 5 U.S.C. 601 through 612.

⁷ 5 U.S.C. 804(3)(c).

⁸ 5 U.S.C. 553(d)(3).

⁹ 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

¹⁰ 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78o–4, 78w, and 78ll.

¹¹ 15 U.S.C. 77sss.

¹² 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–103320; File No. S7–11–23]

RIN 3235–AN28

Extension of Compliance Date for Required Daily Computation of Customer and Broker-Dealer Reserve Requirements Under the Broker-Dealer Customer Protection Rule

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; extension of compliance date.

SUMMARY: The Securities and Exchange Commission (“Commission”) is extending the compliance date for the recently adopted amendments that require certain broker-dealers to perform daily reserve computations and make required deposits into their reserve bank accounts daily rather than weekly by six months from December 31, 2025, to June 30, 2026.

DATES: As of July 1, 2025, the compliance date for Rule 15c3–3(e)(3)(i)(B)(1), published January 13, 2025, at 90 FR 2837, is extended from December 31, 2025, to June 30, 2026.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Associate Director; Raymond Lombardo, Assistant Director; Sheila Dombal Swartz, Senior Special Counsel; or Abraham Jacob, Special Counsel, Office of Broker-Dealer Finances, at (202) 551–5500, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: The Commission is extending the compliance date for the requirement to perform a reserve computation for accounts of customers (“customer reserve computation”) and accounts of other broker-dealers (“PAB reserve computation”) daily rather than weekly under paragraph (e)(3)(i)(B)(1) of Rule 15c3–3 under the Securities Exchange Act of 1934 (“Exchange Act”) from December 31, 2025, to June 30, 2026.¹ This daily reserve computation requirement applies to broker-dealers with average total credits equal to or greater than \$500 million (“\$500 Million Threshold”). The Commission is not extending the compliance dates with respect to the amendments to paragraph (e)(3)(v) of Rule 15c3–3 and the conforming amendments to the

Financial and Operational Combined Uniform Single Report (“FOCUS Report”).

I. Discussion

On December 20, 2024, the Commission adopted amendments to Rule 15c3–3 (the “broker-dealer customer protection rule”) to require broker-dealers that hold customer cash and securities (“carrying broker-dealers”) and that exceed the \$500 Million Threshold to perform their customer and PAB reserve computations and make any required deposits into their reserve bank accounts daily rather than weekly.² The daily reserve computation requirement is designed to address the risks associated with situations where a carrying broker-dealer receives large cash inflows on behalf of customers and PAB account holders during the week and days prior to the next required weekly reserve computations and associated deposits into the reserve bank accounts. Such occurrences can lead to circumstances where the net amount of cash owed to customers and PAB account holders³ is substantially greater than the amounts held in the carrying broker-dealer’s customer and PAB reserve bank accounts.⁴ By requiring daily rather than weekly reserve computations and deposits, the protections provided by the reserve requirements of Rule 15c3–3 will be applied more quickly to newly deposited cash of customers and PAB account holders and reduce the risk that if a carrying broker-dealer fails financially, it may be unable to promptly return cash and securities to customers and PAB account holders through an orderly self-liquidation.⁵

In the Adopting Release, the Commission also amended Rule 15c3–1,⁶ the broker-dealer net capital rule, to

permit carrying broker-dealers that use the alternative method to compute their minimum net capital⁷ and that perform a required daily customer reserve computation to reduce their aggregate debit items by 2% rather than 3% (“2% debit reduction”) when performing a customer reserve computation under Rule 15c3–3.⁸ Further, carrying broker-dealers that use the alternative method and are below the \$500 Million Threshold may voluntarily perform a daily customer reserve computation under Rule 15c3–3 and, in so doing, apply the 2% debit reduction in lieu of the 3% debit reduction if they notify their designated examining authority (“DEA”) at least 30 days prior to beginning the daily customer reserve computation.⁹ Finally, the Commission adopted technical amendments to the FOCUS Report to conform it to the amendments with respect to the lowering of the debit reduction from 3% to 2%.¹⁰

The Commission addressed the compliance dates of the amendments in the Adopting Release.¹¹ The Commission stated that carrying broker-dealers that exceed the \$500 Million Threshold using each of the 12 filed month-end FOCUS Reports from July 31, 2024, through June 30, 2025, must perform customer and PAB reserve computations daily beginning no later than December 31, 2025 (*i.e.*, six months after June 30, 2025).¹² The Commission also stated that on or after the effective date of the final amendments,¹³ a carrying broker-dealer may voluntarily perform a daily customer reserve computation and apply the 2% debit reduction, provided it notifies its DEA in writing at least 30 calendar days prior to beginning the daily customer reserve computation that applies the 2% debit reduction.¹⁴ Finally, the Commission stated in the Adopting Release that the compliance date for the amendments to

² See *Daily Computation of Customer and Broker-Dealer Reserve Requirements Under the Broker-Dealer Customer Protection Rule*, Exchange Act Release No. 102022 (Dec. 20, 2024) [90 FR 2790 (Jan. 13, 2025)] (“Adopting Release”). The term “average total credits” is defined as the arithmetic mean of the sum of total credits in the customer reserve computation and the PAB reserve computation reported in the carrying broker-dealer’s 12 most recently filed month-end FOCUS Reports. See Adopting Release, 90 FR at 2793 and paragraph (e)(3)(i)(B)(1) of Rule 15c3–3.

³ The term PAB account means a proprietary securities account of a broker-dealer (which includes a foreign broker-dealer, or a foreign bank acting as a broker-dealer) other than a delivery-versus-payment account or a receipt-versus-payment account. The term does not include an account that has been subordinated to the claims of creditors of the carrying broker-dealer. See paragraph (a)(16) of Rule 15c3–3 and Adopting Release, 90 FR at 2791, n.9.

⁴ See Adopting Release, 90 FR at 2791–92.

⁵ See *id.* at 2792.

⁶ 17 CFR 240.15c3–1 (“Rule 15c3–1”).

⁷ The minimum net capital requirement for broker-dealers is the greater of a fixed-dollar amount specified in Rule 15c3–1 and an amount determined by applying one of two financial ratios: the 15-to-1 aggregate indebtedness to net capital ratio (“basic method”) or the 2% of aggregate debit items ratio (“alternative method”). A carrying broker-dealer using the alternative method must reduce aggregate debit items (*i.e.*, customer-related receivables) by 3% when performing its customer reserve computation under Rule 15c3–3. See Adopting Release, 90 FR at 2793.

⁸ See *id.* at 2793; see also paragraph (a)(1)(ii)(A) of Rule 15c3–1.

⁹ See paragraph (e)(3)(v) of paragraph 15c3–3.

¹⁰ See Adopting Release, 90 FR at 2806.

¹¹ See Adopting Release, 90 FR at 2811–12.

¹² See *id.*

¹³ The effective date of the amendments was March 14, 2025. See Adopting Release, 90 FR at 2790.

¹⁴ See Adopting Release, 90 FR at 2811–12.

¹ 17 CFR 240.15c3–3(e)(3)(i)(B)(1) (“Rule 15c3–3(e)(3)(i)(B)(1)”).

the Form X-17A-5, Part II (*i.e.*, Part II of the FOCUS Report) is March 1, 2026.¹⁵

Since the Commission adopted the daily customer and PAB reserve computation requirement, industry representatives and carrying broker-dealers have indicated through telephonic meetings with Commission staff and letters that, as carrying broker-dealers work to meet the December 31, 2025, compliance date, some of them believe that additional time to implement the capability to perform a required daily customer and PAB reserve computation is needed. For example, the Securities Industry and Financial Markets Association (“SIFMA”), on behalf of its broker-dealer members, submitted a letter requesting that the Commission extend the compliance date for the required daily customer and PAB reserve computations established in the Adopting Release by six months from December 31, 2025, to June 30, 2026.¹⁶ In its letter, SIFMA stated that a six-month extension is necessary due to the complexities of scoping out and developing the appropriate policies and procedures, and systems, necessary to successfully automate and implement a daily reserve computation. Regarding the transition to a daily reserve computation requirement, SIFMA also stated that there is no “one size fits all” approach applicable to all carrying broker-dealers, but that it is governed by the individual circumstances of each carrying broker-dealer. SIFMA stated that these complexities, and the need to increase staffing levels to perform a daily customer and PAB reserve computation, demonstrate that a six-month extension would be appropriate and warranted.¹⁷

¹⁵ See *id.* The Commission is not extending the compliance dates with respect to the amendment to paragraph (e)(3)(v) of Rule 15c3-3 that permits a carrying broker-dealer that does not exceed the \$500 Million Threshold but that elects to voluntarily perform a daily customer reserve computation to apply the 2% debit reduction, and the conforming amendments to Part II of the FOCUS Report.

¹⁶ See Letter from Kevin Zambrowicz, Deputy General Counsel (Institutional) & Managing Director, SIFMA (Feb. 27, 2025) (“SIFMA Letter”) at 2, available at <https://www.sec.gov/comments/s7-11-23/s71123-580435-1668442.pdf>.

¹⁷ See *id.* Another industry representative, the American Securities Association, stated that the Commission should stay the implementation of (and reconsider the need for) the daily customer and PAB reserve computations, and re-open a public comment period to allow for a more thorough assessment and broader industry consultation. See Letter from Christopher A. Iacovella, President and CEO, American Securities Association (Jan. 23, 2025) (“ASA Letter”) at 2, available at <https://www.sec.gov/comments/s7-11-23/s71123-580455-1668442.pdf>. While the Commission understands the perspective of the

After considering such requests, the Commission is extending the compliance date for the required daily customer and PAB reserve computations. The Commission agrees with SIFMA that a six-month extension will allow for additional time for carrying broker-dealers that exceed the \$500 Million Threshold to develop the policies and procedures to perform a daily customer and PAB reserve computation, and to increase staffing levels as needed. A six-month extension also will facilitate an orderly transition to the new daily customer and PAB reserve computation requirement by providing carrying broker-dealers with additional time to make any necessary operational or systems changes, and to streamline daily computation processes through increased automation. In addition, a six-month extension will provide more time for carrying broker-dealers to test their new daily processes, procedures, and systems for compliance, including by performing various test reserve computations, prior to beginning to perform daily customer and PAB reserve computations under paragraph (e)(3) of Rule 15c3-3.

For these reasons, the Commission is extending the compliance date for carrying broker-dealers subject to the requirement to begin performing daily customer and PAB reserve computations under paragraph (e)(3)(i)(B)(1) of Rule 15c3-3 by six months from December 31, 2025, to June 30, 2026. Under the compliance date extension, carrying broker-dealers must begin calculating their average total credits using the 12 most recently filed month-end FOCUS Reports ending with the FOCUS Report for December 31, 2025. As a result, carrying broker-dealers that exceed the \$500 Million Threshold using each of the 12 filed month-end FOCUS Reports from January 31, 2025, through December 31, 2025, (and in doing so become subject to the daily computation requirements) must perform customer and PAB computations daily beginning no later than June 30, 2026.¹⁸

industry representative, the Commission adopted these amendments following a robust comment period that included broad industry consultation. A variety of persons, including broker-dealers, retail investors, industry associations, and other market participants participated in the rule-making process. As described in the Adopting Release, the amendments provide benefits to the financial system, to investor protection, and to broker-dealers. Consequently, the Commission is not reconsidering or staying the amendments.

¹⁸ This date also aligns with the requirements of the final amendments, as carrying broker-dealers are provided six months under paragraph (e)(3)(i)(B)(1) of Rule 15c3-3 to begin performing customer and PAB reserve computations daily after exceeding the \$500 Million Threshold.

Extending the compliance date also will provide carrying broker-dealers whose average total credits may hover close to the \$500 Million Threshold additional time between the date the Commission adopted the amendments in December 2024 and the December 31, 2025, calculation date for average total credits to determine if they will be subject to the requirement to perform a customer and PAB reserve computation daily beginning no later than June 30, 2026, or whether they will manage their customer and PAB credits to remain below the \$500 Million Threshold.

Lastly, the extension of the compliance date in this release does not alter the ability of carrying broker-dealers that use the alternative method for net capital to voluntarily elect to perform a daily customer reserve computation and, in so doing, apply the 2% debit reduction rather than the 3% debit reduction if they notify their DEA at least 30 days prior to beginning the daily computation.¹⁹ Finally, the Commission is not altering the March 1, 2026, compliance date with respect to the amendments to Part II of Form X-17A-5.²⁰

II. Economic Analysis

The Commission is mindful of the economic effects, including the costs and benefits, of the compliance date extension. Exchange Act section 3(f) requires the Commission, when it is engaged in rulemaking pursuant to the Exchange Act and is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.²¹ In addition, Exchange Act section 23(a)(2) requires the Commission, when making rules pursuant to the Exchange Act, to consider among other matters the impact that any such rule would have on competition and not to adopt any rule that would impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.²²

The baseline against which the costs, benefits, and the effects on efficiency, competition, and capital formation of the compliance date extension are measured consists of current requirements for carrying broker-dealers under the broker-dealer customer protection rule and the current market

¹⁹ See paragraph (e)(3)(v) of Rule 15c3-3 and Adopting Release, 90 FR at 2812.

²⁰ See Adopting Release, 90 FR at 2812.

²¹ See 15 U.S.C. 78c(f).

²² See 15 U.S.C. 78w(a)(2).

structure and regulatory framework. As discussed above,²³ the compliance date for the required daily customer and PAB reserve computations is December 31, 2025. However, industry representatives and carrying broker-dealers have indicated through telephonic meetings with Commission staff and letters, that an extension of the compliance date to implement the capability to perform a required daily customer and PAB reserve computation is needed.²⁴

The Commission is extending the compliance date for the required daily customer and PAB reserve computations to June 30, 2026. Extending the compliance date by six months will delay the start-up compliance costs of carrying broker-dealers above the \$500 Million Threshold and hence provide them with additional time for developing the appropriate policies and procedures, and systems, necessary to successfully automate and implement the daily customer and PAB reserve computation requirement.²⁵ This extension will also provide carrying broker-dealers additional time to fulfill their staffing needs and train their personnel to facilitate the shift to the daily computation requirement.

The extension of the compliance date from December 31, 2025, to June 30, 2026, will also delay the realization of economic benefits associated with the final rule. In particular, the delayed benefits include the reduced risk of a potential delay in the return of cash and securities to customers and PAB account holders in the event of a failure of an affected carrying broker-dealer.²⁶

The effect of the extension of the compliance dates on efficiency, competition, or capital formation will be a delay in the impact of the rule on efficiency, competition, and capital formation described in the final rule. Additionally, the extension could mitigate the potential impact on competition by giving smaller carrying broker-dealers the opportunity to develop more cost-effective compliance approaches because they will have more time to implement operational changes

and system and internal control upgrades.

The Commission considered reasonable alternatives to the new compliance date, namely a longer extension. The Commission believes, however, that, consistent with SIFMA's request, a six-month extension is what is needed to facilitate the successful implementation of the rule amendments.

III. Procedural and Other Matters

The Administrative Procedure Act ("APA") generally requires an agency to publish notice of a rulemaking in the **Federal Register** and provide an opportunity for public comment. This requirement does not apply, however, if the agency "for good cause finds . . . that notice and public procedure are impracticable, unnecessary, or contrary to the public interest."²⁷

For the reasons discussed below, the Commission, for good cause, finds that notice and solicitation of comment regarding the extension of the compliance date is impracticable, unnecessary, or contrary to the public interest.²⁸ This rule does not impose any new substantive regulatory requirements on any person and merely reflects the extension of the compliance date for carrying broker-dealers that become subject to the daily computation requirements. Furthermore, carrying broker-dealers subject to the daily computation requirement must begin preparing well in advance of the compliance date in order to be fully compliant with the daily computation requirement by that date. As a result, many carrying broker-dealers, particularly those with more complex customer and PAB reserve computations, would need to undertake significant operational costs imminently in order to meet the December 31, 2025, compliance date, including making major staffing changes. Providing immediate certainty of an extension is therefore needed to allow carrying broker-dealers to avoid incurring unnecessary burdens and other challenges associated with meeting the initial compliance date.²⁹

For similar reasons, although the APA generally requires publication of a rule at least 30 days before its effective date, the requirements of 5 U.S.C. 808(2) are satisfied (notwithstanding the requirement of 5 U.S.C. 801),³⁰ and the Commission finds that there is good cause for this extension to take effect on July 1, 2025.

The Office of Management and Budget has determined that this action is not a significant regulatory action as defined in Executive Order 12866, as amended, and therefore it was not subject to Executive Order 12866 review. Pursuant to the Congressional Review Act, the Office of Information and Regulatory Affairs has designated the extension of the compliance date not a "major rule," as defined by 5 U.S.C. 804(2).

IV. Conclusion

The Commission extends the compliance date for the requirement to perform a customer and PAB reserve computation daily rather than weekly under paragraph (e)(3)(i)(B)(1) of Rule 15c3-3 by six months, to June 30, 2026.

By the Commission.

Dated: June 25, 2025.

Stephanie J. Fouse,
Assistant Secretary.

[FR Doc. 2025-12016 Filed 6-30-25; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, and 672

[Docket No. ETA-2025-0001]

RIN 1205-AC26

Rescission of Workforce Investment Act Regulations

AGENCY: Employment and Training Administration, Labor.

ACTION: Direct final rule; request for comments.

³⁰ See 5 U.S.C. 808(2) (if a Federal agency finds that notice and public comment are impracticable, unnecessary or contrary to the public interest, a rule shall take effect at such time as the Federal agency promulgating the rule determines). This rule also does not require analysis under the Regulatory Flexibility Act. See 5 U.S.C. 604(a) (requiring a final regulatory flexibility analysis only for rules required by the APA or other law to undergo notice and comment). Finally, this rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 ("PRA"). 44 U.S.C. 3501 *et seq.* Accordingly, the PRA is not applicable.

²³ See *supra* section I.

²⁴ See SIFMA Letter at 2.

²⁵ Extending the compliance date will also mitigate the potential costs associated with overlap of the compliance date of the daily customer and PAB reserve computation requirement and rules that were adopted prior to the broker-dealer customer protection rule. See Adopting Release at section IV.C.3. As explained in the Adopting Release, where overlap in compliance periods exists, the Commission acknowledges that there may be additional costs on those entities subject to one or more other rules, but spreading the compliance dates out over an extended period limits the number of implementation activities occurring simultaneously. *Id.*

²⁶ See Adopting Release, 90 FR at 2792.

²⁷ 5 U.S.C. 553(b)(B).

²⁸ See *id.* (stating that an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are "impracticable, unnecessary, or contrary to the public interest").

²⁹ The compliance date extension set forth in this release is effective upon publication in the **Federal Register**. Section 553(d)(1) of the APA allows effective dates that are less than 30 days after publication for a "substantive rule which grants or recognizes an exemption or relieves a restriction." 5 U.S.C. 553(d)(1).

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (Department) is removing the regulations that implemented and governed the Title I Workforce Investment Act (WIA) programs at the national, State, and local levels and provided program requirements applicable to all WIA formula and competitive funds. Title I of WIA was repealed by Congress with the enactment of the Workforce Innovation and Opportunity Act (WIOA) on June 22, 2014, and all remaining grant funding under Title I has been closed out by the Department. Accordingly, these regulations are no longer necessary, and the Department is taking this action to remove regulations from the Code of Federal Regulations (CFR) for programs that are no longer operative.

DATES: This final rule is effective September 2, 2025, unless significant adverse comments are received by July 31, 2025. If adverse comment is received, ETA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may send comments, identified by Docket No. ETA–2025–0001 and Regulatory Identification Number (RIN) 1205–AC26, by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Search for the above-referenced RIN, open the proposed rule, and follow the on-screen instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking or “RIN 1205–AC26.”

Please be advised that the Department will post comments received that relate to this proposed rule to <https://www.regulations.gov>, including any personal information provided. The <https://www.regulations.gov> website is the Federal e-Rulemaking Portal and all comments posted there are available and accessible to the public. Please do not submit comments containing trade secrets, confidential or proprietary commercial or financial information, personal health information, sensitive personally identifiable information (for example, social security numbers, driver's license or state identification numbers, passport numbers, or financial account numbers), or other information that you do not want to be made available to the public. Should the agency become aware of such information, the agency reserves the right to redact or refrain from posting sensitive information, libelous, or otherwise inappropriate comments,

including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; or that contain hate speech. Please note that depending on how information is submitted, the agency may not be able to redact the information and instead reserves the right to refrain from posting the information or comment in such situations.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> (search using RIN 1205–AC26 or Docket No. ETA–2025–0001). If you need assistance to review the comments, contact the Office of Policy Development and Research at 202–693–3700 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Luke Murren, Acting Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210; telephone (202) 693–3700 (this is not a toll-free number). For persons with a hearing or speech disability who need assistance using the telephone system, please dial 711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: The Department is removing the regulations at 20 CFR parts 660 through 672, which implement and govern the WIA programs authorized under Title I and under secs. 501–503 of Title V of WIA (Secs. 101–195 and 501–503, Pub. L. 105–220 (codified at 29 U.S.C. 2901–2945)).

The Workforce Investment Act of 1998 (WIA) was comprehensive reform legislation that superseded the Job Training Partnership Act (JTPA) of 1982 and amended the Wagner-Peyser Act title III program, also administered by the Department. Title I authorized the Workforce Investment System, established governance provisions for State and local levels; set forth the “One-Stop” service delivery system; established the funding mechanism for States and local areas; specified participant eligibility criteria; and authorized a broad array of services for youth, adults, and dislocated workers, certain statewide activities, and a performance accountability system, as well as number of national programs—the Job Corps, Native American programs, Migrant and Seasonal Farmworker programs, Veterans’ Workforce Investment programs, Youth Opportunity grants, National Emergency grants, technical assistance efforts, and demonstration, pilot, and other special

national projects. Sections 501–503 of Title V authorized State unified plans, definitions of indicators of performance, and incentive grants for exceeding negotiated levels of performance. WIA also included the Adult Education and Family Literacy Act (title II), and the Rehabilitation Act Amendments of 1998 (title IV) for programs administered by the U.S. Department of Education (ED). In April 1999, pursuant to Sec. 506(c), Public Law 105–220; 20 U.S.C. 9276(c), the Department issued an Interim Final Rule implementing provisions of titles I, III, and V of WIA.¹ Public comments were received in response to the Interim Final Rule, which were taken into consideration in drafting the final rule. In August 2000, the Department then issued a Final Rule implementing provisions of titles I, III and V of WIA.² The final rules implementing titles I and V of WIA were codified at 20 CFR parts 660 through 672.

In 2014, the enactment of WIOA repealed and replaced WIA.³ WIOA also includes five titles: Workforce Development Activities (title I), which authorized programs primarily administered by ETA, including three state formula grant programs, multiple national programs, and Job Corps. Adult Education and Literacy (title II), which authorized programs administered by ED, including a state formula grant program and National Leadership activities. Title III amended the Wagner-Peyser Act of 1933, which authorized the Employment Service (ES) and is administered by ETA. Title IV amended the Rehabilitation Act of 1973, which authorized vocational rehabilitation services to individuals with disabilities and is administered by ED. Title V included General Provisions for the administration of WIOA. In August 2016, the Department promulgated regulations implementing title I of WIOA and the title III Wagner-Peyser Act amendments.⁴ Any remaining active participants in the WIA titles I, III and V programs have been transitioned into similarly-targeted programs under WIOA.⁵ All grant funds appropriated under WIA titles I, III and V have been closed out.

¹ See 64 FR 18662 (Apr. 15, 1999).

² See 65 FR 49294 (Aug. 10, 2000).

³ Section 511 of Public Law 113–128, 128 Stat. 1425.

⁴ These regulations were included in a Joint Final Rule issued with the Department of Education and a Final Rule that applied to only DOL WIOA programs. See 81 FR 55792 (Aug. 19, 2016); 81 FR 56072 (Aug. 19, 2016). They are codified in Title 20 of the Code of Federal Regulations at parts 652–688.

⁵ Section 503 of Public Law 113–128, 128 Stat. 1425.

The Department is therefore undertaking this ministerial action to remove the regulations governing the former WIA title I program (which includes the provisions in secs. 501–503 of WIA) from the CFR at 20 CFR parts 660 through 672, as they are obsolete.

Procedural and Other Matters

A. Review Under Executive Orders 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this direct final rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this direct final rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. DOL reviewed this rescission under the provisions of the Regulatory Flexibility Act. This program is no longer operational, so there is no impact on small entities.

C. Review Under the Paperwork Reduction Act

This rescission imposes no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. 13132 requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. 13132 also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications.

DOL has examined this rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

F. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this proposed rescission under the OMB guidelines and has concluded that it is consistent with applicable policies in those guidelines.

G. Congressional Notification

As required by 5 U.S.C. 801, DOL will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

H. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation,” This rescission is expected to be an E.O. 14192 deregulatory action.

List of Subjects

20 CFR Parts 660, 661, 662, and 663

Employment, Grant programs—labor.

20 CFR Part 664

Employment, Grant programs—labor, Youth.

20 CFR Part 665 and 666

Employment, Grant programs—labor.

20 CFR Part 667

Administrative practice and procedure, Employment, Foreign trade, Grant programs—labor, Intergovernmental relations, Manpower, Penalties, Reporting and recordkeeping requirements, Waiver.

20 CFR Part 668

Employment, Grant programs—labor, Indians, Reporting and recordkeeping requirements.

20 CFR Part 669

Employment, Grant programs—labor, Migrant labor, Reporting and recordkeeping requirements.

20 CFR Part 670

Employment, Grant programs—labor, Job Corps.

20 CFR Part 671

Employment, Grant programs—labor, Labor, Manpower training programs.

20 CFR Part 672

Employment, Grant programs—labor, Reporting and recordkeeping requirements.

PARTS 660 THROUGH 672— [REMOVED AND RESERVED]

■ For the reasons stated in the preamble, and under the authority 29 U.S.C. 3101, *et seq.*, Public Law 113–128., the

Department removes and reserves 20 CFR parts 660 through 672.

Susan Frazier,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2025–11742 Filed 6–30–25; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

29 CFR Part 2

RIN 1290-AA51

Rescinding Unnecessary Notice and Comment Procedures

AGENCY: Office of Secretary of Labor, Department of Labor.

ACTION: Final rule.

SUMMARY: This final rule rescinds the Secretary's policy to engage in notice and comment rulemaking, even where the Administrative Procedure Act does not require notice and comment rulemaking. The result of this final rule is the Department will generally follow the default requirements of the Administrative Procedure Act.

DATES: The final rule is effective July 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Sheng Li, Principal Deputy Assistant Secretary, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–2848 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Administrative Procedure Act (APA) generally requires, before an agency promulgates a regulation, a “notice of proposed rule making” to be published in the **Federal Register**. 5 U.S.C. 553(b). The agency then must “give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation.” 5 U.S.C. 553(c). These strictures, however, do not apply to matters “relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.” 5 U.S.C. 553(a)(2).

In 1971, DOL adopted a policy that waived the APA's statutory exemption procedural rulemaking requirements for rules and regulations relating to public property, loans, grants, benefits, or contracts. Responding to Recommendation No. 16 of the Administrative Conference of the U.S., DOL promulgated regulations at Title 29

Part 2 in 1971, waiving the exemption provided for public property, loans, grants, benefits or contracts as a reason for not complying with notice and public participation requirements (36 FR 12976.). This rule was subsequently amended by 45 FR 34–01 to clarify that certain activities of the Bureau of Labor Statistics were not covered by the waiver of the exemption. 45

Section 2.7 of Part 2 of Title 29 states: “It is the policy of the Secretary of Labor, that in applying the rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553), the exemption therein for matters relating to public property, loans, grants, benefits or contracts shall not be relied upon as a reason for not complying with the notice and public participation requirements thereof except for all information-gathering procedures adopted by the Bureau of Labor Statistics.”

II. Discussion

The Secretary has decided to rescind the policy in Section 2.7, and return to the text of the APA. Upon reconsideration, the Secretary has decided that additional public comment and procedures are generally unnecessary for matters relating to public property, loans, grants, benefits, and contracts. These are matters that the Department has great discretion to deal with, and public notice for these matters is not the best use of agency resources. Agencies and offices of the Department will continue to comply with the APA's notice and comment requirements where required and otherwise have discretion to seek public input through whatever means they determine appropriate. Ossification in the Department is a serious problem, and self-imposed bureaucracy plays a role. The Department has a new policy of acting more nimbly in response to changing circumstances and this rescission will allow just that.

This final rule need not be submitted for public comment, as it a general statement of policy, and a rule of agency organization, procedure, and practice. See 5 U.S.C. 553(b)(A). Likewise, this rule is effective immediately because it a statement of policy, and a non-substantive rule. See 5 U.S.C. 553(d).

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies to submit “significant

regulatory actions” to OIRA for review. OIRA has determined that this final rule constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Agencies are further required, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

This rule rescinds 29 CFR 2.7, a Departmental policy that voluntarily imposed APA notice-and-comment procedures even where such procedures were not legally required. The rescission returns the Department to the default rulemaking requirements of the APA (5 U.S.C. 553), which explicitly exempts certain categories—such as public grants, benefits, and contracts—from notice-and-comment obligations. The action aligns internal procedure with the statutory baseline and eliminates the Department's self-imposed procedural burden.

The principal benefit of the rule is to increase regulatory efficiency and responsiveness by removing unnecessary internal requirements that can slow administrative action. Specifically, this rule:

- Reduces internal ossification and administrative delay by streamlining decision-making for programs relating to public property, loans, grants, benefits, or contracts.
 - Conserves staff time and Departmental resources that would otherwise be devoted to preparing, publishing, and responding to public comments where not legally required.
 - Enhances agility in responding to evolving programmatic or operational needs in areas where Congress has given the Department broad discretion.
- While the benefits are primarily institutional and qualitative in nature

and difficult to quantify, they are expected to result in meaningful reductions in transaction costs and time burdens across affected offices.

This rule does not impose new costs on, or the government. To the contrary, it reduces compliance burdens within the Department by eliminating a Department-wide policy requirement that had extended procedural obligations beyond what the APA mandates. There are no anticipated economic costs (the value to the public and regulated entities of the notice-and-comment process is implied by their voluntary submission of comments), although, and the rule does not mandate any actions from external stakeholders. The Department has considered maintaining the current policy or replacing it with a narrower procedural commitment (e.g., limiting it to certain programs). However, such options would maintain procedural rigidity and potential confusion. The rescission offers a clearer legal and operational baseline. The Department has determined that net benefits are positive, consisting of cost savings, efficiency gains, and improved flexibility, with no material offsetting costs.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule was not required to be proposed for public comment, so no FRFA was warranted.

C. Review Under the Paperwork Reduction Act

This rescission imposes no new information or record-keeping requirements governed by the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*).

D. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The

Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12630

Pursuant to E.O. 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 18, 1988), DOL has determined that this rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

F. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this rescission under the OMB and has concluded that it is consistent with applicable policies in those guidelines.

G. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14154, "Unleashing American Energy," E.O. 14192, "Unleashing Prosperity Through Deregulation," and Presidential Memorandum, "Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis." This rescission is expected to be an Executive Order 14192 deregulatory action. The Department has identified fewer than ten actions covered by Section 2.7 that might have been covered by this rescission over the last ten years. Each of the actions received little-to-no public comment.¹ Therefore, soliciting public comments delayed

¹ The Department did not identify any actions that received more than four public comments. Multiple actions received no public comments at all.

implementation of updated policies and procedures without producing the benefit of significant meaningful public input. Soliciting public comment also diverted Departmental resources away from other, potentially more impactful, projects.

H. Congressional Notification

As required by 5 U.S.C. 801, DOL will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 29 CFR Part 2

Agency procedure; Public property; Grants; Contracts; Loans; Grants; Benefits.

For the reasons set forth in the preamble, DOL amends part 2 of title 29 of the Code of Federal Regulations, as set forth below:

PART 2—GENERAL REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301; E.O. 13198, 66 FR 8497, 3 CFR, 2001 Comp., p. 750; E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258; E.O. 13559, 75 FR 71319, 3 CFR, 2010 Comp., p. 273; E.O. 14015, 86 FR 10007, 3 CFR, 2021 Comp., p. 517.

§2.7 [Removed and Reserved]

■ 2. Remove and reserve § 2.7.

Signed: June 26, 2025.

Keith Sonderling,

Deputy Secretary of Labor.

[FR Doc. 2025–12234 Filed 6–30–25; 8:45 am]

BILLING CODE 4510-FP-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1911 and 1912

[Docket No. OSHA–2025–0040]

RIN 1218–AD72

Construction Standards—Advisory Committee on Construction Safety and Health

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule.

SUMMARY: This final rule revokes 29 CFR 1911.10, which required the Assistant Secretary for Occupational Safety and Health (Assistant Secretary), who heads OSHA, to consult with the Advisory Committee on Construction Safety and

Health (ACCSH) in the formulation of rules to promulgate, modify, or revoke standards applicable to construction work, and 29 CFR 1912.3, the general OSHA regulations governing ACCSH. This final rule also makes corresponding changes to 29 CFR 1911.11, 29 CFR 1911.15, 29 CFR 1912.8, and 29 CFR 1912.9. OSHA is revoking 29 CFR 1911.10 and 29 CFR 1912.3 because these regulations impose requirements on the Assistant Secretary that are more burdensome than those mandated by statute, and compliance with these regulations would needlessly delay the Secretary of Labor's (Secretary) regulatory agenda. These changes will ensure that ACCSH is able to advise the Secretary on potential regulatory actions without adversely affecting the agency's regulatory timeline.

DATES: This final rule is effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693-1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION

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 - A. Paperwork Reduction Act
 - B. Environmental Impacts/National Environmental Policy Act (NEPA)
 - C. Other Statutory and Executive Order Considerations
- V. Authority and Signature

I. Executive Summary

The intent of this final rule is to remove unnecessary procedural requirements that are contrary to the Secretary's interest in moving forward quickly with deregulatory actions in accordance with Executive Order (E.O.) 14192, "Unleashing Prosperity Through

Deregulation" (90 FR 9065, Feb. 6, 2025) and which are not statutorily required. The final rule removes the procedural requirements at 29 CFR 1911.10 and 29 CFR 1912.3 and makes corresponding revisions to other provisions referencing 29 CFR 1911.10, 29 CFR 1912.3, and the Construction Safety Act.

II. Pertinent Legal Authority

The Construction Safety Act (CSA), 40 U.S.C. 3704 (formerly 40 U.S.C. 333), created the Advisory Committee on Construction Safety and Health (ACCSH) to advise the Secretary on standard-setting and other matters. Section 3704(d)(4) provides that ACCSH "shall advise the Secretary (A) in formulating construction safety and health standards and other regulations; and (B) on policy matters arising in carrying out this section."

OSHA promulgated regulations implementing the CSA, including 29 CFR 1911.10 and 1912.3. However, these regulations include unnecessary requirements which unduly inhibit the Secretary from moving forward expeditiously with her priorities. Other parts of the rescinded provisions are simply duplicative of requirements contained within the CSA, the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*), or OSHA's other regulations. For example, 29 CFR 1911.10 contains specific rules of procedure for promulgating, modifying, or revoking construction-related occupational safety or health standards. These rules are in many ways duplicative of the general rulemaking procedures contained in 29 CFR 1911.11, which apply to the promulgation, modification, or revocation of standards applicable to employments other than those in construction work, and OSHA finds that the few requirements that are contained within 29 CFR 1911.10 that vary from those in 29 CFR 1911.11 are unnecessary. Consequently, OSHA is revoking 29 CFR 1911.10, and revising 29 CFR 1911.11 to apply the general rulemaking procedures described therein to the promulgation, modification, or revocation of standards applicable to construction work. Further, OSHA is making minor modifications to three other regulations which reference 29 CFR 1911.10, 29 CFR 1912.3, or the CSA: 29 CFR 1911.15; 29 CFR 1912.8; and 29 CFR 1912.9.

Similarly, 29 CFR 1912.3 imposes additional requirements which are more burdensome than those mandated by the CSA. For example, 29 CFR 1912.3(b) expanded the committee's membership from the nine members required by the

CSA to fifteen members. Per section 1912.3(c)(2), OSHA expanded the committee because "[g]reater membership and greater representation serve the public interest and avoid[] possible injustice by permitting for the most part the use of one advisory committee . . . in situations where both the [CSA] and [the OSH Act] may be expected to apply to construction activity. . . ." That same provision also indicated that the expanded membership serves the public interest and avoids possible injustice "by affording a greater opportunity for representation on the Advisory Committee within the construction industry."

However, as to the use of a single committee, this regulation is unnecessary because although the Secretary is only required to consult with ACCSH in formulating standards under the CSA, the Committee's role in advising the Secretary is not limited to standards formulated under the CSA. 40 U.S.C. 3704(a)(2), (d)(4). Specifically, per 40 U.S.C. 3704(d)(4), ACCSH was created to advise the Secretary "in formulating construction safety and health standards and other regulations," not just those standards formulated under the CSA. ACCSH is also tasked with advising the Secretary on policy matters arising in carrying out the CSA. 40 U.S.C. 3704(d)(4)(B). One such policy matter is the need for consistency between construction standards promulgated pursuant to the CSA and those promulgated pursuant to the OSH Act. Thus, if OSHA wished to consult the committee, ACCSH would have the authority to advise on construction standards promulgated under the OSH Act, as well as those under the CSA.

As to affording a greater opportunity for representation, in the decades since the promulgation of this regulation, OSHA has noted that stakeholders in the construction industry (including stakeholders in all of the membership categories created by 29 CFR 1912.3(b)(1)-(4)) have robustly participated in OSHA rulemakings, not only through serving on ACCSH but also through, among other things, submitting comments on Requests for Information and Notices of Proposed Rulemaking and testifying at OSHA's informal rulemaking hearings. Given that, OSHA finds that the nine-member committee contemplated by Congress provides sufficient committee representation to stakeholders in this important industry. Further, OSHA finds that this change is in line with the administration's policy of reducing the size of the American government while increasing accountability to the American people.

See E.O. 14217, “Commencing the Reduction of the Federal Bureaucracy” (Feb. 19, 2025).

The other provisions contained in 29 CFR 1912.3, *e.g.*, those establishing membership terms, cover topics that are within the Secretary’s discretion and are already covered in the Committee’s current charter or can be covered in future revisions of that charter.

This final rule constitutes a rule of agency organization, practice, or procedure. Hence, notice-and-comment procedures are not required. 5 U.S.C. 553(b). These amendments are to take effect immediately. Given the technical and procedural nature of these amendments, and the Secretary’s interest in moving quickly to implement E.O. 14192, the agency finds that it is unnecessary to provide 30 days before this rule takes effect and hence has good cause for making the effective date immediate pursuant to 5 U.S.C. 553(d)(3).

III. Summary and Explanation of Requirements

The Assistant Secretary is revoking 29 CFR 1911.10 and 29 CFR 1912.3 in their entirety and making corresponding changes to 29 CFR 1911.11 to enable her to implement E.O. 14192 as expeditiously as possible, while still complying with the CSA’s consultation requirements. Revoking 29 CFR 1911.10 and 29 CFR 1912.3 is necessary because these regulations unnecessarily limit the Secretary from moving forward expeditiously with her deregulatory agenda.

The Assistant Secretary is revoking 29 CFR 1911.10 in its entirety, which includes revoking general procedures for rulemaking in the construction context, *e.g.*, procedures for notice, comments, and hearings. Previously, 29 CFR 1911.10(e) allowed the Assistant Secretary to follow the procedures in 29 CFR 1911.11 in any event, so the Secretary is revising 29 CFR 1911.11 to make clear that the procedures therein are applicable to the promulgation, modification, or revocation of construction standards in the absence of the procedures previously described in 29 CFR 1911.10.

The Assistant Secretary is also revoking 29 CFR 1912.3 in its entirety. Among other things, this change will decrease the committee’s membership from fifteen members to the nine members envisioned by Congress when it promulgated the CSA. Further, the Assistant Secretary is revising three other regulations which reference 29 CFR 1911.10, 29 CFR 1912.3, or the CSA, *i.e.*, 29 CFR 1911.15, 29 CFR 1912.8, and 29 CFR 1912.9.

IV. Additional Requirements

A. OMB Review Under the Paperwork Reduction Act of 1995 (PRA)

The PRA defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This final rule imposes no new information collection requirements and thus the PRA does not apply.

B. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this final rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this final rule will have no impact on the quality of the human environment.

C. Other Statutory and Executive Order Considerations

OSHA has examined this final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14192. This procedural rule is expected to facilitate deregulatory actions under the Executive Order.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The notice and comment rulemaking procedures of section 553 of the APA do not apply “to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.” 5 U.S.C. 553(b)(A). Rules that are exempt from APA notice and

comment requirements are also exempt from the Regulatory Flexibility Act (RFA). See SBA Office of Advocacy, A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act, at 9; also found at: <https://www.sba.gov/advocacy/guide-government-agencies-how-comply-regulatory-flexibility-act>. This is a rule of agency organization, procedure, and practice within the meaning of 5 U.S.C. 553; and, therefore, the rule is exempt from both the notice and comment rulemaking procedures of the APA and the requirements under the RFA.

Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this final rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this final rule was not submitted to OIRA for review under E.O. 12866.

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*), and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a procedural rule that will have no economic impacts, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency

action or analysis is required to comply with these statutes and executive orders.

V. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this document under the authority granted by Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); sections 1 and 4 of the Walsh–Healey Public Contracts Act (41 U.S.C. 35, 38); sections 2 and 4 of the Service Contracts Act of 1965 (41 U.S.C. 351, 353); section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); section 41 of the Longshoremen’s and Harbor Workers’ Compensation Act (33 U.S.C. 941); section 5(j)(2) of the National Foundation on Arts and Humanities Act (20 U.S.C. 954(j)(2)); 5 U.S.C. 553; and Secretary of Labor’s Order No. 8–2020 (85 FR 58393); as applicable.

List of Subjects

29 CFR Part 1911

Administrative practice and procedure, Occupational safety and health.

29 CFR Part 1912

Advisory committees, Freedom of information, Occupational safety and health.

Dated: June 25, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

For the reasons set forth in the preamble, OSHA is amending parts 1911 and 1912 as follows:

PART 1911—RULES OF PROCEDURE FOR PROMULGATING, MODIFYING, OR REVOKING OCCUPATIONAL SAFETY OR HEALTH STANDARDS

- 1. The authority for part 1911 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); secs. 1, 4, Walsh–Healey Public Contracts Act (41 U.S.C. 35, 38); secs. 2, 4, Service Contracts Act of 1965 (41 U.S.C. 351, 353); sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); sec. 41, Longshoremen’s and Harbor Workers’ Compensation Act (33 U.S.C. 941); sec. 5(j)(2), National Foundation on Arts and Humanities Act (20 U.S.C. 954(j)(2)); 5 U.S.C. 553; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), or 8–2020 (85 FR 58393), as applicable. Sections 1911.12 and 1911.18 also issued under 29 CFR part 1911.

§ 1911.10 [Removed and Reserved]

- 2. Remove and reserve § 1911.10.

- 3. Amend § 1911.11 by revising the section heading and revising and republishing the introductory text and paragraph (a) to read as follows:

§ 1911.11 Standards.

The Assistant Secretary may promulgate, modify, or revoke a standard in the following manner:

(a) The Assistant Secretary may request the recommendations of an advisory committee appointed under section 7 of the Act or other statutory authority. In such event, the Assistant Secretary shall submit to the committee any proposal of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information available to him, including the results of research, demonstrations, and experiments. The committee shall submit to the Assistant Secretary its recommendations regarding the rule to be promulgated within the period prescribed by the Assistant Secretary, which in no event shall be longer than 270 days.

* * * * *

- 4. Amend § 1911.15 by revising and republishing paragraph (a)(1) to read as follows:

§ 1911.15 Nature of hearing.

(a) * * *

(1) The legislative history of section 6 indicates that Congress intended informal rather than formal rulemaking procedures to apply. See the Conference Report, H. Rept. No. 91–1765, 91st Cong., second sess., 34 (1970). The informality of the proceedings is also suggested by the fact that section 6(b) permits the making of a decision on the basis of written comments alone (unless an objection to a rule is made and a hearing is requested), the use of advisory committees, and the inherent legislative nature of the tasks involved. For these reasons, the proceedings pursuant to § 1911.11 shall be informal.

* * * * *

PART 1912—ADVISORY COMMITTEES ON STANDARDS

- 5. The authority for part 1912 continues to read as follows:

Authority: 29 U.S.C. 653, 655, 656, 657; 5 U.S.C. 553; 5 U.S.C. App. 2; 40 U.S.C. 333; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 3–2000 (65 FR 50017), or 8–2020 (85 FR 58393), as applicable.

§ 1912.3 [Removed and Reserved]

- 6. Remove and reserve § 1912.3.

- 7. Amend § 1912.8 by revising and republishing paragraph (b)(9) to read as follows:

§ 1912.8 Committee Charters.

* * * * *

(b) * * *

(9) The committee’s termination date or other fixed period of termination, if less than 2 years; and

* * * * *

§ 1912.9 [Amended]

- 8. Amend § 1912.9 by removing paragraph (d).

[FR Doc. 2025–12011 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary of Labor

29 CFR Part 37

RIN 1291–AA46

Rescission of Nondiscrimination and Equal-Opportunity Provisions of the Workforce Investment Act

AGENCY: Office of the Secretary, Labor.

ACTION: Direct final rule (DFR); request for comment.

SUMMARY: The U.S. Department of Labor (the Department) is rescinding its regulations implementing the Workforce Investment Act of 1998 (WIA) containing the nondiscrimination and equal-opportunity provisions of WIA. In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which repealed WIA and required the Secretary of Labor to transition any authority under WIA to the system created by WIOA. Therefore, the Department is taking this action to remove regulations for a program that is no longer operative.

DATES: The final rule is effective September 2, 2025, unless significant adverse comments are received by July 31, 2025. Significant adverse comments are ones which oppose the rule and raise, alone or in combination, a serious enough issue related to each of the independent grounds for the rule that a substantive response is required. If significant adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule or issuing a new final rule which responds to significant adverse comments.

ADDRESSES: Comments may be submitted, identified by Regulatory Information Number (RIN) 1291–AA46, by the following method:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Search for the above-referenced RIN, open the

proposed rule, and follow the on-screen instructions for submitting comments.

Instructions: All submissions received must include “RIN 1291-AA46.”

Please be advised that the Department will post comments received that relate to this rule to <https://www.regulations.gov>, including any personal information provided. The <https://www.regulations.gov> website is the Federal e-Rulemaking Portal and all comments posted there are available and accessible to the public. Please do not submit comments containing trade secrets, confidential or proprietary commercial or financial information, personal health information, sensitive personally identifiable information (for example, social security numbers, driver's license or state identification numbers, passport numbers, or financial account numbers), or other information that you do not want to be made available to the public. Should the agency become aware of such information, the agency reserves the right to redact or refrain from posting sensitive information, libelous, or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; or that contain hate speech. Please note that depending on how information is submitted, the agency may not be able to redact the information and instead reserves the right to refrain from posting the information or comment in such situations.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> (search using RIN 1291-AA46). If you need assistance to review the comments, contact the Civil Rights Center at 202-693-6500 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Naomi Barry-Perez, Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210, telephone (202) 693-6500 (this is not a toll-free number). For persons with a hearing or speech disability who need assistance using the telephone system, please dial 711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

Under WIA, the Department of Labor provided financial assistance to certain recipients for the purpose of establishing programs to meet the job training needs of youth and adults facing serious barriers to employment.

Section 188 of WIA contained the nondiscrimination and equal opportunity provisions that prohibited discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, for beneficiaries only, citizenship status or participation in a WIA-funded program or activity.

WIA provided that final regulations implementing the Act be issued no later than December 31, 1999. On November 12, 1999, the Department issued the implementing regulations at 29 CFR part 37 for the nondiscrimination and equal opportunity provisions of WIA. The rule applies to recipients of Federal financial assistance under WIA. The rule imposes general nondiscrimination and equal opportunity requirements.

WIA was repealed by the Workforce Innovation and Opportunity Act of 2014 (WIOA). Section 188 of WIOA contained substantially similar nondiscrimination and equal opportunity requirements as those contained in WIA. The Department issued regulations implementing WIOA Section 188 at 29 CFR part 38 on December 2, 2016.

II. Discussion

The purpose of this action is to rescind the regulations implementing the nondiscrimination and equal opportunity provisions of WIA. All funding under WIA, together with the obligation to comply with the nondiscrimination and equal opportunity requirement of WIA Section 188, has expired. The WIA Section 188 regulations have been superseded by those implementing Section 188 of WIOA. The regulations at 29 CFR part 37 govern a program that has not been in operation for a decade and are thus outdated and unnecessary. The Department is therefore undertaking this ministerial action to rescind the regulations as they are obsolete. This technical amendment to the CFR affects no rights or obligations and imposes no costs.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among

other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this direct final rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this direct final rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this rescission under the provisions of the Regulatory Flexibility Act. This program is no longer operational, so there is no impact on small entities.

C. Review Under the Paperwork Reduction Act

This rescission imposes no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*).

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to

have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this rescission meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a

regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this rescission according to UMRA and its statement of policy and determined that the rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rescission would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations

Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this rescission under the OMB and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.” This rescission is expected to be an Executive Order 14192 deregulatory action.

K. Congressional Notification

As required by 5 U.S.C. 801, DOL will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 29 CFR Part 37

Administrative practice and procedure, Aged, Aliens, Civil rights, Equal education opportunity, Equal employment opportunity, Grant programs—Labor, Individuals with disabilities, Manpower training programs, Political affiliation discrimination, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

29 CFR Part 37 [Removed and Reserved]

■ For the reason set out in the preamble and under the authority of 29 U.S.C. 3101 *et seq.*; 29 U.S.C. 5111; 42 U.S.C. 2000d *et seq.*; 29 U.S.C. 794; 42 U.S.C. 6101 *et seq.*; and 20 U.S.C. 1681 *et seq.*, the Department of Labor removes and reserves 29 CFR part 37.

Dean Heyl,

Assistant Secretary for Administration and Management, Labor.

[FR Doc. 2025–11846 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR**Office of the Assistant Secretary for Administration and Management****29 CFR Parts 95, 96, 97, and 99****[Docket No. ETA–2025–0002]****RIN 1291–AA48****Obsolete Grant and Contract Regulations****AGENCY:** Office of the Assistant Secretary for Administration and Management, Labor.**ACTION:** Direct final rule (DFR); request for comments.

SUMMARY: This DFR removes obsolete grant and contract regulations in the Department of Labor's regulations. These grant and contract regulations were superseded by the Office of Management and Budget's (OMB's) Guidance for Grants and Agreements, codified in the Code of Federal Regulations, which the Department of Labor adopted and gave regulatory effect to in 2014.

DATES: The direct final rule is effective September 2, 2025, unless significant adverse comments are received by July 31, 2025. Significant adverse comments are ones which oppose the rule and raise, alone or in combination, a serious enough issue related to each of the independent grounds for the rule that a substantive response is required. If significant adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule or issuing a new final rule which responds to significant adverse comments.

ADDRESSES: You may send comments, identified by Docket No. ETA–2025–0002 and Regulatory Identification Number (RIN) 1291–AA48, by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Search for the above-referenced RIN, open the interim final rule, and follow the on-screen instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking or “RIN 1291–AA48.”

Please be advised that the Department will post comments received that relate to this interim final rule to <https://www.regulations.gov>, including any personal information provided. The <https://www.regulations.gov> website is the Federal e-Rulemaking Portal and all comments posted there are available

and accessible to the public. Please do not submit comments containing trade secrets, confidential or proprietary commercial or financial information, personal health information, sensitive personally identifiable information (for example, social security numbers, driver's license or State identification numbers, passport numbers, or financial account numbers), or other information that you do not want to be made available to the public. Should the agency become aware of such information, the agency reserves the right to redact or refrain from posting sensitive information, libelous, or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; or that contain hate speech. Please note that depending on how information is submitted, the agency may not be able to redact the information, and instead reserves the right to refrain from posting the information or comment in such situations.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> (search using RIN 1291–AA48 or Docket No. ETA–2025–0002). If you need assistance to review the comments, contact the Office of Policy Development and Research at 202–693–3700 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Thomas Kodiak, Administrator, Office of Grants Management, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–4519, Washington, DC 20210, Telephone: (202) 693–6617 (voice) (this is not a toll-free number). For persons with a hearing or speech disability who need assistance to use the telephone system, please dial 711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:**I. Discussion**

The Department of Labor (“DOL” or “Department”) is rescinding obsolete regulations governing grants and agreements with universities, hospital, other non-profits, commercial organizations, foreign governments, and international organizations (29 CFR part 95); audit requirements for grants, contracts, and other agreements (29 CFR part 96); uniform administrative requirements for grants and cooperative agreements to State and local governments (29 CFR part 97) and audit requirements for States, local

governments, and non-profit organizations (29 CFR part 99). DOL previously promulgated these regulations to adopt standards in Office of Management and Budget (OMB) Circulars A–110, A–102, and A–133. Specifically, A–110 was adopted by 29 CFR part 95 in 1994 (59 FR 38270); Circular A–102 was adopted by 29 CFR part 97 in 1988 (53 FR 8034); and Circular A–133 was adopted by 29 CFR parts 96 and 99 in 1999 (64 FR 14539). In 2013, OMB published its Guidance for Grants and Agreements (78 FR 78590), which was codified at 2 CFR part 200, also known as the “Uniform Guidance.” That Guidance superseded Circulars A–102, A–110, and A–133, and the regulations at 29 CFR parts 95–97 and 99 were superseded when the Department adopted and gave regulatory effect to the Uniform Guidance on December 19, 2014 (79 FR 76081). *See* 2 CFR 2900.4.

Therefore, these regulations are at best redundant and at worst confusing to regulated entities that might wonder which set of regulations applies. The Department is undertaking this ministerial action to remove the regulations from the CFR.

II. Procedural Issues and Regulatory Review**A. Review Under Executive Orders 12866**

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review.

OIRA has determined that this direct final rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this direct final rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule was not required to be proposed for public comment, so no FRFA was warranted.

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires minimizing the paperwork burden on affected entities. This rescission imposes no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. 13132 requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. 13132 also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications.

DOL has examined this rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to

minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this rescission meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this rescission according to UMRA and determined that the rescission does not contain a Federal intergovernmental mandate, nor

is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rescission would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this rescission under the OMB guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.” This rescission is expected to be an E.O. 14192 deregulatory action.

K. Congressional Notification

As required by 5 U.S.C. 801, DOL will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects*29 CFR Part 95*

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and record-keeping requirements.

29 CFR Part 96

Accounting, Administrative practice and procedure, Colleges and universities, Government contracts, Grant programs, Hospitals, Indians, Intergovernmental relations, Loan programs, Nonprofit organizations, Reporting and record-keeping requirements.

29 CFR Part 97

Accounting, Grant programs, Indians, Intergovernmental relations.

29 CFR Part 99

Accounting, Administrative practice and procedure, Grant programs, Hospitals, Indians, Intergovernmental relations, Loan programs, Nonprofit organizations, Reporting and record-keeping requirements.

**29 CFR Parts 95, 96, 97 and 99
[Removed and Reserved]**

■ For the reasons set forth in the preamble, under the authority of 5 U.S.C. 301, the Department removes and reserves 29 CFR parts 95, 96, 97 and 99.

Dean Heyl,

Assistant Secretary for Administration and Management, Labor.

[FR Doc. 2025–11847 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR**Employee Benefits Security
Administration****29 CFR Part 2509****RIN 1210–AC32****Removal of Interpretive Bulletins
Relating to the Employee Retirement
Income Security Act of 1974**

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR removes from the Code of Federal Regulations prospectively certain interpretive bulletins under the Employee Retirement Income Security Act of 1974 that the Department of Labor (DOL) believes are obsolete. The obsolete interpretive bulletins were published shortly after ERISA’s enactment in 1974 to provide compliance assistance for employee benefit plans, plan sponsors and fiduciaries. Because of subsequent guidance issued by the DOL, and the effect of Reorganization Plan No. 4 of 1978, the DOL believes the interpretive bulletins are no longer needed, and if left on the books, add potential confusion and unnecessary complexity. Removing obsolete regulations eliminates the burden on the public of having to determine whether they need to comply with the regulations. This action is being taken pursuant to Executive Order 14192, titled *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025). This action improves the daily lives of the American people by reducing unnecessary, burdensome, and costly Federal regulations.

DATES: The final rule is effective September 2, 2025, unless significant adverse comments are received by July 31, 2025. Significant adverse comments are ones which oppose the rule and raise, alone or in combination, a serious enough issue related to each of the independent grounds for the rule that a substantive response is required. If significant adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule or issuing a new final rule which responds to significant adverse comments.

ADDRESSES: The Employee Benefits Security Administration (EBSA) encourages interested persons to submit their comments on this request for information online. You may submit comments, identified by RIN 1210–AC32, by either of the following methods:

Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5655, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attn: Removal of Interpretive Bulletins Relating to the Employee Retirement Income Security Act of 1974 RIN 1210–AC32.

Instructions: All submissions must include the agency name and Regulatory

Identifier Number RIN 1210–AC32 for this request. If you submit comments online, do not submit paper copies. All comments received will be posted without change on <https://www.regulations.gov> and <https://www.dol.gov/agencies/ebsa> and will be made available for public inspection at the Public Disclosure Room, N–1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

Warning: Do not include any personally identifiable or confidential business information that you do not want publicly disclosed. Comments are public records that are posted online as received and can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: Fred Wong, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background and Discussion**

The Employee Retirement Income Security Act of 1974 (ERISA) is a comprehensive Federal law that sets minimum standards for most voluntarily established employee benefit plans in private industry. Title I of ERISA protects the interests of participants and their beneficiaries in employee benefit plans by, among other things, requiring that those individuals who manage plans (and other fiduciaries) (1) meet certain standards of conduct, derived from the common law of trusts and made applicable (with certain modifications) to all fiduciaries, and (2) comply with certain “prohibited transactions” restrictions described in the statute. Title II of ERISA, which amended the Internal Revenue Code (Code) to parallel many of the Title I provisions, contains standards that must be met by employee retirement benefit plans in order to qualify for favorable tax treatment. Under ERISA as originally enacted, the DOL and the U.S. Treasury Department’s Internal Revenue Service (IRS) had overlapping responsibility for administration of the parallel provisions of Title I of ERISA and the Code.

Shortly after ERISA’s enactment, the DOL published in the **Federal Register** a number of Interpretive Bulletins to provide a concise and ready reference to its interpretations of ERISA.¹ Interpretive Bulletin 75–2, codified at 29 CFR 2509.75–2, provided the DOL’s

¹ 40 FR 31598 (July 28, 1975), redesignated by 41 FR 1906 (Jan. 13, 1976).

views on whether a “party in interest”² has engaged in a prohibited transaction with an employee benefit plan where the party in interest has engaged in a transaction with an entity in which the plan has invested.³ However, since publication of Interpretive Bulletin 75–2, the DOL has provided further guidance on prohibited transaction issues in subregulatory guidance.⁴ The DOL believes the Interpretive Bulletin no longer serves its intended purpose of providing a concise and ready reference to the DOL’s interpretations of ERISA’s prohibited transaction restrictions. The DOL therefore is removing this Interpretive Bulletin.

Interpretive Bulletin 75–6, codified at 29 CFR 2509.75–6, related to ERISA section 408(c)(2) and whether a plan could make an advance to a fiduciary to cover expenses to be properly and actually incurred by such person in performing duties with respect to the plan.⁵ However, in 1977, the Department issued a final regulation under section 408(c)(2) at 29 CFR 2550.408c–2 that replaced Interpretive Bulletin 75–6.⁶ Accordingly, the Department believes that Interpretive Bulletin 75–6 is no longer necessary. There is no reason to permit identical standards for the same conduct to exist in two different parts of the Code of Federal Regulations. Indeed, analyzing both regulations to determine whether they are different or cover different conduct only wastes time and resources that could be more productively employed.

Interpretive Bulletin 75–10, codified at 29 CFR 2509.75–10, addressed ambiguity arising from the joint jurisdiction of the Department and IRS with respect to parallel provisions in title I of ERISA and the Code. Interpretive Bulletin 75–10 cross

referenced specific guidance documents issued by the IRS on the application of the qualification requirements of the Code, as added or amended by ERISA, and requirements of the provisions of parts 2 and 3 of Title I of ERISA paralleling such qualification requirements. It stated that plans complying with the IRS guidance documents would be considered by the Department as satisfying the requirements of the parallel provisions of Title I of ERISA.⁷ A few years later, the Reorganization Plan No. 4 of 1978 generally resolved issues related to joint interpretive jurisdiction of the parallel provisions by, with certain exceptions, assigning responsibility to one or the other agency.⁸ The DOL therefore believes Interpretive Bulletin 75–10 is no longer necessary.

For the reasons mentioned above, the DOL believes the interpretive bulletins are no longer needed, and if left on the books, add potential confusion and unnecessary complexity. Removing obsolete regulations eliminates the burden on the public of having to determine whether they need to comply with the regulations.

This direct final rule removes these obsolete interpretive bulletins prospectively as of the effective date and has no effect on their legal effectiveness prior to that date. Members of the public are invited to provide comments on the DOL’s reasoning and decision to remove the obsolete interpretive bulletins from the Code of Federal Regulations.

II. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent

feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this direct final rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this direct final rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this rescission under the provisions of the Regulatory Flexibility Act. This rule eliminates obsolete regulations and the burden associated with imposing the obligation to determine obsolescence on the public. Therefore, DOL has concluded that the impacts of the rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an FRFA is not warranted. DOL will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This rescission imposes no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*).

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the

² ERISA section 3(14), 29 U.S.C. 1002(14).

³ 40 FR 31598. In 1986, the DOL revised Interpretive Bulletin 75–2 in connection with adoption of the DOL’s regulation at 29 CFR 2510.3–101. See 51 FR 41280 (Nov. 13, 1986). In 1996, the Interpretive Bulletin was further revised following the Supreme Court decision in *John Hancock Mutual Life Insurance Co. v. Harris Trust & Savings Bank*, 510 U.S. 86 (1993). See 61 FR 33847 (July 1, 1996).

⁴ See, e.g., Advisory Opinion 2006–09A (Dec. 19, 2006)(individual retirement account (IRA) investment in notes offered by a corporation in which a son-in-law of the IRA owner is the majority stockholder); 2006–01A (Jan. 6, 2006)(IRA investment in a limited liability company that would purchase real estate and lease it to an entity in which the IRA owner has a 68% ownership interest).

⁵ 40 FR 31755 (July 29, 1975), redesignated by 41 FR 1906 (Jan. 13, 1976).

⁶ 42 FR 32389, 32390 (June 24, 1977) (“The attention of interested parties is directed to the fact that regulation 2550.408c–2 replaces Interpretive Bulletin 75–6”).

⁷ 41 FR 3289 (Jan. 22, 1976).

⁸ 43 FR 47713 (Oct. 17, 1978). Congress subsequently ratified Reorganization Plan No. 4 in 1984. See Sec. 1, Public Law 98–532, 98 Stat. 2705 (Oct. 19, 1984).

constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this rescission meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State,

local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this rescission according to UMRA and its statement of policy and determined that the rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rescission would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations

Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this rescission under the OMB and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.” This rescission is expected to be an Executive Order 14192 deregulatory action.

K. Congressional Notification

As required by 5 U.S.C. 801, DOL will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 29 CFR Part 2509

Employee benefit plans, Employee Retirement Income Security Act, Fiduciaries, Pensions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department amends part 2509 of title 29 of the Code of Federal Regulations, as set forth below:

Subchapter A—General

PART 2509—INTERPRETIVE BULLEINS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

■ 1. The authority citation for part 2509 is revised to read as follows:

Authority: 29 U.S.C. 1135, Secretary of Labor’s Order 1–2003, 68 FR 5374 (Feb. 3, 2003). Section 2509.75–5 also issued under 29 U.S.C. 1002. Sec. 2509.95–1 also issued under sec. 625, Pub. L. 109–280, 120 Stat. 780.

§§ 2509.75–2, 2509.75–6, 2509.75–10 [Removed]

■ 2. Sections 2509.75–2, 2509.75–6 and 2509.75–10 are removed.

Signed at Washington DC, this 18th day of June, 2025.

Timothy D. Hauser,

*Employee Benefits Security Administration,
Department of Labor.*

[FR Doc. 2025–11613 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2550

RIN 1210–AC33

Selection of Annuity Providers—Safe Harbor for Individual Account Plans

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Direct final rule; request for comments.

SUMMARY: This direct final rule (DFR) removes 29 CFR 2550.404a–4 from the Code of Federal Regulations, which is a regulation published in 2008 that provides a fiduciary safe harbor for the selection of annuity providers for the purpose of benefit distributions from individual account retirement plans covered by title I of the Employee Retirement Income Act of 1974 (ERISA). The regulatory safe harbor became unnecessary in 2019 when Congress amended ERISA to add a more streamlined fiduciary safe harbor covering the same activity. Although the statutory safe harbor did not technically nullify or repeal the regulatory safe harbor, its existence offers an unnecessary and inefficient alternative and may inadvertently be a trap for the unwary. This action improves the daily lives of the American people by reducing unnecessary, burdensome, and costly Federal regulations.

DATES: The final rule is effective September 2, 2025, unless significant adverse comments are received by July 31, 2025. Significant adverse comments are ones which oppose the rule and raise, alone or in combination, a serious enough issue related to each of the independent grounds for the rule that a substantive response is required. If significant adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule or issuing a new final rule which responds to significant adverse comments.

ADDRESSES: Interested persons are encouraged to submit their comments on this direct final rule online. You may

submit comments, identified by RIN 1210–AC33, by either of the following methods:

Federal eRulemaking Portal: www.regulations.gov. Follow the instructions for submitting comments.

Mail: Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5655, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attn: Selection of Annuity Providers—Safe Harbor for Individual Account Plans Direct Final Rule RIN 1210–AC33.

Instructions: All submissions must include the agency name and Regulatory Identifier Number RIN 1210–AC33 for this rulemaking. If you submit comments online, do not submit paper copies.

Warning: Do not include any personally identifiable or confidential business information that you do not want publicly disclosed. Comments are public records that are posted online as received and can be retrieved by most internet search engines.

Docket: Comments will be available to the public, without charge, online at the Federal eRulemaking Portal at <http://www.regulations.gov>, on the Department's website at <http://www.dol.gov/agencies/ebsa>, and at the Public Disclosure Room, Employee Benefits Security Administration, Room N–1513, 200 Constitution Ave. NW, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Jason DeWitt, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

This DFR is being taken pursuant to Executive Order 14192, titled *Unleashing Prosperity Through Deregulation*.¹

Individual account retirement plans such as 401(k) plans typically provide benefit distributions in the form of a lump sum payment. However, under certain circumstances, these plans are required to provide payments in the form of an annuity, and some plan sponsors offer an annuity as a matter of voluntary plan design.² For individual account retirement plans covered by title I of the Employee Retirement Income Security Act (ERISA) that offer an annuity, the selection of annuity provider is a fiduciary act governed by the standards in ERISA section 404.³

ERISA section 404(a)(1)(B) requires fiduciaries to discharge their duties with the care, skill, prudence, and diligence under the prevailing circumstances that a reasonable person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims.

In the Pension Protection Act of 2006, Congress directed the Department to clarify that the selection of an annuity contract as an optional form of distribution from an individual account retirement plan is not subject to the safest available annuity standard under Interpretive Bulletin 95–1 but is subject to all otherwise applicable fiduciary standards.⁴ The Department responded in 2008 by issuing a regulatory safe harbor for the selection of annuity providers for the purpose of benefit distributions from individual account retirement plans, codified at 29 CFR 2550.404a–4.⁵ The safe harbor made clear that it did not establish minimum requirements or the exclusive means for satisfying the responsibilities.

More recently, in the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act), Congress made several amendments to ERISA related to lifetime income options.⁶ SECURE Act section 204 added a statutory safe harbor in a new paragraph (e) of ERISA section 404 for fiduciaries selecting an annuity provider for an individual account retirement plan.

II. Discussion

This DFR removes the regulatory safe harbor (29 CFR 2550.404a–4) because the statutory safe harbor in ERISA section 404(e) provides a more streamlined, less costly safe harbor than the regulation, but with the same level of safe harbor relief. Unlike the regulatory safe harbor, the statutory safe harbor streamlines compliance by allowing the plan fiduciary to rely on a written representation of the annuity provider's compliance with applicable state insurance law regarding the financial capability of the insurer.⁷ This provision both streamlines the safe harbor⁸ and offers a level of certainty

⁴ Pension Protection Act of 2006 section 625, Public Law 109–280, 120 Stat. 780 (2006).

⁵ 73 FR 58447 (Oct. 7, 2008).

⁶ Division O of the Further Consolidated Appropriations Act, 2020, Public Law 116–94, 133 Stat. 2534 (2019).

⁷ 29 U.S.C. 1104(e)(2).

⁸ Permitting a fiduciary to rely on written representations from the insurer as consideration of the insurer's financial capability streamlines the fiduciary's process as compared to the regulatory safe harbor, which requires the fiduciary to

¹ 90 FR 9065 (Feb. 6, 2025).

² See ERISA section 205.

³ 29 U.S.C. 1104.

not available under the regulatory safe harbor. Moreover, removing the regulatory safe harbor also eliminates situations in which a plan fiduciary might waste time and resources in analyzing and comparing the pros and cons of the two safe harbors to determine which safe harbor is best. Finally, allowing the regulatory safe harbor to remain in the Code of Federal Regulations presents a risk that an unwary fiduciary may inadvertently rely on it instead of seeking out the more streamlined, less costly, and more certain safe harbor in the statute. Put differently, the continued appearance in the CFR could mislead interested parties into believing that no other safe harbor exists or that there are benefits to using the regulatory safe harbor rather than the statutory safe harbor. The regulatory safe harbor is removed prospectively as of the effective date and has no effect on its legal effectiveness prior to that date.⁹ The Department welcomes comments on the conclusions in this DFR.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives,

rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this direct final rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this direct final rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The Department reviewed this rescission under the provisions of the Regulatory Flexibility Act. This rule eliminates a duplicative safe harbor in favor of one that is less burdensome and that offers greater certainty. Therefore, the Department has concluded that the impacts of the rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an FRFA is not warranted. The Department will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This rescission imposes no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority

supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

The Department has examined this rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. The Department has completed the required review and determined that, to the extent permitted by law, this rescission meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the

⁹ “appropriately consider[] information sufficient to assess the ability of the annuity provider to make all future payments under the annuity contract.” See 29 CFR 2550.404a–4 (b)(2). The statutory safe harbor further streamlines the process by omitting the expert consultation provision contained in the regulatory safe harbor. See 29 CFR 2550.404a–4(b)(5).

⁹ As is the case with legal safe harbors generally, the statutory safe harbor in section 404(e) of ERISA is not the exclusive method a fiduciary could use to comply with their statutory duty of prudence in section 404(a)(1)(B) of ERISA. Consequently, the removal of the regulatory safe harbor by the Department is not to be construed as the Department’s disavowal of its principles. Thus, if a fiduciary were to satisfy (intentionally or otherwise) the conditions in the regulatory safe harbor notwithstanding its removal from the CFR, the Department would not challenge the selection of the annuity under section 404(a)(1)(B) of ERISA.

private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

The Department examined this rescission according to UMRA and its statement of policy and determined that the rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rescission would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, the Department has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), the Department has determined that this rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note)

provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). The Department has reviewed this rescission under the OMB and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Additional Executive Orders and Presidential Memoranda

The Department has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.” This rescission is expected to be an Executive Order 14192 deregulatory action.

K. Congressional Notification

As required by 5 U.S.C. 801, the Department will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 29 CFR Part 2550

Employee benefit plans, Fiduciaries, Foreign investments in U.S., Investments, Pensions, Reporting and recordkeeping requirements, Securities, Surety bonds, Trusts and Trustees.

For the reasons set forth in the preamble, the Department amends 29 CFR part 2550 as follows:

PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

- 1. The authority citation for Part 2550 is revised to read as follows:

Authority: 29 U.S.C. 1135, sec. 102, Reorganization Plan No. 4 of 1978, 5 U.S.C. App. at 727 (2012) and Secretary of Labor’s Order No. 1–2011, 77 FR 1088 (Jan. 9, 2012). Sections 2550.404a–2 and 2550.404a–3 also issued under sec. 657, Pub. L. 107–16, 115 Stat. 38. Sections 2550.404a–5, 2550.404c–1 and 2550.404c–5 also issued under 29 U.S.C. 1104. Sec. 2550.408b–1 also issued under 29 U.S.C. 1108(b)(1). 2550.408b–19 also issued under sec. 611, Pub. L. 109–280, 120 Stat. 780, 972. Sec. 2550.412–1 also issued under 29 U.S.C. 1112.

§ 2550.404a–4 [Removed]

- 2. Section 2550.404a–4 is removed.

Signed at Washington, DC, this 18th day of June, 2025.

Timothy D. Hauser,

*Employee Benefits Security Administration,
Department of Labor.*

[FR Doc. 2025–11615 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2550

RIN 1210–AC34

Removal of Definition of “Plan Assets”—Insurance Company General Accounts

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR removes 29 CFR 2550.401c–1 from the Code of Federal Regulations, which the Department of Labor (DOL) believes is obsolete. The regulation applies only to certain insurance policies or contracts issued to (or on behalf of) employee benefit plans on or before December 31, 1998. Given the unlikelihood that any of these policies or contracts remain in effect, the DOL believes the regulation is no longer needed and, if left on the books, could add confusion and unnecessary complexity. Removing obsolete regulations eliminates the burden on the public of having to determine whether they need to comply with the regulations. This action is being taken pursuant to Executive Order 14192, titled Unleashing Prosperity Through Deregulation.¹ This action improves the daily lives of the American people by reducing unnecessary, burdensome, and costly Federal regulations.

DATES: The final rule is effective September 2, 2025, unless significant adverse comments are received by July 31, 2025. Significant adverse comments are ones which oppose the rule and raise, alone or in combination, a serious enough issue related to each of the independent grounds for the rule that a substantive response is required. If significant adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule or issuing a new final rule which responds to significant adverse comments.

¹ 90 FR 9065 (Feb. 6, 2025).

ADDRESSES: The Employee Benefits Security Administration (EBSA) encourages interested persons to submit their comments on this request for information online. You may submit comments, identified by RIN 1210-AC34, by either of the following methods:

Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Office of Exemption Determinations, Employee Benefits Security Administration, Room N-5461, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attn: Removal of 2550.401c-1, Definition of “plan assets”—insurance company general accounts RIN 1210-AC34.

Instructions: All submissions must include the agency name and Regulatory Identifier Number RIN 1210-AC34 for this request. If you submit comments online, do not submit paper copies. All comments received will be posted without change on <https://www.regulations.gov> and <https://www.dol.gov/agencies/ebsa> and will be made available for public inspection at the Public Disclosure Room, N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

Warning: Do not include any personally identifiable or confidential business information that you do not want publicly disclosed. Comments are public records that are posted online as received and can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: Susan Wilker, Office of Exemption Determinations, Employee Benefits Security Administration, (202) 693-8540. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Under section 401(b)(2) of the Employee Retirement Income Security Act of 1974 (ERISA), if an insurance company issues a “guaranteed benefit policy” to a plan, the assets of the plan are deemed to include the policy, but do not, solely by reason of the issuance of the policy, include any of the assets of the insurance company. On December 13, 1993, the Supreme Court held in *Harris Trust*² that a contract qualifies as a guaranteed benefit policy only to the extent it allocates investment risk to the insurer. Therefore, under the Supreme Court’s decision, an insurer’s general

account includes plan assets to the extent it contains funds which are attributable to any nonguaranteed components of contracts with employee benefit plans.

In response to the Supreme Court decision in *Harris Trust*, Congress amended ERISA section 401 by adding new subsection 401(c). Among other things, this new subsection required the Department to issue regulations that provide guidance for the purpose of determining which assets held by an insurer (other than plan assets held in its separate accounts) constitute assets of the plan. The subsection also required the Department to issue regulations providing guidance with respect to the application of Title I of ERISA to the general account assets of insurers. The statute specifies that the regulations will only apply to general account policies issued by an insurer on or before December 31, 1998.

The regulations were finalized on January 5, 2000. The regulations provide that, generally, when a plan has acquired a “Transition Policy,” the plan’s assets include the Transition Policy, but do not include any of the underlying assets of the insurer’s general account, if the insurer satisfies certain requirements. The regulation defines “Transition Policy” as, among other things, a policy or contract of insurance (other than a guaranteed benefit policy) issued by an insurer to, or on behalf of, an employee benefit plan on or before December 31, 1998, and which is supported by the assets of the insurer’s general account.

Because the regulation is limited to Transition Policies issued on or before December 31, 1998, it is not likely that any Transition Policies remain in effect. The Department is therefore removing this regulation from the Code of Federal Regulations, as it no longer serves any useful purpose, and allowing the regulation to remain on the books only wastes time and resources that could be more productively employed.

The rule removes the regulation prospectively as of the effective date and has no effect on its legal effectiveness prior to that date. Members of the public are invited to provide comments on whether any Transition Policies remain in effect, and on the Department’s reasoning and decision to remove the regulation from the Code of Federal Regulations.

II. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this direct final rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this direct final rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this rescission under the provisions of the Regulatory Flexibility Act. This rule eliminates an obsolete regulation and the burden associated with imposing the obligation to determine obsolescence on the public. Therefore, DOL has concluded that the impacts of the rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an FRFA is not warranted. DOL will transmit this certification and supporting statement

² *John Hancock Mutual Life Insurance Co. v. Harris Trust & Savings Bank*, 510 U.S. 86 (1993) (Harris Trust).

of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This rule imposes no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*).

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements:

(1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 5, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6)

addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this rescission meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this rescission according to UMRA and its statement of policy and determined that the rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rescission would not have any impact

on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this rescission under the OMB and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.” This rescission is expected to be an Executive Order 14192 deregulatory action.

K. Congressional Notification

As required by 5 U.S.C. 801, DOL will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 29 CFR Part 2550

Employee benefit plans, Fiduciaries, Foreign investments in U.S., Investments, Pensions, Reporting and recordkeeping requirements, Securities, Surety bonds, Trusts and Trustees.

For the reasons set forth in the preamble, EBSA amends 29 CFR part 2550 as set forth below:

PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

■ 1. The authority citation for part 2550 is revised to read as follows:

Authority: 29 U.S.C. 1135, sec. 102, Reorganization Plan No. 4 of 1978, 5 U.S.C. App. at 727 (2012) and Secretary of Labor's Order No. 1–2011, 77 FR 1088 (Jan. 9, 2012). Sections 2550.404a–2 and 2550.404a–3 also issued under sec. 657, Pub. L. 107–16, 115 Stat. 38. Sections 2550.404a–5, 2550.404c–1 and 2550.404c–5 also issued under 29 U.S.C. 1104. Sec. 2550.408b–1 also issued under 29 U.S.C. 1108(b)(1). Sec. 2550.408b–19 also issued under sec. 611, Pub. L. 109–280, 120 Stat. 780, 972. Sec. 2550.412–1 also issued under 29 U.S.C. 1112.

§ 2550.401c–1 [Removed]

■ 2. Section 2550.401c–1 is removed.

Signed at Washington, DC, this 18th day of June, 2025.

Timothy D. Hauser,
Employee Benefits Security Administration,
Department of Labor.

[FR Doc. 2025–11650 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 528

International Criminal Court-Related Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is adding regulations to implement a February 6, 2025 International Criminal Court-related Executive order. The rule also includes information relevant to a May 9, 2025 Executive order relating to requirements for final rules published in the **Federal Register**. OFAC intends to supplement these regulations with a more comprehensive set of regulations, which may include additional interpretive guidance and definitions, general licenses, and other regulatory provisions.

DATES: This rule is effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: <https://ofac.treasury.gov>.

Background

On February 6, 2025, the President, invoking the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), issued Executive Order (E.O.) 14203, “Imposing Sanctions on the International Criminal Court” (90 FR 9369, February 12, 2025).

In E.O. 14203, the President found that the International Criminal Court (ICC), as established by the Rome Statute, has engaged in illegitimate and baseless actions targeting America and Israel, which sets a dangerous precedent, directly endangering current and former United States personnel, including active service members of the Armed Forces, by exposing them to harassment, abuse, and possible arrest. The President therefore determined that any effort by the ICC to investigate, arrest, detain, or prosecute protected persons, as defined in section 8(d) of E.O. 14203, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States and declared a national emergency to deal with that threat.

OFAC is issuing the International Criminal Court-Related Sanctions Regulations, 31 CFR part 528 (the “Regulations”), to implement E.O. 14203, pursuant to authorities delegated to the Secretary of the Treasury in E.O. 14203. A copy of E.O. 14203 appears in appendix A to this part.

OFAC is incorporating six general licenses (GLs), which were issued pursuant to E.O. 14203 and previously only available on OFAC's website, into the Regulations. ICC-Related GLs 2, 3, 4, 5, 6, and 7 were issued on OFAC's website on June 5, 2025 and will be removed from the website upon publication of this rule. These GLs are being incorporated into the Regulations as follows: GL 2, authorizing the provision of certain legal services, is being added to the Regulations at § 528.506; GL 3, authorizing payments for legal services from funds originating outside the United States, is being added at § 528.507; GL 4, authorizing emergency medical services, is being added at § 528.508; GL 5, authorizing entries in certain accounts for normal service charges, is being added at § 528.505; GL 6, authorizing transactions related to the provision of agricultural commodities, medicine, medical devices, replacement parts and

components, or software updates for personal, non-commercial use, is being added at § 528.510; and GL 7, authorizing official business of the United States government, is being added at § 528.509.

The Regulations are being published in abbreviated form at this time for the purpose of providing immediate guidance to the public. OFAC intends to supplement this part 528 with a more comprehensive set of regulations, which may include additional interpretive guidance and definitions, GLs, and other regulatory provisions. The appendix to the Regulations will be removed when OFAC supplements this part with a more comprehensive set of regulations.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), as amended, and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, as well as the provisions of E.O. 14192 of January 31, 2025, “Unleashing Prosperity Through Deregulation” (90 FR 9065, February 6, 2025) and E.O. 14219 of February 19, 2025, “Ensuring Lawful Governance and Implementing the President's ‘Department of Government Efficiency’ Deregulatory Initiative” (90 FR 10583, February 25, 2025) are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Executive Order 14294

Section 5 of E.O. 14294 of May 9, 2025, “Fighting Overcriminalization in Federal Regulations” (90 FR 20367, May 14, 2025) directs that all future notices of proposed rulemaking (NPRMs) and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, should include a statement identifying that the rule or proposed rule is a criminal regulatory offense and the authorizing statute. E.O. 14294 directs agencies to draft this statement in consultation with the Department of Justice.

E.O. 14294 further directs that the regulatory text of all NPRMs and final rules with criminal consequences published in the **Federal Register** after May 9, 2025 should explicitly state a mens rea requirement for each element of a criminal regulatory offense,

accompanied by citations to the relevant provisions of the authorizing statute.

Willful violations of the regulations set forth in this final rule may be subject to criminal penalties pursuant to 50 U.S.C. 1705 and regulations promulgated thereunder. The statutory authority for criminal liability requires a mens rea of willfulness as an element pursuant to 50 U.S.C. 1705(c). In drafting this statement, OFAC has consulted with the Department of Justice.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the “Reporting, Procedures and Penalties Regulations”). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 528

Administrative practice and procedure, Banks, Banking, Blocking of assets, Foreign trade, International Criminal Court, Penalties, Reporting and recordkeeping requirements, Sanctions, Services.

■ For the reasons set forth in the preamble, OFAC adds part 528 to 31 CFR chapter V to read as follows:

PART 528—INTERNATIONAL CRIMINAL COURT-RELATED SANCTIONS REGULATIONS

Subpart A—General Provisions

Sec.

- 528.101 Relation of this part to other laws and regulations.
- 528.102 Records and reports.
- 528.103 Procedures.
- 528.104 Paperwork Reduction Act notice.
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- 528.201 Prohibited transactions.
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- 528.310 Interest.
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- 528.318 United States person; U.S. person.
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- 528.509 Official business of the United States government.
- 528.510 Transactions related to the provision of agricultural commodities, medicine, medical devices, replacement parts and components, or software updates for personal, non-commercial use.

Subpart F—[Reserved]

Subpart G—Penalties and Findings of Violation

- 528.701 Penalties.
- 528.702 Findings of Violation and enforcement.

Appendix A to Part 528—E.O. 14203 of February 6, 2025

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 28 U.S.C. 2461 note (Pub. L. 101–410, 104 Stat. 890, as amended); E.O. 14203, 90 FR 9369.

Subpart A—General Provisions

§ 528.101 Relation of this part to other laws and regulations.

This part is separate from, and independent of, the other parts of this chapter, with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security circumstances may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Note 1 to § 528.101. This part has been published in abbreviated form for the purpose of providing immediate guidance to the public. OFAC intends to supplement this part with a more comprehensive set of regulations, which may include additional interpretive guidance and definitions, general licenses, and other regulatory provisions.

§ 528.102 Records and reports.

For provisions relating to required records and reports, see part 501, subpart C, of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

§ 528.103 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

§ 528.104 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing

procedures, and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

§ 528.105 [Reserved]

§ 528.106 Delegation of certain authorities of the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to E.O. 14203 of February 6, 2025, and any further Executive orders issued pursuant to the national emergency declared therein, may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart B—Prohibitions

§ 528.201 Prohibited transactions.

(a) All transactions prohibited pursuant to E.O. 14203 of February 6, 2025 are prohibited pursuant to this part.

(b) All transactions prohibited pursuant to any further Executive orders issued pursuant to the national emergency declared in E.O. 14203 are prohibited pursuant to this part.

Note 1 to § 528.201. The names of persons designated or identified as blocked pursuant to E.O. 14203, or any further Executive orders issued pursuant to the national emergency declared therein, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) using the following identifier formulation: for E.O. 14203: "[ICC-EO14203]" and for any further Executive orders issued pursuant to the national emergency declared in E.O. 14203, using the identifier formulation "[ICC-E.O.[E.O. number pursuant to which the person's property and interests in property are blocked]]." The SDN List is accessible through the following page on OFAC's website: www.treasury.gov/sdn. Additional information pertaining to the SDN List can be found in appendix A to this chapter. See § 528.406 concerning entities that may not be listed on the SDN List but whose property and interests in property are nevertheless blocked pursuant to this section.

Note 2 to § 528.201. Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), (50 U.S.C. 1702), authorizes the blocking of property and interests in property of a person during the pendency of an investigation. The names of persons whose property and interests in property are blocked pending investigation pursuant to this section also are published in the **Federal Register** and incorporated into the SDN List using the following identifier formulation: for E.O. 14203: "[BPI-ICC-

EO14203]" and for any further Executive orders issued pursuant to the national emergency declared in E.O. 14203, using the identifier formulation "[BPI-ICC-E.O.[E.O. number pursuant to which the person's property and interests in property are blocked pending investigation]]."

Note 3 to § 528.201. In certain cases, OFAC may issue an order to: identify as blocked specific property or interests in property of a person designated or otherwise blocked pursuant to this section; block specific property or interests in property of a person pending investigation; or block or impose other prohibitions with respect to specific property or interests in property less than full blocking sanctions. Notice of such orders will be provided: by publication in the **Federal Register**; in writing to persons OFAC may assess to have an interest in the property; or by issuing an order or directive in writing to financial institutions or other transaction intermediaries, and requiring the recipient of the order or directive to promptly disclose it to affected persons with whom the recipient maintains direct commercial relationships. Inquiries regarding any such order should be directed to OFAC at <https://ofac.treasury.gov/contact-ofac>.

Note 4 to § 528.201. Subpart E of part 501 of this chapter describes the procedures to be followed for the release of property and interests in property blocked pursuant to this section, including funds blocked due to mistaken identity or typographical or similar errors, and for administrative reconsideration of one's status as a person whose property and interests in property are blocked pursuant to this section.

§ 528.202 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, ruling, instruction, order, directive, or license issued pursuant to this part, and that involves any property or interest in property blocked pursuant to § 528.201, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power, or privilege with respect to such property or interest in property.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or any interest in, any property or interest in property blocked pursuant to § 528.201, unless the person who holds or maintains such property, prior to that date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, a license or other authorization issued by OFAC before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for

the provisions of this part and any regulation, ruling, instruction, order, directive, or license issued pursuant to this part.

(d) Transfers of property that otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property is or was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of OFAC each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property is or was held or maintained (and as to such person only);

(2) The person with whom such property is or was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization issued pursuant to this part and was not so licensed or authorized, or, if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property is or was held or maintained filed with OFAC a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, order, directive, license, or other authorization issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by OFAC; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

(e) The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (2) of this section have been satisfied.

(f) Unless licensed pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to § 528.201.

§ 528.203 Holding of funds in interest-bearing accounts; investment and reinvestment.

(a) Except as provided in paragraph (e) or (f) of this section, or as otherwise directed or authorized by OFAC, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 528.201 shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For the purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a federally insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) Funds held or placed in a blocked account pursuant to paragraph (a) of this section may not be invested in instruments the maturity of which exceeds 180 days.

(c) For the purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(d) For the purposes of this section, if interest is credited to a separate blocked account or subaccount, the name of the account party on each account must be the same.

(e) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 528.201 may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraph (a) or (f) of this section.

(f) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 528.201 may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(g) This section does not create an affirmative obligation for the holder of blocked tangible property, such as real or personal property, or of other blocked property, such as debt or equity securities, to sell or liquidate such property. However, OFAC may issue licenses permitting or directing such sales or liquidation in appropriate cases.

(h) Funds blocked pursuant to § 528.201 may not be held, invested, or reinvested in a manner that provides financial or economic benefit or access to any person whose property and interests in property are blocked pursuant to § 528.201, nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

§ 528.204 Expenses of maintaining blocked tangible property; liquidation of blocked property.

(a) Except as otherwise authorized, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or contract entered into or any license or permit granted prior to the effective date, all expenses incident to the maintenance of tangible property blocked pursuant to § 528.201 shall be the responsibility of the owners or operators of such property, which expenses shall not be met from blocked funds.

(b) Property blocked pursuant to § 528.201 may, in the discretion of OFAC, be sold or liquidated and the net proceeds placed in a blocked interest-bearing account in the name of the owner of the property.

§ 528.205 Exempt transactions.

(a) *International Emergency Economic Powers Act.* The prohibitions contained in this part do not apply to any transactions that are exempt pursuant to section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)).

(b) *Official business.* The prohibitions contained in § 528.201(a) do not apply to transactions for the conduct of the official business of the United States government by employees, grantees, or contractors thereof.

Note 1 to 528.205. See § 528.509 for a general license authorizing transactions for the conduct of the official business of the United States government not otherwise exempt.

Subpart C—General Definitions**§ 528.300 Applicability of definitions.**

The definitions in this subpart apply throughout the entire part.

§ 528.301 Alien.

The term *alien* has the meanings given to the term in section 101(a)(3) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1101(a)(3)).

§ 528.302 Ally of the United States.

The term *ally of the United States* means:

(a) A government of a member country of the North Atlantic Treaty Organization (NATO); or

(b) A government of a “major non-NATO ally,” as that term is defined by section 2013(7) of the American Servicemembers’ Protection Act of 2002 (22 U.S.C. 7432(7)).

§ 528.303 Blocked account; blocked property.

The terms *blocked account* and *blocked property* mean any account or property subject to the prohibitions in § 528.201 held in the name of a person whose property and interests in property are blocked pursuant to § 528.201, or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to a license or other authorization from OFAC expressly authorizing such action.

Note 1 to § 528.303. See § 528.406 concerning the blocked status of property and interests in property of an entity that is directly or indirectly owned, whether individually or in the aggregate, 50 percent or more by one or more persons whose property and interests in property are blocked pursuant to § 528.201.

§ 528.304 Effective date.

(a) The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part as follows:

(1) With respect to a person listed in the Annex to E.O. 14203, 12:01 a.m. eastern standard time, February 12, 2025.

(2) With respect to a person whose property and interests in property are otherwise blocked pursuant to § 528.201, the earlier of the date of actual or constructive notice that such person’s property and interests in property are blocked.

(b) For the purposes of this section, *constructive notice* is the date that a notice of the blocking of the relevant person’s property and interests in property is published in the **Federal Register**.

§ 528.305 Entity.

The term *entity* means a government or instrumentality of such government, partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

§ 528.306 Financial, material, or technological support.

The term *financial, material, or technological support* means any property, tangible or intangible, including currency, financial

instruments, securities, or any other transmission of value; weapons or related materiel; chemical or biological agents; explosives; false documentation or identification; communications equipment; computers; electronic or other devices or equipment; technologies; lodging; safe houses; facilities; vehicles or other means of transportation; or goods.

“Technologies” as used in this section means specific information necessary for the development, production, or use of a product, including related technical data such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals, or other recorded instructions.

§ 528.307 Foreign person.

The term *foreign person* means a person that is not a United States person.

§ 528.308 Immediate family member.

The term *immediate family member* means a spouse or child.

§ 528.309 [Reserved]

§ 528.310 Interest.

Except as otherwise provided in this part, the term *interest*, when used with respect to property (e.g., “an interest in property”), means an interest of any nature whatsoever, direct or indirect.

§ 528.311 Licenses; general and specific.

(a) Except as otherwise provided in this part, the term *license* means any license or authorization contained in or issued pursuant to this part.

(b) The term *general license* means any license or authorization the terms of which are set forth in subpart E of this part or made available on OFAC’s website: <https://ofac.treasury.gov>.

(c) The term *specific license* means any license or authorization issued pursuant to this part but not set forth in subpart E of this part or made available on OFAC’s website: <https://ofac.treasury.gov>.

Note 1 to § 528.311. See § 501.801 of this chapter on licensing procedures.

§ 528.312 OFAC.

The term *OFAC* means the Department of the Treasury’s Office of Foreign Assets Control.

§ 528.313 Person.

The term *person* means an individual or entity.

§ 528.314 Property; property interest.

The terms *property* and *property interest* include money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness,

obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership, or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors’ sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent.

§ 528.315 Protected person.

The term *protected person* means:

(a) Any United States person, unless the United States provides formal consent to International Criminal Court (ICC) jurisdiction over that person or becomes a state party to the Rome Statute, including:

(1) Current or former members of the Armed Forces of the United States;

(2) Current or former elected or appointed officials of the United States Government; and

(3) Any other person currently or formerly employed by or working on behalf of the United States Government; and

(b) Any foreign person that is a citizen or lawful resident of an ally of the United States that has not consented to ICC jurisdiction over that person or is not a state party to the Rome Statute, including:

(1) Current or former members of the armed forces of such ally of the United States;

(2) Current or former elected or appointed government officials of such ally of the United States; and

(3) Any other person currently or formerly employed by or working on behalf of a government of an ally of the United States.

§ 528.316 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the

United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property. Without limitation on the foregoing, it shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 528.317 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 528.318 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch, subsidiary, or employee of such entity), or any person lawfully in the United States.

§ 528.319 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, purchasing or selling foreign exchange, securities, futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes depository institutions, banks, savings banks, money services businesses, operators of credit card systems, trust companies, insurance companies, securities brokers and dealers, futures and options brokers and dealers,

forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, dealers in precious metals, stones, or jewels, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

Subpart D—Interpretations

§ 528.401 [Reserved]

§ 528.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any regulation, ruling, instruction, order, directive, or license issued by OFAC does not affect any act done or omitted, or any civil or criminal proceeding commenced or pending, prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such regulation, ruling, instruction, order, directive, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 528.403 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from a person whose property and interests in property are blocked pursuant to § 528.201, such property shall no longer be deemed to be property blocked pursuant to § 528.201, unless there exists in the property another interest that is blocked pursuant to § 528.201, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a person whose property and interests in property are blocked pursuant to § 528.201, such property shall be deemed to be property in which such person has an interest and therefore blocked.

§ 528.404 Transactions ordinarily incident to a licensed transaction.

Any transaction ordinarily incident to a licensed transaction and necessary to

give effect thereto is also authorized, except:

(a) An ordinarily incident transaction, not explicitly authorized within the terms of the license, by or with a person whose property and interests in property are blocked pursuant to § 528.201; or

(b) An ordinarily incident transaction, not explicitly authorized within the terms of the license, involving a debit to a blocked account or a transfer of blocked property.

§ 528.405 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. financial institution or other U.S. person, is a prohibited transfer under § 528.201 if effected after the effective date.

§ 528.406 Entities owned by one or more persons whose property and interests in property are blocked.

Persons whose property and interests in property are blocked pursuant to § 528.201 have an interest in all property and interests in property of an entity in which such persons directly or indirectly own, whether individually or in the aggregate, a 50 percent or greater interest. The property and interests in property of such an entity, therefore, are blocked, and such an entity is a person whose property and interests in property are blocked pursuant to § 528.201, regardless of whether the name of the entity is incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 528.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see part 501, subpart E, of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. General licenses and statements of licensing policy relating to this part also may be available through the International Criminal Court-Related sanctions page on OFAC's website: <https://ofac.treasury.gov>.

§ 528.502 Effect of license or other authorization.

(a) No license or other authorization contained in this part, or otherwise issued by OFAC, authorizes or validates any transaction effected prior to the issuance of such license or other authorization, unless specifically

provided in such license or authorization.

(b) No regulation, ruling, instruction, order, directive, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, order, directive, or license is issued by OFAC and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transaction prohibited by any other part of this chapter unless the regulation, ruling, instruction, or license specifically refers to such part.

(c) Any regulation, ruling, instruction, order, directive, or license authorizing any transaction prohibited under this part has the effect of removing a prohibition contained in this part from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, order, directive, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property that would not otherwise exist under ordinary principles of law.

(d) Nothing contained in this part shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the U.S. government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency. For example, exports of goods, services, or technical data that are not prohibited by this part or that do not require a license by OFAC nevertheless may require authorization by the U.S. Department of Commerce, the U.S. Department of State, or other agencies of the U.S. government.

(e) No license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

(f) Any payment relating to a transaction authorized in or pursuant to this part that is routed through the U.S. financial system should reference the relevant OFAC general or specific license authorizing the payment to avoid the blocking or rejection of the transfer.

§ 528.503 Exclusion from licenses.

OFAC reserves the right to exclude any person, property, transaction, or class thereof from the operation of any

license or from the privileges conferred by any license. OFAC also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon actual or constructive notice of the exclusions or restrictions.

§ 528.504 Payments and transfers to blocked accounts in U.S. financial institutions.

Any payment of funds or transfer of credit in which a person whose property and interests in property are blocked pursuant to § 528.201 has any interest that comes within the possession or control of a U.S. financial institution must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may be made only to another blocked account held in the same name.

Note 1 to § 528.504. See § 501.603 of this chapter for mandatory reporting requirements regarding financial transfers. See also § 528.203 concerning the obligation to hold blocked funds in interest-bearing accounts.

§ 528.505 Entries in certain accounts for normal service charges.

(a) A U.S. financial institution is authorized to debit any blocked account held at that financial institution in payment or reimbursement for normal service charges owed it by the owner of that blocked account.

(b) As used in this section, the term *normal service charges* shall include charges in payment or reimbursement for interest due; cable, telegraph, internet, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, notary and protest fees, and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

§ 528.506 Provision of certain legal services.

(a) The provision of the following legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 528.201 is authorized, provided that any receipt of payment of professional fees and reimbursement of incurred

expenses must be authorized pursuant to § 528.507, which authorizes certain payments for legal services from funds originating outside the United States; via specific license; or otherwise pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(4) Representation of persons before any U.S. federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 528.201, not otherwise authorized in this part, requires the issuance of a specific license.

(c) U.S. persons do not need to obtain specific authorization to provide related services, such as making filings and providing other administrative services, that are ordinarily incident to the provision of services authorized by paragraph (a) of this section. Additionally, U.S. persons who provide services authorized by paragraph (a) of this section do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. See § 528.404.

(d) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 528.201 is prohibited unless licensed pursuant to this part.

Note 1 to § 528.506. Pursuant to part 501, subpart E, of this chapter, U.S. persons

seeking administrative reconsideration or judicial review of their designation or the blocking of their property and interests in property may apply for a specific license from OFAC to authorize the release of certain blocked funds for the payment of professional fees and reimbursement of incurred expenses for the provision of such legal services where alternative funding sources are not available.

§ 528.507 Payments for legal services from funds originating outside the United States.

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 528.506(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 528.201 is authorized from funds originating outside the United States, provided that the funds do not originate from:

(i) A source within the United States;

(ii) Any source, wherever located, within the possession or control of a U.S. person; or

(iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 528.506(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 528.201, any other part of this chapter, or any Executive order or statute has an interest.

(b) *Records.* Consistent with § 501.601 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

(3) These records must be furnished to OFAC on demand consistent with § 501.602 of this chapter.

§ 528.508 Emergency medical services.

The provision and receipt of nonscheduled emergency medical services that are prohibited by this part are authorized.

§ 528.509 Official business of the United States government.

All transactions prohibited by this part that are for the conduct of the official business of the United States government by employees, grantees, or contractors thereof are authorized.

§ 528.512 Transactions related to the provision of agricultural commodities, medicine, medical devices, replacement parts and components, or software updates for personal, non-commercial use.

(a) All transactions prohibited by this part that are related to the provision, directly or indirectly, of agricultural commodities, medicine, medical devices, replacement parts and components for medical devices, or software updates for medical devices to an individual whose property and interests in property are blocked pursuant to this part are authorized, provided the items are in quantities consistent with personal, non-commercial use.

(b) For the purposes of this section, *agricultural commodities*, *medicine*, and *medical devices* are defined as follows:

(1) *Agricultural commodities*. For the purposes of this section, *agricultural commodities* are:

(i) Products that fall within the term “agricultural commodity” as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(ii) That are intended for ultimate use as:

(A) Food for humans (including raw, processed, and packaged foods; live animals; vitamins and minerals; food additives or supplements; and bottled drinking water) or animals (including animal feeds);

(B) Seeds for food crops;

(C) Fertilizers or organic fertilizers; or

(D) Reproductive materials (such as live animals, fertilized eggs, embryos, and semen) for the production of food animals.

(2) *Medicine*. For the purposes of this section, *medicine* is an item that falls within the definition of the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) *Medical devices*. For the purposes of this section, a *medical device* is an item that falls within the definition of “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

Note 1 to § 528.512. This section does not relieve any person authorized thereunder

from complying with any other applicable laws or regulations.

Subpart F—[Reserved]**Subpart G—Penalties and Findings of Violation****§ 528.701 Penalties.**

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705.) (IEEPA) provides for the imposition of civil and criminal penalties applicable to violations of the provisions of this part. With respect to civil penalties, these are adjusted annually pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note, Pub. L. 101–410, as amended). With respect to criminal penalties, a person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets the commission of a violation of a provision of this part may be subject to the criminal penalties provided in section 206(c) of IEEPA, as adjusted pursuant to 18 U.S.C. 3571.

§ 528.702 Findings of Violation and enforcement.

OFAC has the authority, pursuant to IEEPA, to issue Pre-Penalty Notices, Penalty Notices, and Findings of Violation; impose monetary penalties; engage in settlement discussions and enter into settlements; refer matters to the United States Department of Justice for administrative collection; and, in appropriate circumstances, refer matters to appropriate law enforcement agencies for criminal investigation and/or prosecution. For more information, see appendix A to part 501 of this chapter, which provides a general framework for the enforcement of all economic sanctions programs administered by OFAC, including enforcement-related definitions, types of responses to apparent violations, general factors affecting administrative actions, civil penalties for failure to comply with a requirement to furnish information or keep records, and other general civil penalties information.

Appendix A to Part 528—E.O. 14203 of February 6, 2025**Imposing Sanctions on the International Criminal Court**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C.

1182(f)), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that the International Criminal Court (ICC), as established by the Rome Statute, has engaged in illegitimate and baseless actions targeting America and our close ally Israel. The ICC has, without a legitimate basis, asserted jurisdiction over and opened preliminary investigations concerning personnel of the United States and certain of its allies, including Israel, and has further abused its power by issuing baseless arrest warrants targeting Israeli Prime Minister Benjamin Netanyahu and Former Minister of Defense Yoav Gallant. The ICC has no jurisdiction over the United States or Israel, as neither country is party to the Rome Statute or a member of the ICC. Neither country has ever recognized the ICC’s jurisdiction, and both nations are thriving democracies with militaries that strictly adhere to the laws of war. The ICC’s recent actions against Israel and the United States set a dangerous precedent, directly endangering current and former United States personnel, including active service members of the Armed Forces, by exposing them to harassment, abuse, and possible arrest. This malign conduct in turn threatens to infringe upon the sovereignty of the United States and undermines the critical national security and foreign policy work of the United States Government and our allies, including Israel. Furthermore, in 2002, the Congress enacted the American Servicemembers’ Protection Act of 2002 (22 U.S.C. 7421 *et seq.*) to protect United States military personnel, United States officials, and officials and military personnel of certain allied countries against criminal prosecution by an international criminal court to which the United States is not party, stating, “In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court.” (22 U.S.C. 7421(9)).

The United States unequivocally opposes and expects our allies to oppose any ICC actions against the United States, Israel, or any other ally of the United States that has not consented to ICC jurisdiction. The United States remains committed to accountability and to the peaceful cultivation of international order, but the ICC and parties to the Rome Statute must respect

the decisions of the United States and other countries not to subject their personnel to the ICC's jurisdiction, consistent with their respective sovereign prerogatives.

The United States will impose tangible and significant consequences on those responsible for the ICC's transgressions, some of which may include the blocking of property and assets, as well as the suspension of entry into the United States of ICC officials, employees, and agents, as well as their immediate family members, as their entry into our Nation would be detrimental to the interests of the United States.

I therefore determine that any effort by the ICC to investigate, arrest, detain, or prosecute protected persons, as defined in section 8(d) of this order, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby declare a national emergency to address that threat. I hereby determine and order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the person listed in the Annex to this order; and

(ii) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General:

(A) to have directly engaged in any effort by the ICC to investigate, arrest, detain, or prosecute a protected person without consent of that person's country of nationality;

(B) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity in subsection (a)(ii)(A) of this section or any person whose property or interests in property are blocked pursuant to this order; or

(C) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property or interests in property are blocked pursuant to this order.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

Sec. 2. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to address the national emergency declared in this order, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 3. The prohibitions in section 1(a) of this order include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 4. The unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 1 of this order, as well as immediate family members of such aliens, or aliens determined by the Secretary of State to be employed by, or acting as an agent of, the ICC, would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended, except where the Secretary of State determines that the entry of the person into the United States would not be contrary to the interests of the United States, including when the Secretary of State so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives. In exercising this responsibility, the Secretary of State shall consult with the Secretary of Homeland Security on matters related to admissibility or inadmissibility within the authority of the Secretary of Homeland Security. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions). The Secretary of State shall have the responsibility for implementing this section pursuant to such conditions and procedures as the Secretary of State has established or may establish pursuant to Proclamation 8693.

Sec. 5. Within 60 days of the date of this order, the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the President a

report on additional persons that should be included within the scope of section 1 of this order.

Sec. 6. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 7. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

Sec. 8. For the purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a government or instrumentality of such government, partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch, subsidiary, or employee of such entity), or any person lawfully in the United States;

(d) the term "protected person" means:

(i) any United States person, unless the United States provides formal consent to ICC jurisdiction over that person or becomes a state party to the Rome Statute, including:

(A) current or former members of the Armed Forces of the United States;

(B) current or former elected or appointed officials of the United States Government; and

(C) any other person currently or formerly employed by or working on behalf of the United States Government; and

(ii) any foreign person that is a citizen or lawful resident of an ally of the United States that has not consented to ICC jurisdiction over that person or is not a state party to the Rome Statute, including:

(A) current or former members of the armed forces of such ally of the United States;

(B) current or former elected or appointed government officials of such ally of the United States; and

(C) any other person currently or formerly employed by or working on behalf of such a government;

(e) the term "ally of the United States" means:

(i) a government of a member country of the North Atlantic Treaty Organization; or

(ii) a government of a “major non-NATO ally,” as that term is defined by section 2013(7) of the American Servicemembers’ Protection Act of 2002 (22 U.S.C. 7432(7));

(f) the term “immediate family member” means a spouse or child;

(g) the term “alien” has the meanings given to the term in section 101(a)(3) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1101(a)(3)); and

(h) the term “foreign person” means a person that is not a United States person.

Sec. 9. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to section 1 of this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including adopting rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All executive departments and agencies of the United States shall take all appropriate measures within their authority to implement this order.

Sec. 11. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 12. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP
THE WHITE HOUSE,
February 6, 2025.

Annex

1. Karim Khan, Prosecutor of the ICC.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control, Department of the Treasury.

[FR Doc. 2025–12036 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 989

[Docket ID: USAF–2025–HQ–0003]

RIN 0701–AA97

Removal of Environmental Impact Analysis Process (EIAP) Regulation

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: Interim final rule; request for comments.

SUMMARY: The DAF is rescinding its National Environmental Policy Act (NEPA) regulations because the Council on Environmental Quality’s (CEQ) NEPA regulations, which they were meant to supplement, have been rescinded, and because the DoD is promulgating Department-wide NEPA procedures that will guide DAF’s NEPA process.

DATES: This interim final rule is effective July 1, 2025. Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments, identified by docket number and/or Regulation Identifier Number (RIN), by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Mail:** Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

The general policy for comments and other submissions from members of the public is to make these submissions

available for public viewing on the internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Bush at 703–695–1773 or by email at af.a4c.nepaworkflow@us.af.mil.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public at <http://www.regulations.gov>. Comments are posted as soon as possible after they have been received. Follow the search instructions on that website to view public comments. DAF will not post public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. DAF will post acceptable substantive comments from multiple unique commenters.

Plain Language Summary: In accordance with 5 U.S.C. 553(b)(4), a plain language summary of this rule may be found at <https://www.regulations.gov/>.

I. Background

Title 32 CFR part 989 provides guidance for implementing the procedural provisions of NEPA and was drafted to supplement the CEQ regulations at 40 CFR parts 1500 through 1508. *See* 32 CFR 989.1(b). The DAF regulation is applicable to all DAF activities and organizations. However, the CEQ’s regulations have been repealed, effective April 11, 2025. *See Removal of National Environmental Policy Act Implementing Regulations*, (90 FR 10610; Feb. 25, 2025). This action was necessitated by and is consistent with Executive Order (E.O.) 14154, *Unleashing American Energy* (90 FR 8353; January 20, 2025), in which President Trump rescinded President Carter’s E.O. 11991, *Relating to Protection and Enhancement of Environmental Quality* (42 FR 26967; May 24, 1977), which was the basis CEQ had invoked for its authority to make rules to begin with. DAF’s regulations, which were a “supplement[] . . . to be used in conjunction with” those CEQ regulations, thus stand in obvious need of fundamental revision. President Trump in E.O. 14154 further directed agencies to revise their NEPA implementing procedures, consistent with the E.O., including its direction to CEQ to rescind its regulations.

In addition, Congress recently amended NEPA in significant part, in the Fiscal Responsibility Act of 2023 (FRA), Public Law 118–5, signed on June 3, 2023, in which Congress added substantial detail and direction in Title I of NEPA, including in particular on

procedural issues that CEQ and individual acting agencies had previously addressed in their own procedures. The DAF recognized the need to update its regulations in light of these significant legislative changes. Since the DAF's regulations were originally designed as a supplement to CEQ's NEPA regulations, the DAF had been awaiting CEQ action before revising its regulations, consistent with CEQ direction. See 40 CFR 1507.3(b) (2024); see also 86 FR 34154 (June 29, 2021). However, with CEQ's regulations now rescinded, and with the DAF's NEPA implementing procedures still unmodified more than two years after this significant legislative overhaul, it is exigent that the DAF move quickly to conform its procedures to the statute as amended.

Finally, the Supreme Court on May 29, 2025 issued a landmark decision, *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 145 S. Ct. 1497 (2025), in which it decried the “transform[ation]” of NEPA from its roots as “a modest procedural requirement,” into a significant “substantive roadblock” that “paralyze[s]” “agency decisionmaking.” *Id.* at 1507, 1513 (quotations omitted). The Supreme Court explained that part of that problem had been caused by decisions of lower courts, which it rejected, issuing a “course correction” mandating that courts give “substantial deference” to reasonable agency conclusions underlying their NEPA processes. *Id.* at 1513–14. But the Court also acknowledged, and through its course correction sought to address, the effect on “litigation-averse agencies” which, in light of judicial “micromanage[ment],” had been “tak[ing] ever more time and . . . prepar[ing] ever longer EISs for future projects.” *Id.* at 1513. The DAF is therefore issuing this Interim Final Rule (IFR) to align its actions with the Supreme Court's decision and streamline its process of ensuring reasonable NEPA decisions. This revision has thus been called for, authorized, and directed by all three branches of government at the highest possible levels.

DoD has elected to respond to these instructions by promulgating Department-wide NEPA procedures, *Department of Defense National Environmental Policy Act Implementing Procedures*, which will guide DAF's NEPA process henceforth. The Supreme Court could not have been clearer in *Seven County* that NEPA is a procedural statute. See 145 S.Ct. at 1507 (“NEPA is a purely procedural statute.”); *id.* at 1510 (“NEPA is purely procedural. . . .

NEPA ‘does not mandate particular results, but simply prescribes the necessary process’ for an agency’s environmental review of a project.”); *id.* at 1511 (NEPA is a *purely procedural statute*”); *id.* at 1513 (NEPA is properly understood as “a modest procedural requirement”); *id.* at 1514 (“NEPA’s status as a purely procedural statute”); see also *id.* at 1507 (“Simply stated, NEPA is a procedural cross-check, not a substantive roadblock.”). Mindful of this, DoD has decided that the flexibility to respond to new developments in this fast-evolving area of law, afforded by using non-codified procedures, outweighs the public-transparency virtues of codifying its regulations going forward. Notably, DoD can—and will—ensure that accessibility to the public by posting these procedures online, retaining the transparency virtues. By contrast, not codifying its procedures will enable it to rapidly update these procedures in response to future court decisions (such as *Seven County*), Presidential directives, or the needs of the services. The use of non-codified procedures is, moreover, consistent with the approach that several other Federal agencies have used for decades.

DoD has, correspondingly, directed all military departments to repeal their respective NEPA implementing regulations by June 30, 2025, per a May 21, 2025, memorandum. Thus, with this action, the DAF rescinds its NEPA implementing regulations at 32 CFR part 989. The DAF is furthermore taking this action because the CEQ NEPA regulations, which the DAF regulations supplemented, were repealed effective April 11, 2025. The DAF is rescinding its NEPA regulations to avoid confusion from maintaining a regulation that was drafted to supplement a regulation that has now been revoked. The DAF intends to continue to rely on categorical exclusions previously published in appendix B of 32 CFR part 989 or adopted by public notice in the **Federal Register** (e.g., 89 FR 92911), all of which have now been incorporated into the Appendix to *Department of Defense National Environmental Policy Act Implementing Procedures*.

DAF acknowledges that third parties may claim to have reliance interests in DAF's existing NEPA procedures. Moreover, as the Supreme Court has just explained, NEPA “is a purely procedural statute” that “imposes no substantive environmental obligations or restrictions.” *Seven County*, 145 S. Ct. at 1507. Any asserted reliance interests grounded in substantive environmental concerns are not in accord with the best meaning of the law

and are entitled to “no . . . weight.” *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1914 (2020).

Because reliance interests are inherently backward-looking, it is unclear how any party could assert reliance interests in *prospective* procedures. To the extent such interests exist, DAF concludes that they are “outweigh[ed]” by “other interests and policy concerns.” *Id.* Namely, the complex web of regulations that preexisted the 2023 amendments to NEPA and the new Procedures repeatedly “led to more agency analysis of separate projects, more consideration of attenuated effects, more exploration of alternatives to proposed agency action, more speculation and consultation and estimation and litigation,” which in turn has meant that “[f]ewer projects make it to the finish line,” or even “to the starting line.” *Seven County*, 145 S. Ct. at 1513–14. This has increased the cost of projects dramatically, “both for the agency preparing the EIS and for the builder of the project,” resulting in systemic harms to America’s infrastructure and economy. *Id.* at 1514. Correspondingly, the wholesale revision and simplification of this regime, effectuated by the DoD’s new NEPA procedures, is necessary to ensure efficient and predictable reviews, with significant upsides for the economy and for projects of all sorts. This set of policy considerations drastically outweighs any claimed reliance interests in the preexisting procedures.

DAF has taken this action as part of DoD’s broader approach to revising its implementation of NEPA, in which DoD and its components have revised their NEPA implementing procedures to conform to the 2023 statutory amendments, to respond to President Trump’s direction in E.O. 14154 to, “[c]onsistent with applicable law, prioritize efficiency and certainty over any other objectives, including those of activist groups, that do not align with the policy goals set forth in section 2 of [that] order or that could otherwise add delays and ambiguity to the permitting process,” and to address the pathologies of the NEPA process and NEPA litigation as identified by the Supreme Court. Where DoD and its components have retained an aspect of their preexisting NEPA implementing procedures, it is because that aspect is compatible with these guiding principles; where DoD and its components have revised or removed an aspect, it is because that aspect is not so compatible.

II. Publication as an Interim Final Rule

A. Notice-and-Comment Rulemaking Is Not Required

DAF is repealing its prior procedures and practices for implementing NEPA, a “purely procedural statute” which “simply prescribes the necessary process for an agency’s environmental review of a project—a review that is, even in its most rigorous form, “only one input into an agency’s decision and does not itself require any particular substantive outcome.” *Seven County*, 145 S.Ct. at 1507, 1511 (internal quotation omitted). “NEPA imposes no substantive constraints on the agency’s ultimate decision to build, fund, or approve a proposed project,” and “is relevant only to the question of whether an agency’s final decision”—i.e., that decision to authorize, fund, or otherwise carry out a particular proposed project or activity—“was reasonably explained.” *Id.* at 1511. As such, notice and comment procedures are not required because this revision falls within the Administrative Procedure Act (APA) exception for “rules of agency organization, procedure, or practice.” 5 U.S.C. 553(b)(A). DAF’s existing regulations do not dictate what outcomes such consideration must produce, nor do they impose binding legal obligations on private citizens. Rather, they prescribe how DAF will conduct its NEPA reviews: detailing the structure of environmental impact statements, specifying submission requirements, and directing the timing of public comment periods. These are procedural provisions, not ones that impose substantive environmental obligations or restrictions. DAF recognized as much, indeed, even when codifying them: DAF was explicit that was “issuing its NEPA Guidelines as regulations that will be published in the *Code of Federal Regulations*” to “ensure that its NEPA procedures are more accessible to the public,” and not because the agency had changed its mind that the procedures were just that, procedural. 57 FR 15122; 55 FR 46444. Indeed, both emphasized that “[t]he rule amends and codifies already existing policies and procedures for compliance with NEPA,” and contained no substantive changes that would impose obligations on private citizens. 57 FR 15144; 55 FR 46448. Thus, because procedural rules do not require notice and comment, they do not require notice and comment to be removed from the Code of Federal Regulations. *See* 5 U.S.C. 553(b)(A).¹

Moreover, even if (and to the extent that) DAF’s regulations were not procedural rules, they may be characterized as interpretative rules or general statements of policy under 5 U.S.C. 553(b)(A). An interpretative rule provides an interpretation of a statute, rather than making discretionary policy choices that establish enforceable rights or obligations for regulated parties under delegated congressional authority. The definitions in Appendix A of DAF’s procedures, for instance, may be classified as such. General statements of policy provide notice of an agency’s intentions as to how it will enforce statutory requirements, again without creating enforceable rights or obligations for regulated parties under delegated congressional authority. The prefatory sections DAF’s procedures, for instance, may be classified as general statements of policy. Both of these types of agency action are expressly exempted from notice and comment by statute, 5 U.S.C. 553(b)(A), and do not require notice and comment for removal.

Accordingly, although DAF is voluntarily providing notice and an opportunity to comment on this interim final rule, the agency has determined that notice-and-comment procedures are not required. The fact that DAF previously undertook notice-and-comment rulemaking in promulgating these regulations is immaterial: As the Supreme Court has held, where notice-and-comment procedures are not required, prior use of them in promulgating a rule does not bind the agency to use such procedures in repealing it. *Perez v. Mortg. Bankers Ass’n*, 575 U.S. 92, 101 (2015).

B. DAF Has Good Cause for Proceeding With an Interim Final Rule

Moreover, DAF also finds that, to the extent that prior notice and solicitation of public comment would otherwise be required or this action could not immediately take effect, the need to expeditiously replace its existing rules

compliance with NEPA. Indeed, it is hard to see how they could be otherwise, since the Supreme Court has recently repeatedly emphasized that “NEPA is a purely procedural statute.” *Seven County*, 145 S.Ct. at 1507, *see id.* at 1510 (“NEPA is purely procedural. . . . NEPA ‘does not mandate particular results, but simply prescribes the necessary process’ for an agency’s environmental review of a project.”); *id.* at 1511 (NEPA is a purely procedural statute”); *id.* at 1513 (NEPA is properly understood as “a modest procedural requirement”); *id.* at 1514 (“NEPA’s status as a purely procedural statute”); *see also id.* at 1507 (“Simply stated, NEPA is a procedural cross-check, not a substantive roadblock.”). Procedures for implementing a purely procedural statute must be, by their nature, procedural rules. Surely cannot be legislative rules; as such, they do not need to be promulgated via notice-and-comment rulemaking. *See* 5 U.S.C. 553(b)(A).

satisfies the “good cause” exceptions in 5 U.S.C. 553(b)(B) and (d). The APA authorizes agencies to issue regulations without notice and public comment when an agency finds, for good cause, that notice and comment is “impracticable, unnecessary, or contrary to the public interest,” 5 U.S.C. 553(b)(B), and to make the rule effective immediately for good cause. 5 U.S.C. 553(d)(3). As discussed in Section I, above, DAF’s prior rules were promulgated to supplement the CEQ’s NEPA regulations. Following the rescission of CEQ’s regulations, DAF’s current rules are left hanging in air, supplementing a NEPA regime that no longer exists. DAF, thus far and as a temporary, emergency measure, has been continuing to operate under its prior procedures *as if* the CEQ NEPA regime still existed. This is not, however, tenable in the long term. As soon as proper procedures are available—which they now are, in the form of DoD’s Department-wide procedures—this makeshift regime needs to be rescinded immediately. Because of this need for speed and certainty, notice-and-comment is, to the extent it was required at all, impracticable and contrary to the public interest.

For the same reasons stated in the present section, above, DAF finds that “good cause” exists under 5 U.S.C. 553(d)(3) to waive the 30-day delay of the effective date that would otherwise be required. This IFR will accordingly be effective immediately.

C. DAF Solicits Comment

As explained above, notice and comment is not required prior to issuing this rule because DAF’s NEPA procedures were procedural and because, even if comment were required under the APA, good cause exists to forego it. Nevertheless, DAF has elected voluntarily to solicit comment on this action, in an abundance of caution and for reasons of good government. DAF is soliciting comment on this interim final rule, and may make further revisions to this action, if DAF’s review of any comments submitted suggests that further revisions are warranted. Commenters have 30 days from the date of publication of this interim final rule to submit comments.

III. Executive Order 12866, “Regulatory Planning and Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review”

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is

¹ Just so, DoD’s new procedures will also be purely procedural, guiding the Department’s own

necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distribution of impacts; and equity. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB), has determined that this rulemaking is “significant” under section 3(f) of Executive Order 12866.

IV. Executive Order 14192, “Unleashing Prosperity Through Deregulation”

Executive Order 14192 was issued on January 31, 2025, and 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 rule is expected to be an Executive Order 14192 deregulatory action.

V. Congressional Review Act (5 U.S.C. 801 et seq.)

OIRA has determined that this rulemaking does not meet the criteria set forth in 5 U.S.C. 804(2) under Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act). This action, in any event, is not a “rule” at all under 5 U.S.C. 804(3)(C). Therefore, this rule is not major under the Congressional Review Act.

VI. Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

The rule does not contain any information collection requirements that require the approval of the OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

VII. Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. 601)

The Secretary of the Air Force certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it will not have a significant economic impact on a substantial number of small entities. Also, the rule repeals DAF NEPA implementing regulations for the EIAP at 32 CFR part 989, which outline procedures for environmental impact analysis for all DAF activities and programs. Therefore, the Regulatory Flexibility Act, as amended, does not require preparation of a regulatory flexibility analysis. See 5 U.S.C. 603(a) and 604(a).

VIII. Sec. 202, Public Law 104–4, “Unfunded Mandates Reform Act”

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C.

1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. This rulemaking will not result in the expenditure by State, local, or Tribal Governments, in the aggregate, or by the private sector, which exceeds the threshold. Thus, no written assessment of unfunded mandates is required.

IX. Executive Order 13132, “Federalism”

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the Secretary of the Air Force has determined that this rulemaking does not have sufficient federalism implications to warrant preparation of a federalism assessment.

X. Executive Order 13175, “Consultation and Coordination With Indian Tribal Governments”

Executive Order 13175 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct compliance costs on one or more Indian Tribes, preempts Tribal law, or effects the distribution of power and responsibilities between the Federal Government and Indian Tribes. This rule will not have a substantial effect on Indian Tribal Governments.

List of Subjects in 32 CFR Part 989

Environmental impact statements.

PART 989—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 989 is removed.

Approved by:

Dated: June 27, 2025.

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2025–12280 Filed 6–30–25; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 315

[Docket Number MARAD–2025–0090]

RIN 2133–AC03

Deregulatory—Revision; Agency Agreements and Appointment of Agents

AGENCY: Maritime Administration (MARAD), Department of Transportation DOT)

ACTION: Final rule.

SUMMARY: MARAD is revising its regulations pertaining to the award and administration of agency agreements in the form of service agreements and ship manager contracts. The rule is intended to correct numerous citations in accordance with the codification of Title 46 of the United States Code; improve accessibility by modernizing text and updating agency contact information; and remove obsolete references.

DATES: This final rule is effective on July 1, 2025.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

Information Collection: MARAD will publish a separate **Federal Register** notice notifying the public of Office of Management and Budget (OMB) approval of the information collections in this rulemaking.

FOR FURTHER INFORMATION CONTACT:

Mitch Hudson, Office of the Chief Counsel, Division of Legislation and Regulation, (202) 366–9373 or via email at Mitch.Hudson@dot.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question. You will receive a reply during normal business hours. You may send mail to Department of Transportation, Maritime Administration, Office of the Chief Counsel, Division of Legislation and Regulations, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at: www.federalregister.gov.

Background

Improvement of regulations is a continuous focus for DOT and MARAD. For that reason, DOT/MARAD regularly and deliberately review their rules in accordance with DOT Order 2100.6B, Policies and Procedures for Rulemakings, Executive Order (E.O.) 12866, Regulatory Planning and Review (Oct. 4, 1993), and section 610 of the Regulatory Flexibility Act. That process is summarized in Appendix D of DOT's semi-annual regulatory agenda. In addition, E.O. 14192, Unleashing Prosperity Through Deregulation (Feb. 6, 2025), and E.O. 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative (Feb. 19, 2025) directed agencies to further scrutinize their regulations to reduce unnecessary costs, clear barriers to emerging technology, and alleviate unnecessary regulatory burdens.

MARAD has identified changes that will improve its regulations governing agency agreements and appointment of agents. This final rule will revise the regulations to ensure that they are current, modern, and the least burdensome to the public.

Section by Section Analysis

Authority Citations

MARAD proposes to revise the authority citations for accuracy.

Section 315.1 Purpose

MARAD proposes to make minor, non-substantive edits to this section for clarity.

Section 315.3 Definitions

MARAD proposes adding definitions of general agency agreement and ship manager contract for clarity.

Section 315.5 Appointment of Agents

MARAD proposes to update MARAD contact information and made minor, non-substantive edits to this section for clarity.

Section 315.6 Transferred Vessel and Contracts

MARAD proposes to make minor, non-substantive edits to this section for clarity.

Section 315.9 Administration of Agency Agreements

MARAD proposes to make minor, non-substantive edits to this section for clarity.

Section 315.11 Duties of Agents

MARAD proposes to make minor, non-substantive edits to this section for clarity.

Section 315.13 Vessel Deactivation Procedures

MARAD proposes to make minor, non-substantive edits to this section for clarity.

Section 315.15 Marine Protection and Indemnity Insurance

MARAD proposes this section for the sake of clarity.

Rulemaking Analysis and Notices

Administrative Procedure Act

MARAD is issuing this final rule without prior notice and the opportunity for public comment and the 30-day delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA). Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an "agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

The intent of this action is to provide simple, clerical updates needed to correct numerous citations in accordance with the codification of Title 46 of the United States Code; improve accessibility by modernizing text, update agency contact information, and remove obsolete references. For these reasons, MARAD has determined that there is good cause to waive prior notice and comment because clerical non-substantive updates will not benefit from public input.

Executive Order 12866 and DOT Rulemaking Procedures

This rule is not a significant regulatory action under Executive Order (E.O.) 12866 and DOT Order 2100.6B and, therefore it was not reviewed by the Office of Management and Budget. It is also not considered a major rule for purposes of Congressional review under Public Law 104-121. This rule is limited to updating the citations, addresses, and modernizing text.

Executive Order 14192 (Deregulation)

E.O. 14192 requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination." Implementation guidance for E.O. 14192, issued by OMB (Memorandum M-25-20, March 26, 2025), defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero." This rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

Executive Order 13132 (Federalism)

MARAD analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism") and has determined that it does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. This rulemaking has no substantial effect on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Nothing in this document preempts any State law or regulation. Therefore, MARAD did not consult with State and local officials because it was not necessary.

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

MARAD does not believe that this rulemaking will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires MARAD to assess whether this rulemaking would have a significant economic impact on a substantial number of small entities and to minimize any adverse impact. This rule is limited to updating the citations, addresses, and modernizing text. MARAD certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Privacy Impact Assessment

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Pub. L. 108-

447, div. H, 118 Stat. 2809 at 3268) requires the Department of Transportation and certain other federal agencies to conduct a privacy impact assessment of each proposed rule that will affect the privacy of individuals.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 requires agencies to evaluate whether an agency action would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$206 million or more (as adjusted for inflation) in any 1 year, and if so, to take steps to minimize these unfunded mandates. This rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$206 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a federal agency unless the collection displays a valid OMB control number. MARAD will seek approval from OMB for the paperwork collections included in this rulemaking. MARAD will publish a separate **Federal Register** notice notifying the public of OMB's approval and displaying the OMB control number.

List of Subjects in 46 CFR Part 315

Government contracts, National defense, Vessels.

■ For the reasons stated in the preamble, MARAD is revising 46 CFR part 315 to read as follows:

PART 315—AGENCY AGREEMENTS AND APPOINTMENT OF AGENTS

Sec.

- 315.1 Purpose.
- 315.3 Definitions.
- 315.5 Appointment of agents.
- 315.7 Transferred vessels and contracts.
- 315.9 Administration of agency agreements.
- 315.11 Duties of agents.

- 315.13 Vessel deactivation procedures.
- 315.15 Marine protection and indemnity insurance.

Authority: 46 U.S.C. 57100 *et seq.*, 49 U.S.C. 322(a), 49 U.S.C. 109, 40 U.S.C. 113(e)(15), 49 CFR 1.93, 49 CFR 1.81(a)(3) and (a)(10).

§ 315.1 Purpose.

This part summarizes the procedures governing the award and administration of agency agreements in the form of Service Agreements and Ship Manager Contracts entered into between the United States of America, acting by and through the Maritime Administration (MARAD), Department of Transportation. Persons awarded agency agreements will manage or otherwise conduct the business of one or more vessels owned, controlled or time-chartered by the United States, which vessel(s) may be assigned from time to time pursuant to the specific provisions of their general agency agreement as a service provider *pro hac vice*, or as a ship manager pursuant to the terms of a Ship Manager Contract.

§ 315.3 Definitions.

(a) *Agent* includes a General Agent, Berth Agent, or Ship Manager, designated as such under a Service Agreement or Ship Manager Contract to manage and conduct the business of vessels which the United States is owner, *pro hac vice*, or time charterer.

(b) *Citizen of the United States* means a person (including receivers, trustees and successors or assignees of such persons as provided in 46 U.S.C. 50502), including any person (stockholder, partner or other entity) who has a controlling interest in such person, any person whose stock or equity is being relied upon to establish the requisite U. S. citizen ownership, and any parent corporation, partnership or other entity of such person at all tiers of ownership, who, in both form and substance at each tier of ownership, satisfies the following requirements:

(1) An individual who is a Citizen of the United States, by birth, naturalization or as otherwise authorized by law;

(2) A corporation organized under the laws of the United States or of a State, the controlling interest of which is owned by and vested in citizens of the United States and whose chief executive officer, by whatever title, chairman of the board of directors and all officers authorized to act in the absence or disability of such persons are citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens;

(3) A partnership organized under the laws of the United States or of a State, if all general partners are citizens of the United States and a controlling interest in the partnership is owned by citizens of the United States;

(4) An association organized under the laws of the United States or of a State, whose chief executive officer, by whatever title, chairman of the board of directors (or equivalent committee or body) and all officers authorized to act in their absence or disability are citizens of the United States, no more than a minority of the number of its directors, or equivalent, necessary to constitute a quorum are noncitizens, and a controlling interest in which is vested in citizens of the United States; and

(5) A joint venture, if it is not determined by the Maritime Administrator to be in effect an association or partnership, which is organized under the laws of the United States or of a State, if each co-venturer is a citizen of the United States. If a joint venture is in effect an association, it will be treated as is an association under paragraph (a)(4) of this section, or, if it is in effect a partnership, will be treated as is a partnership under paragraph (a)(3) of this section.

(b) *General agency agreement* means the agreement developed to ensure the availability of qualified and eligible general agents.

(c) *NDRF* means National Defense Reserve Fleet site.

(d) *Ship manager contract* means the agreement developed to establish roles and responsibilities for managing vessels owned by MARAD.

(e) *United States* means the States of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

§ 315.5 Appointment of agents.

(a) *Eligibility.* The appointment as Agent is restricted to qualified applicants. Each applicant must establish eligibility according to MARAD procedures and meet the following criteria:

(1) Be a Citizen of the United States, as defined in section 315.3(b) of this part;

(2) Demonstrate the necessary ability, experience, and resources as an operator of vessels or ports, or shoreside husbander of vessels; and

(3) Continue to meet all such requirements throughout the term of the appointment.

(b) *Procedures.* Information about general agency agreements for

appointment as General Agent, Berth Agent, or Ship Manager Contracts may be obtained from, along with inquiries and other written communications submitted to, the Maritime Administration, Attn: Sealift Operations, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366-1943.

(c) *Approval.* After final approval of an Agent, the contracting office will transmit the applicable General Agency Agreement or Ship Manager Contract to the applicant for execution and return to MARAD.

§ 315.7 Transferred vessels and contracts.

The eligibility requirements of section 315.5(a) do not apply to a contractor managing vessels owned by the United States under a contract or contracts previously awarded by another federal agency if the contract, and the vessels managed under such contract, are subsequently transferred to MARAD, provided the period of performance of the transferred contract does not exceed the period of performance of the original contract, including options.

§ 315.9 Administration of agency agreements.

(a) *Amendments.* MARAD will make conforming amendments to all service agreements and ship manager contracts that are required due to changes in the *Federal Acquisition Regulation* or *Transportation Acquisition Regulation*.

(b) *Annual review of general agent representations and certifications.* General agents must certify annually that all representations and certifications incorporated in a general agency agreement are current, complete, and accurate, or provide new representations and certifications.

§ 315.11 Duties of agents.

The agent must perform all duties prescribed in the service agreement or ship manager contract, as such agreement is applicable, and must follow directions, orders, or regulations issued by MARAD.

§ 315.13 Vessel deactivation procedures.

When an agent is responsible as vessel operator to decommission and deliver a vessel to the NDRF, that agent must observe all the terms, procedures, and requirements prescribed by MARAD.

§ 315.15 Marine protection and indemnity insurance.

(a) *Insurer.* MARAD will be responsible for providing or obtaining P&I insurance for all vessels assigned to Agents under an agreement. At its

election, MARAD may be a self-insurer of any one or more vessels covered by an agreement or MARAD may obtain P&I insurance coverage under one or more policies written by underwriters of marine insurance. MARAD will determine the amount of coverage to be provided or obtained.

(b) *Insureds.* The United States of America, acting by and through MARAD, Department of Transportation, and its Agents (including Agents' employees as sub-agents). Sub-agents may be insureds only as expressly provided in the agreement. Independent contractors of the Agents are not insureds.

(c) *Reports of accidents and occurrences.* The Agent must report every accident or occurrence of a P&I nature promptly to both MARAD and the contracting officer named in the agreement. If MARAD has obtained P&I insurance through a marine insurance underwriter, the Agent also must concurrently file a report of such accident or occurrence with the underwriter. MARAD will disclose full details as the identity of such underwriter to the Agent.

(d) *Report of claims.* The Agent must submit a quarterly report of all claims of a P&I nature to MARAD. The report must contain all relevant information, e.g., the names of the vessels and of the claimant, the date of the injury or occurrence, the amount claimed, the basis for any payments already disbursed on behalf of the United States, estimated future costs, and an evaluation of the claim of the merits.

(e) *Settlement of claims.* After ascertaining from MARAD the availability of funds, the Agent is authorized to settle individual claims of a P&I insurance nature that do not exceed \$5,000.

(1) For a settlement more than \$5,000, the Agent must obtain MARAD's prior approval. If MARAD has placed the P&I insurance with an insurance underwriter, the Agent must obtain the prior approval of the underwriter to settle claims.

(2) The amount of individual claims that do not exceed the Agent's limit for settlement will be chargeable by the Agent to the vessel expense and must be accounted for in accordance with current MARAD accounting instructions.

(3) When settling any such claim, the Agent must advise the claimant that such settlement will be accounted for in accordance with current accounting instructions and must also advise the claimant that such settlement is not to be construed as an admission of liability

by or on behalf of the United States, the Agent, or any other person.

(4) The Agent must apply sound judgment and follow standard practices of vessel operators in the settlement or other disposition of such P&I insurance claims, and must settle such claims only when the settlement is adequately supported by all the facts and circumstances and is in the best interest of the United States.

(f) *Litigation.* (1) If a court suit of a P&I nature is filed which arises out of the activities of the Agent under its Agreement, wherein the Agent is named as the party defendant or one of the parties' defendant irrespective of whether the risk is covered by P&I insurance, the Agent must immediately forward copies of the pleading and all other related legal documents, by first class mail, to the Chief Counsel, Maritime Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, and to the Attorney General, Attn: Civil Division, Torts Branch, Department of Justice, Washington, DC 20530. No agent or authorized subagent will incur any legal expenses in connection with any claim of a P&I nature, unless approved in advance by MARAD and by the underwriter, where applicable. However, the Agent may incur legal expenses if the mission of the vessel will be frustrated or impeded and/or time will not permit such prior approval.

(2) In the event of any attachment or seizure of a vessel, whether or not the risk is of a P&I nature, the Agent must immediately notify MARAD.

(Authority: 49 U.S.C. 109, 49 CFR 1.81)

By order of the Maritime Administration.
T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2025-12101 Filed 6-27-25; 4:15 pm]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Parts 317, 324, 325, 326, 328, 329, 330, 332, 335, 336, 337, 338, and 339

[Docket Number MARAD-2025-0092]

RIN 2133-AC04

Rescinding Regulations Providing Terms for Agency Agreements

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: MARAD is deleting 46 CFR parts 317, 324, 325, 326, 328, 329, 330, 332, 335, 336, 337, 338, and 339, which pertain to terms under agreements with agents. While MARAD is retaining its 46 CFR part 315 regulation addressing agency agreements and the appointment of agents, other regulations that simply provide static procedures to serve as terms of agreement are obsolete and are being rescinded because they are covered by clauses contained in the Federal Acquisition Regulation (FAR). In the more than 30 years since MARAD last updated its regulations, the development of its service agreements has benefited from the uniformity and transparency provided by FAR clauses, and MARAD has increased reliance on them.

DATES: This final rule is effective on July 1, 2025.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Mitch Hudson, Office of the Chief Counsel, Division of Legislation and Regulation, (202) 366-9373 or via email at Mitch.Hudson@dot.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question. You will receive a reply during normal business hours. You may send mail to Department of Transportation, Maritime Administration, Office of the Chief Counsel, Division of Legislation and Regulations, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

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Background

Improvement of regulations is a continuous focus for DOT and MARAD. For that reason, DOT/MARAD regularly and deliberately review their rules in accordance with DOT Order 2100.6B, Policies and Procedures for

Rulemakings, Executive Order (E.O.) 12866, Regulatory Planning and Review (Oct. 4, 1993), and section 610 of the Regulatory Flexibility Act. That process is summarized in Appendix D of DOT's semi-annual regulatory agenda. In addition, E.O. 14192, Unleashing Prosperity Through Deregulation (Feb. 6, 2025), and E.O. 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative (Feb. 19, 2025) directed agencies to further scrutinize their regulations to reduce unnecessary costs, clear barriers to emerging technology, and alleviate unnecessary regulatory burdens.

Discussion

As explained above, the high degree of specificity and procedural detail contained in 46 CFR parts 317, 324, 325, 326, 328, 329, 330, 332, 335, 336, 337, 338, and 339 are better addressed through the terms of MARAD service agreements that are negotiated on a case-by-case basis, and the application of modern federal acquisition policies and procedures that are covered in the FAR. Removing such procedures from the regulations ensures that administrative methods are kept current with modern commercial business practices and more easily aligned with the contracted services. Accordingly, for the reasons provided, MARAD regulations at 46 CFR parts 317, 324, 325, 326, 328, 329, 330, 332, 335, 336, 337, 338, and 339 are now being rescinded.

Rulemaking Analysis and Notices

Administrative Procedure Act

MARAD is issuing this rule without prior notice and the opportunity for public comment and the 30-day delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA). Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an "agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

The intent of this action is to remove unnecessary and obsolete MARAD procedures which have been superseded by FAR policies and procedures. For these reasons, MARAD has determined that there is good cause to waive prior notice and comment because rescinding obsolete and unhelpful agency

agreement regulations would not benefit from public input.

Executive Orders 12866 and DOT Rulemaking Procedures

This rule is not a significant regulatory action under Executive Order (E.O.) 12866 and DOT Order 2100.6B and, therefore it was not reviewed by the Office of Management and Budget. It is also not considered a major rule for purposes of Congressional review under Public Law 104-121. This rule is limited to removing obsolete regulations and will result in de minimis cost savings.

Executive Order 14192 (Deregulation)

E.O. 14192 requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination." Implementation guidance for E.O. 14192, issued by the Office of Management and Budget (OMB) (Memorandum M-25-20, March 26, 2025), defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero." This rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

Executive Order 13132 (Federalism)

MARAD analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism") and has determined that it has no substantial effect on the States, on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Nothing in this document preempts any State law or regulation. Therefore, MARAD did not consult with State and local officials on this rulemaking and did not prepare a federalism summary impact statement.

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

MARAD does not believe that this rulemaking will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires MARAD to assess whether this rulemaking would have a significant

economic impact on a substantial number of small entities and to minimize any adverse impact. The regulations have been rendered obsolete and are therefore not used. Accordingly, the rescission of the regulations will impose no impact. MARAD certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Privacy Impact Assessment

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Pub. L. 108–447, div. H, 118 Stat. 2809 at 3268) requires the Department of Transportation and certain other federal agencies to conduct a privacy impact assessment of each proposed rule that will affect the privacy of individuals.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 requires agencies to evaluate whether an agency action would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$206 million or more (as adjusted for inflation) in any 1 year, and if so, to take steps to minimize these unfunded mandates. This rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$206 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule. Therefore, the analytical requirements of UMRA do not apply.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a federal agency unless the collection displays a valid OMB control number. This rulemaking includes no new collection of information.

List of Subjects

46 CFR Part 317

National defense, Surety bonds, Vessels.

46 CFR Part 324

National defense, Reporting and recordkeeping requirements, Uniform System of Accounts, Vessels.

46 CFR Part 325

National defense, Reporting and recordkeeping requirements, Uniform System of Accounts, Vessels, Wages.

46 CFR Part 326

Claims, Insurance, National defense, Vessels.

46 CFR Part 328

National defense, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 329

National defense, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 330

National defense, Vessels.

46 CFR Part 332

National defense, Seamen.

46 CFR Part 335

National defense, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 336

Government contracts, National defense, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 337

Customs duties and inspection, National defense, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 338

Government contracts, National defense, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 339

Government contracts, National defense, Vessels.

PARTS 317, 324, 325, 326, 328, 329, 330, 332, 335, 336, 337, 338, AND 339— [REMOVED AND RESERVED]

■ For the reasons set forth in the preamble, under the authority of 49 U.S.C. 109, 49 CFR 1.81 MARAD amends 46 CFR chapter II, subchapter I—A by removing and reserving parts 317, 324, 325, 326, 328, 329, 330, 332, 335, 336, 337, 338, and 339.

By order of the Maritime Administration.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.
[FR Doc. 2025–12086 Filed 6–27–25; 4:15 pm]
BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Parts 340, 345, 346, and 347

[Docket Number MARAD–2025–0088]

RIN 2133–AB88

Rescinding Regulations Regarding Priority and Allocation Rules and Port Utilization

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT)

ACTION: Final rule.

SUMMARY: MARAD is rescinding four obsolete parts in its regulations pertaining to procedures for assigning priority use of commercial shipping services and port facilities, vessel allocation services, and port utilization under Title I of the Defense Production Act (DFA) of 1950. On October 1, 2012, the Department of Transportation (DOT), Office of the Secretary (OST) established the Department's Transportation Priorities and Allocation System (TPAS) in 49 Code of Federal Regulations (CFR) part 33, which replaces the subject regulations in 46 CFR parts 340 and 345–347 regarding priority use and allocation of shipping services, restrictions on port utilization transfer or changes, the standard form of service agreements for ports, and the standard form of marine terminal contracts. Rescinding these regulations will improve clarity with respect to the implementation and administration of TPAS and recognize the centralization of TPAS within DOT its administration by OST.

DATES: This final rule is effective on July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Mitch Hudson, Office of the Chief Counsel, Division of Legislation and Regulation, (202) 366–9373 or via email at Mitch.Hudson@dot.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question. You will receive a reply during normal business hours. You may send mail to Department of

Transportation, Maritime Administration, Office of the Chief Counsel, Division of Legislation and Regulations, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register’s home page at: www.federalregister.gov.

Background

Improvement of regulations is a continuous focus for DOT and MARAD. For that reason, DOT/MARAD regularly and deliberately review their rules in accordance with DOT Order 2100.6B, Policies and Procedures for Rulemakings, Executive Order (E.O.) 12866, Regulatory Planning and Review (Oct. 4, 1993), and section 610 of the Regulatory Flexibility Act. That process is summarized in Appendix D of DOT’s semi-annual regulatory agenda. In addition, E.O. 14192, Unleashing Prosperity Through Deregulation (Feb. 6, 2025), and E.O. 14219, Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative (Feb. 19, 2025) directed agencies to further scrutinize their regulations to reduce unnecessary costs, clear barriers to emerging technology, and alleviate unnecessary regulatory burdens. Accordingly, MARAD has identified its priority and allocation rules, its port utilization regulations, the standard form of service agreements for ports, and the standard form of marine terminal contracts, for deletion.

Discussion

The Defense Production Act of 1950 (Defense Production Act) (50 U.S.C. App. 2061 *et seq.*) was enacted during the Korean War to ensure the

availability of resources to meet national security needs. The Defense Production Act expedites and expands the supply of critical resources from the U.S. industrial base to support the national defense. While Defense Production Act provisions initially focused on Department of Defense (DoD) acquisition needs, several significant changes to the Defense Production Act’s definition of national defense have been added over time to expand the definition from military, energy, and space activities, to include emergency preparedness activities conducted pursuant to title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) and the protection and restoration of critical infrastructure.

Section 101(a) of title I of the Defense Production Act (50 U.S.C. App. 2071) authorizes the President to require performance under contracts or orders necessary for the national defense to take priority over performance under other contracts and orders, and to make allocations as necessary to promote the national defense. E.O. 13603, National Defense Resources Preparedness (Mar. 16, 2012), delegates the President’s authority under section 101 of the Defense Production Act to the heads of several departments and agencies. The President has delegated this authority to the Secretary of Transportation (Secretary) with respect to all forms of civil transportation.¹

The Defense Production Act Reauthorization of 2009 (50 U.S.C. Chapter 55, Pub. L. 111–67, September 30, 2009) required each federal agency with delegated authority under section 101 of the Defense Production Act to issue rules establishing standards and procedures by which the priorities and allocations authority is used to promote the national defense, under both emergency and non-emergency

conditions. Further, Congress directed that, to the extent practicable, the federal agencies should work together to develop a consistent and unified federal priorities and allocations system.

To meet this mandate, DOT worked in conjunction with the Department of Agriculture, the Department of Commerce, DoD, the Department of Energy, the Department of Health and Human Services, and the Department of Homeland Security to develop common provisions that can be used by each Department in its own regulation. The six regulations to be promulgated by each Department with delegated Defense Production Act title I authority comprise the Federal Priority and Allocation System (FPAS) rules.

On October 1, 2012, DOT published a final rule clarifying the priority and allocation authorities exercised by the Secretary and establishing the administrative procedures by which the Secretary exercises this authority. The rule complied with the requirement in the Defense Production Act Reauthorization of 2009 (50 U.S.C. Chapter 55, Pub. L. 111–67) to issue final rules establishing standards and procedures by which the priority and allocation authority is used to promote the national defense, under both emergency and nonemergency conditions, and as part of a multi-agency effort forming the FPAS. As a result of DOT adding Part 33 to Title 49 of the CFR, titled Transportation Priorities and Allocation System (TPAS), all DOT Operating Modes rely on TPAS in place of their individual regulations pertaining to priorities and allocation. Accordingly, MARAD regulations at 46 CFR parts 340, 345, 346, and 347, superseded by Part 33, are obsolete and are now being deleted. The corresponding TPAS regulations for each of those parts is provided in Table 1.

TABLE 1—OBSOLETE TITLE 46 REGULATIONS AND TPAS COROLLARIES

Part 340 <i>Priority Use and Allocation of Shipping Services, Containers and Chassis, and Port Facilities and Services for National Security and National Defense Related Operations.</i>	Superseded by DOT TPAS implementing regulations at 49 CFR Part 33 and accompanying change in related delegations of authority.
Part 345 <i>Restrictions Upon the Transfer or Change in Use or in terms Governing Utilization of Port Facilities.</i>	Superseded by DOT TPAS implementing regulations at 49 CFR Part 33 and accompanying change in related delegations of authority.
Part 346 <i>Federal Port Controllers</i>	Superseded by DOT TPAS implementing regulations at 49 CFR Part 33 and accompanying change in related delegations of authority.
Part 347 <i>Operating Contract</i>	Superseded by DOT TPAS implementing regulations at 49 CFR Part 33 and accompanying change in related delegations of authority.

¹ Section 201 of E.O. 13603.

Rulemaking Analysis and Notices

Administrative Procedure Act

MARAD is issuing this rule without prior notice and the opportunity for public comment and the 30-day delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA). Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an “agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”

The DPA Reauthorization Act of 2009 (Pub. L. 111–67) required DOT to establish standards and procedures by which priorities and allocations authority is used to promote the national defense under both emergency and nonemergency conditions. DOT implemented the requirements through a multi-agency effort forming TPAS and returning all prior Operating Administration delegations of authority back to the Office of the Secretary. The intent of this action is to remove unnecessary and obsolete MARAD regulations which were superseded when pursuant to DOT DPA authority, DOT promulgated the TPAS regulations thereby subsuming any MARAD responsibility to regulate in this area. DOT’s administration of priority and allocation authorities is governed by the TPAS regulations promulgated after consideration of public comment on October 1, 2012.² DOT has determined that it is therefore unnecessary to seek prior notice and comment because MARAD does not have authority to maintain TPAS regulations and is merely removing obsolete regulations from the Code of Federal Regulations.

Executive Orders 12866 and DOT Rulemaking Procedures

This rule is not a significant regulatory action under E.O. 12866 and DOT Order 2100.6B and, therefore, it was not reviewed by the Office of Management and Budget.

Executive Order 14192 (Deregulation)

E.O. 14192 requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.” Implementation guidance for E.O. 14192, issued by the Office of Management and Budget (OMB) (Memorandum M–25–20, March 26,

2025), defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

Executive Order 13132 (Federalism)

MARAD analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”) and has determined that it has no substantial effect on the States, on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Nothing in this document preempts any State law or regulation. Therefore, MARAD did not consult with State and local officials on this rulemaking and did not prepare a Federalism summary impact statement.

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This rulemaking will not significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires MARAD to assess whether this rulemaking would have a significant economic impact on a substantial number of small entities and, if so, to minimize any adverse impact. The regulations have been rendered obsolete and are therefore not used. Accordingly, the release of the regulations will impose no impact. MARAD certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Privacy Impact Assessment

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (5 U.S.C. 552a, Pub. L. 108–447, div. H, 118 Stat. 2809 at 3268) requires the Department of Transportation and certain other federal agencies to conduct a privacy impact assessment of each proposed rule that will affect the privacy of individuals.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 requires agencies to evaluate

whether an agency action would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$206 million or more (as adjusted for inflation) in any 1 year, and if so, to take steps to minimize these unfunded mandates. This rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$206 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a federal agency unless the collection displays a valid OMB control number. This rulemaking includes no new collection of information.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. DOT will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. This rule does not constitute a major rule as defined in 5 U.S.C. 804(2).

List of Subjects

46 CFR Part 340

Harbors, Maritime carriers, National defense, Packaging and containers.

46 CFR Part 345

Harbors, National defense.

46 CFR Part 346

Government contracts, Harbors, Intergovernmental relations, National defense.

² See 77 FR 59793 (Oct. 1, 2012).

46 CFR Part 347

Governmental contracts, Harbors, National defense.

**PARTS 340, 345, 346, AND 347—
[REMOVED AND RESERVED]**

■ For the reasons set forth in the preamble, under the authority of 49 U.S.C. 109, 49 CFR 1.81, MARAD amends 46 CFR chapter II, subchapter I—A by removing and reserving part 340 and amends subchapter I—B by removing and reserving parts 345, 346, and 347.

By order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025–12092 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–81–P

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 1

[WC Docket Nos. 19–195 and 11–10; FCC 25–34; FR ID 301047]

**Establishing the Digital Opportunity
Data Collection; Modernizing the FCC
Form 477 Data Program**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) eliminates the professional engineer certification requirement for the biannual Broadband Data Collection filings and instead allows the biannual filings to be certified by a qualified engineer that has relevant minimum experience and education.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Jamile Kadre, Broadband Data Task Force, by email at jamile.kadre@fcc.gov or by phone at (202) 418–2245.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s *Report and Order*, in WC Docket Nos. 19–195 and 11–10, FCC 25–34, adopted on June 26, 2025, and released on June 26, 2025. The full text of this document is available online at <https://www.fcc.gov/document/fcc-takes-steps-streamline-broadband-data-collection>.

To request this document in accessible formats for people with disabilities (e.g., Braille, large print, electronic files, audio format) or to request reasonable accommodations (e.g., accessible format documents, sign

language interpreters, CART), send an email to fcc504@fcc.gov or call the FCC’s Consumer and Governmental Affairs Bureau at (202) 418–0530.

**Final Paperwork Reduction Act of 1995
Analysis**

The rulemaking required under the Broadband DATA Act is exempt from review by Office of Management and Budget (OMB) and from the requirements of the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. As a result, the *Report and Order* will not be submitted to OMB for review under section 3507(d) of the PRA.

Congressional Review Act

The Commission will send a copy of the *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Synopsis

In this Order, the Commission takes steps to alleviate unnecessary regulatory burdens on broadband internet access service providers while ensuring that the Commission continues to receive accurate, granular data on broadband internet access service availability and quality of service as part of the Broadband Data Collection (BDC). Accurate BDC data enables the Commission, other federal agencies, state, local, and Tribal governments, and other interested stakeholders to carefully target resources to the locations where broadband services are needed most.

The Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act) requires fixed broadband service providers to report broadband availability on a location-by-location basis and mobile wireless broadband service providers to report their coverage areas using standardized propagation modeling parameters. Consistent with the Broadband DATA Act’s requirement that submissions include a certification from a corporate officer of the provider that the data are true and correct, the Commission requires providers to have a corporate officer and either a corporate engineering officer or certified professional engineer (PE) certify their filings.

Today, the Commission takes an important step to alleviate the regulatory burden that a professional engineer certify a provider’s BDC biannual filings. Specifically, in response to concerns about the unavailability of professional engineers and the unnecessary costs and other

burdens the requirement places on filers, this Fifth Report and Order eliminates the professional engineer certification requirement and replaces it with a requirement that biannual filings be certified by a qualified engineer (as defined herein).

The Broadband DATA Act requires internet service providers to “include in each [BDC] submission a certification from a corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer’s actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct.” In addition to the corporate officer certification, and in an effort to adopt appropriate measures to ensure that providers engage in sufficient analysis of their data and submit accurate information to the BDC, the Commission also adopted a requirement that providers submit certifications to the accuracy of their biannual submissions by a certified professional engineer or a corporate engineering officer. For purposes of this requirement, a “certified professional engineer” is an engineer possessing a professional license by virtue of completing or passing multiple educational and testing requirements so as to earn a license from a state licensure board.

For every BDC biannual filing period to date, WCB, OEA, and WTB have waived the professional engineering certification requirement. In May 2022, before the first BDC filing window opened, the Competitive Carriers Association (CCA) filed a Petition for Declaratory Ruling or Limited Waiver, requesting that the Commission clarify that a BDC filing may be certified by either a professional engineer or an otherwise-qualified engineer who does not hold a professional license. In its Petition, CCA noted that “[t]he [Radio Frequency (RF)] engineering community is characterized by a scarcity of licensed [professional engineers (PEs)]” because “[s]tate professional licensing boards issue PE licenses based on the fulfillment of state-specific education, examination, and experience requirements [and] states have generally not required PE licensure for RF engineers.” CCA continued that “[t]he experience and expertise developed by RF engineers through their work provides comprehensive skills relevant to broadband deployment [and] . . . provides skills comparable to, and perhaps more relevant than, general licensure through the PE . . . exam process.”

Subsequently, WCB, OEA, and WTB issued a Declaratory Ruling and Limited Waiver granting CCA's request for the first three filing cycles of the BDC. In the Declaratory Ruling, the Bureaus and Office clarified that when a fixed or mobile provider submits a certification from a corporate engineering officer, such corporate engineering officer does not need to be a certified professional engineer. In the Limited Waiver, the Bureaus and Office waived the requirement that a fixed or mobile provider submit a certification from a "certified professional engineer," allowing instead the submission of a certification completed by an otherwise-qualified engineer. WCB, OEA, and WTB found that "the lack of certified professional engineers specializing in RF engineering and broadband network design constitutes 'special circumstances' that warrant a deviation from the general rule that certified professional engineers must certify the accuracy of providers' biannual BDC broadband data submissions." The Limited Waiver specified that an otherwise-qualified engineer must meet certain minimum qualifications in lieu of state professional engineering licensure in order to certify a BDC filing:

- A bachelor's or postgraduate degree in electrical engineering, electronic technology, or another similar technical discipline, and at least seven years of relevant experience in broadband network design and/or performance; or
- Specialized training relevant to broadband network engineering and design, deployment, and/or performance, and at least ten years of relevant experience in broadband network engineering, design, and/or performance.

In August 2023, CCA and USTelecom-The Broadband Association sought an extension of the Limited Waiver, arguing that circumstances had not changed for the industry in the year since the 2022 BDC PE Order was issued. In November 2023, WCB, OEA, and WTB granted the request and extended the Limited Waiver for another three filing cycles (*i.e.*, data as of December 31, 2023, June 30, 2024, and December 31, 2024), subject to certain conditions. The conditions outlined in the extension are that "any provider availing itself of this waiver must: (1) have its BDC submissions certified by an engineering professional with the qualifications specified in the [2022 BDC PE Order]; (2) preserve, for the applicable 'as-of' filing date(s), certain categories of underlying network information for each submission filed under the waiver; and (3) upon request,

expeditiously provide this network information to the Commission."

In July 2024, the Commission sought comment on whether it should eliminate the professional engineering certification requirement and proposed that all providers be required to retain their infrastructure data in support of their biannual submissions upon request as part of the Commission's efforts to validate availability data. The Commission proposed to permanently eliminate the requirement under § 1.7004(d) that an engineering certification, to the extent not submitted by a corporate engineering officer, must be submitted by a certified professional engineer. Under its proposal, the Commission would amend the rule to state that all providers must submit a certification to the accuracy of their submissions by a "qualified engineer," consistent with the engineering qualifications that WCB, OEA, and WTB adopted in the 2022 BDC PE Order and the PE Waiver Extension Order. Additionally, the Commission proposed to further modify the rule to clarify that a certifying engineer does not necessarily need to be a full-time employee of the broadband service provider but instead could be an independent contractor or third-party consultant. The Commission noted that, in light of the other mechanisms available to the Commission, such as system validations and the existing corporate officer certification, a certification by a certified professional engineer was not necessary to ensure the submission of high-quality data as part of the BDC.

The Commission adopts the proposal to amend § 1.7004(d) to eliminate the requirement that an engineering certification, to the extent not submitted by a corporate engineering officer, must be submitted by a certified professional engineer and instead require certification by a "qualified engineer" as outlined in the waiver orders issued by the Bureaus and Office. Specifically, the Commission will allow an engineer to certify BDC biannual data filings if the engineer is: (i) a corporate officer possessing a Bachelor of Science (B.S.) degree in engineering and who has direct knowledge of and responsibility for the carrier's network design and construction; (ii) an engineer possessing a bachelor's or post-graduate degree in electrical engineering, electronic engineering, or another similar technical discipline, and at least seven years of relevant experience in broadband network design and/or performance; or (iii) an employee or agent with specialized training relevant to broadband network engineering and

design, deployment, and/or performance, and at least 10 years of relevant experience in broadband network engineering, design, and/or performance. The Commission continues to believe that it is necessary to retain an engineering certification requirement because the Broadband DATA Act requires the Commission to collect accurate broadband data. As the Commission previously noted, providers should be engaging in the analysis required to confirm that their data are accurate, so certifying that this analysis has been conducted should not unduly burden providers.

The Commission finds that the qualified engineer standard outlined above, in combination with the Commission's verification and audit authority and challenges from the public, provides the Commission with the necessary tools to ensure that BDC data are accurate and timely. The standard the Commission adopts ensures that a capable and qualified engineer will review and certify the accuracy of a provider's submission and that filers have engaged in the analysis necessary to meet Congress's objective of developing more accurate data, consistent with the Commission's reasons for adopting the engineering certification in the Third Report and Order. To that end, the Commission agrees with the Bureaus and Office's rationale for adopting the specific qualifications in the 2022 BDC PE Order, and find that the degree requirements for corporate engineering officers and certifying engineers described in (i) and (ii) above, along with the years of experience required for the certifying engineers described in (ii) and (iii) above and the requirement that the certifying engineer "has direct knowledge of, or responsibility for, the generation of the provider's Broadband Data Collection filing" creates a rigorous certification standard that achieves the same goals as the professional engineering certification requirement. The Commission agrees with commenters that this standard has been tested under the prior two waiver orders, and note the record in this proceeding and the two waivers supports our view that otherwise qualified engineers are highly expert and that their review and certification of BDC filings has been no less stringent than under the professional engineering certification requirement because otherwise-qualified engineers are required to have a high level of technical expertise, practical experience, and intimate knowledge of providers' networks. The amended

standard provides relief for some providers from the burden of having a professional engineer certify filings, without sacrificing high-quality expert review and certification of BDC filings or the accuracy of submitted data.

As discussed in the 2022 BDC PE Order, the minimum qualifications the Commission adopts create a more efficient process while ensuring that qualified engineers review BDC submissions, which will help providers to submit their filings on a timely basis because they will not need to identify and retain a certified professional engineer to analyze their biannual filings. In 2022 BDC PE Waiver Order, the Bureaus and Office examined the reported burdens associated with the professional engineering certification requirement and found that special circumstances existed to warrant a limited waiver of § 1.7004(d) based on the insufficient number of available certified professional engineers with relevant expertise, and again in the PE Waiver Extension Order found that “[t]he . . . lack of PEs to certify BDC filings threatens to undermine the goal of collecting and developing accurate broadband availability data.” Industry commenters in this proceeding overwhelmingly note that there continues to be a shortage of certified professional engineers with expertise in RF engineering and broadband network design, and NRECA and WISPA particularly emphasize the significant challenges that small ISPs face in meeting any certified professional engineering requirement. The Commission finds the reported burdens associated with the professional engineering certification requirement—namely the reported ongoing shortage of professional engineers with relevant experience in the fields of RF engineering and broadband network design—to be compelling. The standard the Commission adopts both promotes efficiency and furthers the goals of the BDC by offering providers who may experience difficulty finding a professional engineer to certify their filings the flexibility to certify using a different, yet still highly trained and experienced, engineer.

While some commenters support retaining the professional engineering certification requirement, the Commission does not find these arguments persuasive. ACE—Association of Communication Engineers (ACE) claims that there is not, in fact, a shortage of professional engineers. However, neither ACE nor any other commenter provides evidence that there are sufficient professional engineers who also have the relevant

experience in the fields of RF engineering and broadband network design available to review and certify the over 2,500 BDC filings that are submitted every six months from thousands of distinct providers. As discussed, the waiver standard the Commission adopts today ensures that a highly trained and experienced engineer will continue to certify providers’ BDC filings. Given this fact, and in light of the conflicting evidence in the record suggesting that there continues to be a professional engineer shortage, the Commission finds that the need to increase efficiency and reduce unnecessary burdens in the BDC processes outweighs the need for an engineer to hold a professional license in order to certify BDC filings. Some commenters are also concerned that without the professional engineering certification requirement, there will not be sufficient accountability for providers filing data, or that the data would be less accurate because it would lack review by a professional engineer. The Commission is not persuaded by these arguments because the Commission has always, and will continue to, require certification by a corporate officer (as mandated by the Broadband DATA Act) as well as a qualified engineer. The qualifications outlined above for the engineering certification require expertise and experience with broadband network design and information that is relevant to the BDC, and the certification requirements, when taken together, go above and beyond to ensure both accountability and accuracy for BDC submissions.

Some commenters suggest that if a professional engineering certification is unduly burdensome for an individual provider, it should file a waiver request as a remedy, rather than modifying the rule for all providers. However, reviewing and granting individual waiver requests for potentially hundreds of providers for each BDC biannual filing period would be administratively burdensome both for the Commission and the industry. Furthermore, relying on individual waivers would cause regulatory uncertainty and inconsistencies amongst data filed by different providers that could cause confusion to users of the National Broadband Map. The Commission finds that clarity and consistency amongst provider-reported data is an important consideration that warrants implementing clear and consistent certification requirements to the extent possible. Therefore, the Commission

permanently eliminates the professional engineering certification requirement.

Consistent with the Commission’s proposal in the Fourth Further Notice, the Commission further modifies the rule to clarify that a certifying engineer does not necessarily need to be a full-time employee of the broadband service provider, but instead could be an independent contractor or third-party consultant. ACE—Association of Communications Engineers comments that if the Commission does not require a PE to certify BDC filings, then “the one certifying the [National Broadband Map] must be an employee/officer of the company” because it would provide a legal tie to the service provider. The Commission notes that each BDC filing must still include “a certification signed by a corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer’s actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct.” The Commission also maintains the requirement that the certifying engineer “has direct knowledge of, or responsibility for, the generation of the provider’s Broadband Data Collection filing.” The Commission finds that both of these requirements ensure a legal nexus between the service provider and those certifying the filings. By clarifying that broadband service providers may utilize the resources of consulting engineers, the Commission ensures that smaller providers who may not have in-house engineering expertise are able to comply with the engineering certification requirements of the BDC.

In their comments on the Fourth Further Notice, T-Mobile and CTIA argue that elimination of the professional engineering certification requirement should not be used as a justification for a new data-retention requirement. The Commission agrees. However, the Commission reminds providers that it will continue to use the other tools at its disposal to ensure the accuracy of BDC data. This includes its ongoing efforts to verify and audit BDC data, which may involve requesting from providers, where warranted, supporting infrastructure and/or on-the-ground test data from a filer as part of those efforts.

The Commission finds that its amendment to § 1.7004(d) relieves a restriction (*i.e.*, it eliminates the professional engineer certification requirement), and therefore the amended rule will be effective upon publication of this Order in the **Federal Register**, rather than being made effective 30 days after publication. As

an independent basis for this effective date, the Commission finds there is “good cause” to make the rules adopted in this Order effective upon publication in the **Federal Register** in order to provide the maximum amount of notice of this rule change to providers preparing to submit BDC data during the upcoming filing window. Providing a 30-day period after **Federal Register** publication before this Order becomes effective as normally required by 5 U.S.C. 553(d) would not allow sufficient time for providers to be made aware of the rule change before the opening of the next BDC filing window for data as of June 30, 2025, which typically opens on July 1, or the next business day thereafter. Providing earlier notice of the elimination of the professional engineer certification requirement would mitigate the risk of providers taking on the unnecessary costs and other burdens this rule change will relieve as they prepare for the next BDC filing window.

Final Regulatory Flexibility Act

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program, Fourth Report and Order and Fourth Further Notice of Proposed Rulemaking released in July 2024. The Commission sought written public comment on the proposals in the Fourth Notice, including comment on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Rules

In the Fifth Report and Order, the Commission targeted changes to further its objective of significantly reducing unnecessary regulatory burdens on broadband internet access service providers, thereby providing relief to small entities that typically lack both the capital and human resources needed to comply without great difficulty. The rules adopted in this proceeding provide changes designed to improve the processes for filers and further ensure that the Commission continues to receive high-quality data through our data collection efforts. In addition, the Commission is implementing changes focused on addressing its long-standing objective of working towards closing the digital divide by improving the processes for filers, some of whom consist of small entities. To achieve

these objectives, the Fifth Report and Order removes the requirement that a provider of broadband internet access service submit that their biannual Broadband Data Collection (BDC) data has been certified by a certified professional engineer (PE), replacing it with a requirement that the data be certified by a qualified engineer. This change therefore eases compliance burdens.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

No comments were filed addressing the impact of the proposed rules on small entities. However, commenters have previously expressed there remains an insufficient supply of certified PEs, and that few companies can afford to employ a PE. As a result, the Commission expects the Fifth Report and Order's adoption of the qualified engineer standard will have a positive impact on small entities, as their compliance with that standard will be easier and, given their limited resources, more cost-effective.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term “small entity” as having the same meaning as under the Small Business Act. In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.” A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time,

may affect small entities that are not easily categorized at present. The Commission therefore describes, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.

Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.” The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.” U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts) with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, the Commission estimates that at least 48,724 entities fall into the category of “small governmental jurisdictions.”

Broadband Internet Access Service Providers

The broadband internet access service provider industry has changed since the definition was introduced in 2007. The data cited below may therefore include entities that no longer provide broadband internet access service and may exclude entities that now provide such service. To ensure that this FRFA

describes the universe of small entities that our action might affect, the Commission discusses in turn several different types of entities that might be providing broadband internet access service. The Commission notes that, although the Commission has no specific information on the number of small entities that provide broadband internet access service over unlicensed spectrum, the Commission included these entities in our Initial Regulatory Flexibility Analysis.

Wired Broadband Internet Access Service Providers (Wired ISPs). Providers of wired broadband internet access service include various types of providers except dial-up internet access providers. Wireline service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission's rules. Wired broadband internet services fall in the Wired Telecommunications Carriers industry. The SBA small business size standard for this industry classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees.

Additionally, according to Commission data on internet access services as of June 30, 2019, nationwide there were approximately 2,747 providers of connections over 200 kbps in at least one direction using various wireline technologies. The Commission does not collect data on the number of employees for providers of these services; therefore, at this time the Commission is not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, in light of the general data on fixed technology service providers in the Commission's 2022 Communications Marketplace Report, the Commission believes that the majority of wireline internet access service providers can be considered small entities.

Internet Service Providers (Non-Broadband). internet access service providers using client-supplied telecommunications connections (e.g., dial-up ISPs) as well as VoIP service providers using client-supplied telecommunications connections fall in the industry classification of All Other Telecommunications. The SBA small business size standard for this industry

classifies firms with annual receipts of \$40 million or less as small. For this industry, U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Consequently, under the SBA size standard a majority of firms in this industry can be considered small.

Wireline Providers

Local Exchange Carriers (LECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were fixed local exchange service providers. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Incumbent Local Exchange Carriers (Incumbent LECs). Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service

providers. Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

Competitive Local Exchange Carriers (CLECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 3,378 providers that reported they were competitive local service providers. Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Interexchange Carriers (IXCs). Neither the Commission nor the SBA has developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

Operator Service Providers (OSPs). Neither the Commission nor the SBA has developed a small business size standard specifically for operator service providers. The closest applicable industry with a SBA small business size standard is Wired Telecommunications Carriers. The SBA small business size standard classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 20 providers that reported they were engaged in the provision of operator services. Of these providers, the Commission estimates that all 20 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, all of these providers can be considered small entities.

Other Toll Carriers. Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 90 providers that reported they were engaged in the provision of other toll services. Of these providers, the Commission estimates that 87 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Wireless Providers—Fixed and Mobile

The broadband internet access service provider category covered by these new rules may cover multiple wireless firms and categories of regulated wireless services. Thus, to the extent the wireless services listed below are used by

wireless firms for broadband internet access service, the actions may have an impact on those small businesses as set forth above and further below. In addition, for those services subject to auctions, the Commission notes that, as a general matter, the number of winning bidders that claim to qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Also, the Commission does not generally track subsequent business size unless, in the context of assignments and transfers or reportable eligibility events, unjust enrichment issues are implicated.

Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Wireless Communications Services. Wireless Communications Services (WCS) can be used for a variety of fixed, mobile, radiolocation, and digital audio

broadcasting satellite services. Wireless spectrum is made available and licensed for the provision of wireless communications services in several frequency bands subject to Part 27 of the Commission's rules. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

The Commission's small business size standards with respect to WCS involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in WCS. When bidding credits are adopted for the auction of licenses in WCS frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in the designated entities section in Part 27 of the Commission's rules for the specific WCS frequency bands.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

1670–1675 MHz Services. These wireless communications services can be used for fixed and mobile uses, except aeronautical mobile. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA size standard for this industry classifies a business as small if it has 1,500 or

fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of November 2021, there were three active licenses in this service. The Commission's small business size standards with respect to 1670–1675 MHz Services involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For licenses in the 1670–1675 MHz service band, a “small business” is defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a “very small business” is defined as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. The 1670–1675 MHz service band auction's winning bidder did not claim small business status.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Wireless Telephony. Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable industry with an SBA small business size standard is Wireless Telecommunications Carriers (except Satellite). The size standard for this industry under SBA rules is that a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on

Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 331 providers that reported they were engaged in the provision of cellular, personal communications services, and specialized mobile radio services. Of these providers, the Commission estimates that 255 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Broadband Personal Communications Service. The broadband personal communications services (PCS) spectrum encompasses services in the 1850–1910 and 1930–1990 MHz bands. The closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

Based on Commission data as of November 2021, there were approximately 5,060 active licenses in the Broadband PCS service. The Commission's small business size standards with respect to Broadband PCS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. In auctions for these licenses, the Commission defined “small business” as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a “very small business” as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. Winning bidders claiming small business credits won Broadband PCS licenses in C, D, E, and F Blocks.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated.

Additionally, since the Commission does not collect data on the number of employees for licensees providing these, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Specialized Mobile Radio Licenses. Special Mobile Radio (SMR) licenses allow licensees to provide land mobile communications services (other than radiolocation services) in the 800 MHz and 900 MHz spectrum bands on a commercial basis including but not limited to services used for voice and data communications, paging, and facsimile services, to individuals, Federal Government entities, and other entities licensed under Part 90 of the Commission's rules. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 95 providers that reported they were of SMR (dispatch) providers. Of this number, the Commission estimates that all 95 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, these 119 SMR licensees can be considered small entities.

Based on Commission data as of December 2021, there were 3,924 active SMR licenses. However, since the Commission does not collect data on the number of employees for licensees providing SMR services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard. Nevertheless, for purposes of this analysis the Commission estimates that the majority of SMR licensees can be considered small entities using the SBA's small business size standard.

Lower 700 MHz Band Licenses. The lower 700 MHz band encompasses spectrum in the 698–746 MHz frequency bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as

fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 2,824 active Lower 700 MHz Band licenses. The Commission's small business size standards with respect to Lower 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For auctions of Lower 700 MHz Band licenses the Commission adopted criteria for three groups of small businesses. A very small business was defined as an entity that, together with its affiliates and controlling interests, has average annual gross revenues not exceeding \$15 million for the preceding three years, a small business was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and an entrepreneur was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for the preceding three years. In auctions for Lower 700 MHz Band licenses seventy-two winning bidders claiming a small business classification won 329 licenses, twenty-six winning bidders claiming a small business classification won 214 licenses, and three winning bidders claiming a small business classification won all five auctioned licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission

does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Upper 700 MHz Band Licenses. The upper 700 MHz band encompasses spectrum in the 746–806 MHz bands. Upper 700 MHz D Block licenses are nationwide licenses associated with the 758–763 MHz and 788–793 MHz bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 152 active Upper 700 MHz Band licenses. The Commission's small business size standards with respect to Upper 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a "small business" as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$15 million for the preceding three years. Pursuant to these definitions, three winning bidders claiming very small business status won five of the twelve available licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent

the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

700 MHz Guard Band Licensees. The 700 MHz Guard Band encompasses spectrum in 746–747/776–777 MHz and 762–764/792–794 MHz frequency bands. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 224 active 700 MHz Guard Band licenses. The Commission's small business size standards with respect to 700 MHz Guard Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a "small business" as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$15 million for the preceding three years. Pursuant to these definitions, five winning bidders claiming one of the small business status classifications won 26 licenses, and one winning bidder claiming small business won two licenses. None of the winning bidders claiming a small business status classification in these 700 MHz Guard Band license auctions had an active license as of December 2021.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an

auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Air-Ground Radiotelephone Service. Air-Ground Radiotelephone Service is a wireless service in which licensees are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft. A licensee may provide any type of air-ground service (i.e., voice telephony, broadband internet, data, etc.) to aircraft of any type, and serve any or all aviation markets (commercial, government, and general). A licensee must provide service to aircraft and may not provide ancillary land mobile or fixed services in the 800 MHz air-ground spectrum.

The closest industry with an SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

Based on Commission data as of December 2021, there were approximately four licensees with 110 active licenses in the Air-Ground Radiotelephone Service. The Commission's small business size standards with respect to Air-Ground Radiotelephone Service involve eligibility for bidding credits and installment payments in the auction of licenses. For purposes of auctions, the Commission defined "small business" as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. In the auction of Air-Ground Radiotelephone Service licenses

in the 800 MHz band, neither of the two winning bidders claimed small business status.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, the Commission does not collect data on the number of employees for licensees providing these services therefore, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Advanced Wireless Services (AWS)—(1,710–1,755 MHz and 2,110–2,155 MHz bands (AWS–1); 1,915–1,920 MHz, 1,995–2,000 MHz, 2,020–2,025 MHz and 2,175–2,180 MHz bands (AWS–2); 2,155–2,175 MHz band (AWS–3); 2,000–2,020 MHz and 2,180–2,200 MHz (AWS–4)). Spectrum is made available and licensed in these bands for the provision of various wireless communications services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 4,472 active AWS licenses. The Commission's small business size standards with respect to AWS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of AWS licenses, the Commission defined a "small business" as an entity with average annual gross revenues for the preceding three years not exceeding \$40 million, and a "very small business" as an entity with average annual gross revenues for the preceding three years not exceeding \$15 million. Pursuant to these definitions, 57 winning bidders claiming status as small or very small businesses won 215 of 1,087 licenses. In the most recent auction of AWS licenses 15 of 37

bidders qualifying for status as small or very small businesses won licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

3,650–3,700 MHz band. Wireless broadband service licensing in the 3,650–3,700 MHz band provides for nationwide, non-exclusive licensing of terrestrial operations, utilizing contention-based technologies, in the 3,650 MHz band (i.e., 3,650–3,700 MHz). Licensees are permitted to provide services on a non-common carrier and/or on a common carrier basis. Wireless broadband services in the 3,650–3,700 MHz band fall in the Wireless Telecommunications Carriers (except Satellite) industry with an SBA small business size standard that classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

The Commission has not developed a small business size standard applicable to 3650–3700 MHz band licensees. Based on the licenses that have been granted, however, the Commission estimates that the majority of licensees in this service are small internet Access Service Providers (ISPs). As of November 2021, Commission data shows that there were 902 active licenses in the 3,650–3,700 MHz band. However, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Fixed Microwave Services. Fixed microwave services include common carrier, private-operational fixed, and

broadcast auxiliary radio services. They also include the Upper Microwave Flexible Use Service (UMFUS), Millimeter Wave Service (70/80/90 GHz), Local Multipoint Distribution Service (LMDS), the Digital Electronic Message Service (DEMS), 24 GHz Service, Multiple Address Systems (MAS), and Multichannel Video Distribution and Data Service (MVDDS), where in some bands licensees can choose between common carrier and non-common carrier status. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

The Commission's small business size standards with respect to fixed microwave services involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in fixed microwave services. When bidding credits are adopted for the auction of licenses in fixed microwave services frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in Part 101 of the Commission's rules for the specific fixed microwave services frequency bands.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Broadband Radio Service and Educational Broadband Service. Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and "wireless cable," transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)). Wireless cable operators that use spectrum in the BRS often supplemented with leased channels from the EBS, provide a competitive alternative to wired cable and other multichannel video programming distributors. Wireless cable programming to subscribers resembles cable television, but instead of coaxial cable, wireless cable uses microwave channels.

In light of the use of wireless frequencies by BRS and EBS services, the closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 5,869 active BRS and EBS licenses. The Commission's small business size standards with respect to BRS involves eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of BRS licenses, the Commission adopted criteria for three groups of small businesses. A very small business is an entity that, together with its affiliates and controlling interests, has average annual gross revenues exceed \$3 million and did not exceed \$15 million for the preceding three years, a small business is an entity that, together with its affiliates and controlling interests, has average gross revenues exceed \$15 million and did not exceed \$40 million for the preceding three years, and an entrepreneur is an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million

for the preceding three years. Of the ten winning bidders for BRS licenses, two bidders claiming the small business status won 4 licenses, one bidder claiming the very small business status won three licenses and two bidders claiming entrepreneur status won six licenses. One of the winning bidders claiming a small business status classification in the BRS license auction has an active licenses as of December 2021.

The Commission's small business size standards for EBS define a small business as an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$55 million for the preceding five (5) years, and a very small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$20 million for the preceding five (5) years. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Satellite Service Providers

Satellite Telecommunications. This industry comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$44 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than \$25 million. Consequently, using the SBA's small business size standard most satellite

telecommunications service providers can be considered small entities. The Commission notes however, that the SBA's revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau's Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of satellite telecommunications providers that would be classified as a small business under the SBA size standard.

All Other Telecommunications. This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (e.g., dial-up ISPs) or Voice over internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on this data, the Commission estimates that the majority of "All Other Telecommunications" firms can be considered small.

Because section 706 of the Act requires us to monitor the deployment of broadband using any technology, the Commission anticipates that some broadband service providers may not provide telephone service. Accordingly, the Commission describes below other types of firms that may provide broadband services, including cable companies, MDS providers, and utilities, among others.

Cable and Other Subscription Programming. The U.S. Census Bureau defines this industry as establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (e.g., limited format, such as news, sports, education, or youth-oriented). These

establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA small business size standard for this industry classifies firms with annual receipts less than \$47 million as small. Based on U.S. Census Bureau data for 2017, 378 firms operated in this industry during that year. Of that number, 149 firms operated with revenue of less than \$25 million a year and 44 firms operated with revenue of \$25 million or more. Based on this data, the Commission estimates that a majority of firms in this industry are small.

Cable Companies and Systems (Rate Regulation). The Commission has developed its own small business size standard for the purpose of cable rate regulation. Under the Commission's rules, a "small cable company" is one serving 400,000 or fewer subscribers nationwide. Based on industry data, there are about 420 cable companies in the U.S. Of these, only seven have more than 400,000 subscribers. In addition, under the Commission's rules, a "small system" is a cable system serving 15,000 or fewer subscribers. Based on industry data, there are about 4,139 cable systems (headends) in the U.S. Of these, about 639 have more than 15,000 subscribers. Accordingly, the Commission estimates that the majority of cable companies and cable systems are small.

Cable System Operators (Telecom Act Standard). The Communications Act of 1934, as amended, contains a size standard for a "small cable operator," which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000." For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator. Based on industry data, only six cable system operators have more than 498,000 subscribers. Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. The Commission notes, however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million. Therefore, the

Commission is unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

All Other Telecommunications

Electric Power Generators, Transmitters, and Distributors. The U.S. Census Bureau defines the utilities sector industry as comprised of "establishments, primarily engaged in generating, transmitting, and/or distributing electric power. Establishments in this industry group may perform one or more of the following activities: (1) operate generation facilities that produce electric energy; (2) operate transmission systems that convey the electricity from the generation facility to the distribution system; and (3) operate distribution systems that convey electric power received from the generation facility or the transmission system to the final consumer." This industry group is categorized based on fuel source and includes Hydroelectric Power Generation, Fossil Fuel Electric Power Generation, Nuclear Electric Power Generation, Solar Electric Power Generation, Wind Electric Power Generation, Geothermal Electric Power Generation, Biomass Electric Power Generation, Other Electric Power Generation, Electric Bulk Power Transmission and Control and Electric Power Distribution.

The SBA has established a small business size standard for each of these groups based on the number of employees which ranges from having fewer than 250 employees to having fewer than 1,000 employees. U.S. Census Bureau data for 2017 indicate that for the Electric Power Generation, Transmission and Distribution industry there were 1,693 firms that operated in this industry for the entire year. Of this number, 1,552 firms had less than 250 employees. Based on this data and the associated SBA size standards, the majority of firms in this industry can be considered small entities.

Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

The RFA directs agencies to provide a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

The Commission believes the adopted rules will provide regulatory relief to small entities by reducing their overall compliance costs. The Fifth Report and Order eliminates the requirement under § 1.7004(d) that an engineering certification, to the extent not submitted by a corporate engineering officer, must be submitted by a licensed PE. Instead, the Commission amends § 1.7004(d) to require that providers submit certifications by a “qualified engineer,” as defined by the engineering qualifications the Broadband Data Task Force (BDTF) adopted in previous orders. This certifying engineer does not need to be a full time employee, but is required to have direct knowledge and familiarity with the BDC filing.

The Commission’s decision to adopt rules eliminating the professional engineering certification requirement reflects our belief that the potential costs and burdens of the licensed PE requirement outweigh its potential benefits. At this time, although there is not available data on the record to quantify the cost of compliance with the requirements in the Fifth Report and Order, the Commission believes the modifications to the BDC rules eliminate a burden on providers and will maintain the Commission’s ability to create accurate broadband coverage maps.

Discussion of Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to provide, “a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.”

The Commission’s actions in the Fifth Report and Order take steps to minimize, where practicable, significant economic impact on small entities and have also considered significant alternatives in reaching its conclusions in the adopted rules. For example, the adopted rules eliminate the previously required licensed professional engineering certification and instead require certification by a “qualified engineer,” as defined in previous BDC orders, which will save some small entities from having to pay a professional engineer to certify their filings. The Commission considered proposals to utilize waiver requests to

address economic burdens associated with compliance; however, the process of reviewing and granting a great number of individual requests would in fact cause greater administrative burdens for the Commission and for small and other entities in the industry.

In addition, the Fifth Report and Order also clarifies that broadband service providers may utilize the resources of consulting engineers, thereby ensuring that that smaller providers who may not have in-house engineering expertise are able to comply with the engineering certification requirements of the BDC. Alternatively, the Commission considered the impact of requiring the consulting engineer be a full-time employee of the broadband service provider, and the Commission determined the benefits of our proposed approach would provide a substantial benefit to small entities.

Report to Congress

The Commission will send a copy of the Fifth Report and Order, including this FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the Fifth Report and Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA and will publish a copy of the Fifth Report and Order and FRFA (or summaries thereof) in the **Federal Register**.

Ordering Clauses

It is ordered that, pursuant to sections 1–4, 201, 254, 301, 303, 332, and 801–806 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201, 254, 301, 303, 332, and 641–646, this *Fifth Report and Order* is adopted.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Broadband, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

Subpart V—Commission Collection of Advanced Telecommunications Capability Data and Local Exchange Competition Data

■ 2. Amend § 1.7004 by revising and republishing paragraph (d) to read as follows:

§ 1.7004 Scope, content, and frequency of Broadband Data Collection filings.

* * * * *

(d) Providers shall include in each Broadband Data Collection filing a certification signed by a corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer’s actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct. All providers also shall submit a certification of the accuracy of its submissions by a qualified engineer. The engineering certification shall state that the qualified engineer has direct knowledge of, or responsibility for, the generation of the provider’s Broadband Data Collection filing. The qualified engineer shall also certify that he or she has examined the information contained in the submission and that, to the best of the engineer’s actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct, and in accordance with the service provider’s ordinary course of network design and engineering. If a corporate officer is also an engineer and has the requisite knowledge required under the Broadband DATA Act, a provider may submit a single certification that fulfills both requirements. A “qualified engineer,” for purposes of this certification, shall be an engineer who is:

(1) A corporate officer possessing a Bachelor of Science in engineering degree and who has direct knowledge of and responsibility for the carrier’s network design and construction;

(2) An engineer possessing a bachelor’s or postgraduate degree in electrical engineering, electronic technology, or another similar technical discipline, and at least seven years of relevant experience in broadband network design and/or performance; or

(3) An employee or agent with specialized training relevant to broadband network engineering and design, deployment, and/or performance, and at least 10 years of relevant experience in broadband network engineering, design, and/or performance.

[FR Doc. 2025–12240 Filed 6–30–25; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials
Safety Administration****49 CFR Parts 172, 173, 174, 179, and
180**

[Docket No. PHMSA–2018–0025 (HM–264)]

RIN 2137–AF40

**Hazardous Materials: Liquefied Natural
Gas by Rail***Correction*

In rule document 2025–11436, appearing on pages 26455 through 26459 in the issue of Monday, June 23, 2025, make the following correction:

■ On page 26459, in the first column, from the top of the page, lines 24 through 30 in Part 179.400–8 are corrected as set forth below.

**§ 179.400–8 Thickness of plates
[Corrected]**

(d)(1) The minimum wall thickness, after forming, of the outer jacket shell may not be less than $\frac{7}{16}$ inch. The minimum wall thickness, after forming, of the outer jacket heads may not be less than $\frac{1}{2}$ inch and they must be made from steel specified in § 179.16(c).

[FR Doc. C1–2025–11436 Filed 6–30–25; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials
Safety Administration****49 CFR Part 190**

[Docket No. PHMSA–2025–0106; Amdt. No. 190–23]

RIN 2137–AF76

**Pipeline Safety: Rationalize Calculation
of Regulatory Filing and Compliance
Deadlines**

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA's procedural regulations to establish a rule of construction clarifying the operation of procedural filing deadlines scheduled to fall on weekends and Federal holidays.

DATES: The DFR is effective October 9, 2025, unless adverse comments are received by September 2, 2025. If adverse comments are received,

notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to those comments.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0106 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Brianna Wilson, Transportation Specialist, by phone at 771–215–0969 or email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:**I. General Discussion**

PHMSA's administrative procedures for enforcement and regulation are codified at 49 CFR part 190. Part 190 contains numerous filing and compliance deadlines but says nothing about what happens when those deadlines fall on a weekend or a Federal holiday. That omission has real-world financial consequences for operators and other interested persons; they may incur additional costs by accelerating workstreams or incurring overtime personnel costs to satisfy a deadline early that would otherwise fall on a weekend or Federal holiday.

To avoid that result, PHMSA is amending the definition of “day” at § 190.3 to specify that a filing deadline scheduled to fall on a weekend or Federal holiday will be deferred until the following business day. PHMSA notes that this rule of regulatory construction will only apply to part 190 filing requirements and not to other filing or regulatory compliance deadlines elsewhere in the pipeline safety regulations (PSRs, 49 CFR parts 190–199).

PHMSA finds that adjusting the part 190 filing deadlines is unlikely to have any meaningful impact on the public safety but will provide operators and other interested parties with additional certainty and generate cost savings.

Commenting

Instructions: Please include the docket number PHMSA–2025–0106 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Brianna Wilson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE,

Washington, DC 20590–0001, or by email at brianna.wilson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule is unlikely to elicit significant adverse comment because it is a rule of agency procedure that provides interested parties with additional flexibility and certainty in meeting their part 190 filing requirements. *See* 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not been designated as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens for pipeline facility operators and other external stakeholders with no adverse impact on safety. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This direct final rule will be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 6, 2025)). PHMSA estimates that the total costs of the rule on the regulated community will be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of greater flexibility in responding to filing deadlines set forth in part 190. PHMSA therefore expects the regulatory

amendments in this direct final rule will not adversely affect national pipeline transportation capacity or pipeline operators’ ability to provide abundant, reliable, affordable natural gas and in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; (66 FR 28355 (May 22, 2001))), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

PHMSA finds that this direct final rule is a rule of agency procedure that will not impose a substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 67 FR 53461 (Aug. 16, 2002)). E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ⁹ obliges agencies

to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the

development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendment merely adopts a rule of agency procedure providing pipeline operators and other interested persons (including Tribal communities and Indian Tribal governments) greater flexibility in satisfying PSR filing and regulatory deadlines; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act

(Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 190

Administrative procedure.

For the reasons set forth above, PHMSA amends 49 CFR part 190 as follows:

PART 190—PIPELINE SAFETY ENFORCEMENT AND REGULATORY PROCEDURES

■ 1. The authority citation for part 190 continues to read as follows:

Authority: 33 U.S.C. 1321(b) and 49 U.S.C. 60101 *et seq.*

■ 2. In § 190.3, revise the definition of “Day” to read as follows:

§ 190.3 Definitions.

* * * * *

Day means a 24-hour period ending at 11:59 p.m. Unless otherwise specified, a day refers to a calendar day. When a deadline mandated by this part is scheduled to fall on a day that is a Saturday, Sunday, or Federal holiday, the deadline will be adjusted to the next business day.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12076 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 191

[Docket No. PHMSA–2025–0108; Amdt. Nos. 191–35]

RIN 2137–AF77

Pipeline Safety: Adjust Annual Report Filing Timelines

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR extends the deadline for submitting annual reports for operators of gas distribution pipelines, gas transmission pipelines, regulated gas gathering pipelines, Type R gas gathering lines, underground natural gas storage facilities, and liquefied natural gas facilities. Annual reports for gas pipeline and gas pipeline storage facilities are now due on June 15, consistent with existing requirements for hazardous liquid pipelines.

DATES: The DFR is effective October 9, 2025, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to those comments.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0108 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any

agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Sayler Palabrica, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–744–0825, sayler.palabrica@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is extending the deadline for submitting annual reports for gas pipelines required by PHMSA in 49 CFR part 191. Unlike ad-hoc reports for incidents, accidents, and safety-related conditions that are driven by the occurrence of certain consequential events, annual reports consist of summary information of mileage and performance indicators for the previous calendar year. While this information is useful to PHMSA, operators, and the general public, it is not urgent like notifications to the National Response Center or reports of incidents and accidents.

The March 15 deadline for submitting annual reports in part 191 was established in 1984 (87 FR 18956 (May 3, 1984)). At that time, the annual report form for gas distribution lines was two pages long and the annual report form for gas transmission and regulated gas gathering lines was a single page (87 FR 18956 (May 3, 1984)). The information collected on annual report forms has expanded significantly in the ensuing decades to support the implementation of new regulatory programs, including damage prevention program requirements, gas transmission and gas distribution integrity management program requirements in subparts O and P, and the adoption of entirely new categories of regulated gas gathering

lines and regulated underground natural gas storage facilities (UNGSF).

Currently, the gas distribution annual report form is 4 pages long, the annual report form for gas transmission and regulated gas gathering is 22 pages long, and the UNGSF annual report form is 3 pages long. Though important, the amount of information that operators must collect and report for the entire preceding calendar year is far more significant than in 1984, and operators must complete that task in a very short (three-month) period of time. In contrast, PHMSA provides hazardous liquid and carbon dioxide pipeline operators with a much longer (six-month) period of time to submit the comparable annual report form under 49 CFR 195.49.

Recently submitted public comments have identified the deadline for submitting annual reports under part 191 as imposing an unnecessary regulatory burden that increases compliance costs (90 FR 14593, Docket No. DOT–OST–2025–0026). The current 3-month deadline for submitting annual reports requires operators to pay employees overtime or engage additional contract support that has no impact on addressing pipeline safety or protecting the environment (Docket No. DOT–OST–2025–0026–0897). To the extent that these efforts draw limited resources away from operator efforts to comply with substantive, safety-enhancing requirements, the existing annual report timelines may be detrimental to public safety. These burdens and safety impacts are compounded for operators that manage multiple types of facilities jurisdictional to PHMSA.

For these reasons, PHMSA is extending the deadline for submitting gas pipeline annual reports in part 191 from March 15 to June 15. This new deadline aligns with the comparable requirements for hazardous liquid pipelines in § 195.49. While this change does not affect the scope or total burden of preparing and submitting annual reports, PHMSA expects extending the compliance timeline will result in cost savings from reducing the need to rely on contractors or overtime to meet current three-month filing window. The reporting requirements that are extended to June 15 are listed in the table below.

TABLE 1—SUMMARY OF AFFECTED REPORTING REQUIREMENTS

Facilities	Section	Form
Gas Distribution	§ 191.11(a)	PHMSA Form F7100.1–1.

TABLE 1—SUMMARY OF AFFECTED REPORTING REQUIREMENTS—Continued

Facilities	Section	Form
Gas Transmission, Offshore Gas Gathering, and Regulated Onshore Gas Gathering.	§ 191.17(a)(1)	PHMSA Form F7100.2–1.
Type R Gas Gathering	§ 191.17(a)(2)	PHMSA Form F7100.2–3.
Liquefied Natural Gas Facilities	§ 191.17(b)	PHMSA Form F7100.3–1.
UNGSF	§ 191.17(c)	PHMSA Form F7100.4–1.

Commenting

Instructions: Please include the docket number PHMSA–2025–0108 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

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Pipeline Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at sayler.palabrica@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation as set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. Upon evaluation, and for the reasons explained above, PHMSA has determined that this direct final rule is unlikely to elicit significant adverse comment. *See* 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that

“agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the procedural and analytical requirements in E.O. 12866 as implemented by DOT Order 2100.6B. In so doing, PHMSA has determined that this direct final rule will result in significant cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators by reducing costs from overtime or contractor support needed to meet excessively strict regulatory deadlines. PHMSA expects those cost savings will also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This final rule will be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 6, 2025)). PHMSA estimates that the total costs of the rule on the regulated community will be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful

. . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators cost savings associated with preparing annual reports. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 66 FR 28355 (May 22, 2001)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and

responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the proposed rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and

Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and

consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create nor rescind any existing information collections; however, this rulemaking provides for a 30-day comment period. After the effective date of the final rule, PHMSA will request amendment of the pertinent information collections consistent with Paperwork Reduction Act requirements and implementing guidance.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its

regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 191

Pipeline Safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA amends 49 CFR part 191, as follows:

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL, INCIDENT, AND OTHER REPORTING

- 1. The authority citation for part 191 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et seq.*, and 49 CFR 1.97.

§ 191.11 [Amended]

- 2. In § 191.11(a), remove the word “March” and add in its place the word “June”.

§ 191.17 [Amended]

- 3. In § 191.17(a)(1), (a)(2), (b), and (c) remove the phrase “March 15” wherever it appears and add in its place the phrase “June 15”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12112 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 191 and 195

[Docket No. PHMSA–2025–0109; Amdt. Nos. 191–36, 195–115]

RIN 2137–AF78

Pipeline Safety: Property Damage Definition for Incident Reporting on Gas Pipelines and Accidents on Hazardous Liquid Pipelines

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR revises the property damage threshold for determining when a release from a gas or hazardous liquid pipeline facility meets the definition of a reportable incident or accident. This change clarifies that certain indirect impacts associated with investigating and repairing a release do not contribute to that threshold. This DFR also adopts an inflation adjusted property damage threshold for reporting hazardous liquid pipeline accidents identical to the one previously adopted for reporting gas pipeline incidents.

DATES: The DFR is effective October 9, 2025, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to those comments.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0109 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Sayler Palabrica, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-744-0825, sayler.palabrica@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is clarifying the property damage thresholds that apply in determining whether a release is a reportable incident pursuant to 49 CFR 191.9 or 191.15 or reportable accident pursuant to 49 CFR 195.50(e). PHMSA is also adopting for hazardous liquid pipeline accident reporting under part 195 the inflation adjustment methodology that was previously adopted for reporting gas pipeline incidents in § 191.3 and appendix A to part 191.

Specifically, PHMSA is revising the definition of “incident” (at § 191.3) for gas pipelines and “accident” for hazardous liquid pipelines (at § 195.50(e)) to clarify that the costs associated with obtaining permits and removing or replacing infrastructure undamaged by an event (*e.g.*, pavement needed for access and repair activity) do not need to be considered when calculating estimated property damage. This amendment responds to the National Association of Pipeline Safety Representatives Resolution 2021-01, “A Resolution Seeking a Modification of PHMSA’s Instructions for Incident Reporting for Gas Distribution, Gas Transmission, and Gas Gathering Systems,” concerning how to classify overall secondary damage beyond the primary damage from a potential gas pipeline incident. Operators would still report these costs as incident consequences on the applicable incident and accident report forms; however, they should not be included in the calculation of property damage for determining whether a release is reportable as an incident or accident.

On May 18, 2023, PHMSA published a notice of proposed rulemaking (NPRM) that addressed, among other things, the change to the property damage criterion in part 191 being adopted in this direct final rule (88 FR 31890 (May 18, 2023)). PHMSA received approximately 43,000 public comments and nearly two weeks of advisory committee deliberation on that proceeding; however, this specific provision was subject to no controversy. While that proposal did not address hazardous liquid pipeline facilities,

PHMSA anticipates that the change is even less consequential for hazardous liquid pipelines, which have a more stringent volumetric criterion for reporting accidents and are less likely to be located under pavement or other infrastructure compared with gas distribution lines.

Along with this change, PHMSA is adjusting the property damage threshold for reporting accidents on hazardous liquid pipelines in § 195.50(e) to account for inflation. The current \$50,000 threshold has not been adjusted since 1994, and the regulation does not incorporate a mechanism for annual inflation adjustments going forward. PHMSA is adopting the same methodology previously applied to gas pipeline incident reporting in § 191.1 and Appendix A to part 191. In 2020, PHMSA proposed in separate proposed rulemakings to adjust the property damage criterion for reporting gas pipeline incidents (85 FR 35240 (Jun. 9, 2020)) and hazardous liquid pipeline accidents (85 FR 21140 (Apr. 4, 2020)) from \$50,000 to account for inflation, to reduce reporting burdens from inconsequential releases, and to ensure that reporting requirements remain consistent going forward in real (*i.e.*, inflation-adjusted) terms. In 2021, PHMSA issued a final rule incorporating a one-time catch-up for historical inflation and adopting a mechanism for making periodic inflationary adjustments to the property damage threshold in accordance with appendix A to part 191 (86 FR 2210 (Jan. 11, 2021)). Since then, PHMSA has published updates to the property damage criterion for reporting gas pipeline incidents on the agency web page each year. However, the parallel liquid pipeline regulatory reform proposed rule was not finalized, resulting in inconsistent reporting requirements across PHMSA’s jurisdiction. This direct final rule corrects this discrepancy, resulting in the benefits described above and in preamble to the 2021 final rule, while also ensuring consistency across gas and hazardous liquid pipeline reporting requirements.

Consistent with the current property damage criterion posted on PHMSA’s incident reporting web page at <https://www.phmsa.dot.gov/incident-reporting>, the property damage criterion for calendar year 2025 is \$149,700. In future versions of the inflation adjustment memo, PHMSA will refer to both gas incidents and hazardous liquid accidents. Also consistent with gas requirements, PHMSA clarifies that the cost of lost product is not included in the property damage calculation for

reporting hazardous liquid pipeline accidents. The volume of lost product is addressed separately in § 195.50(b) and the price of a given volume of crude oil, petroleum products, and other hazardous liquids and carbon dioxide can be highly variable.

Finally, this direct final rule updates the property damage threshold for gas pipeline reporting in § 191.3 to \$149,700 consistent with the value currently posted on PHMSA’s website for calendar year 2025. Since this reflects the current definition, this amendment is editorial and intended only to ensure consistency across gas and hazardous liquid pipeline incident and accident reporting.

Commenting

Instructions: Please include the docket number PHMSA–2025–0109 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 United States Code (U.S.C.) 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document

submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Sayler Palabrica, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at sayler.palabrica@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. Upon evaluation, and for the reasons explained above, PHMSA has determined that this direct final rule is unlikely to elicit adverse comment. *See* 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory

alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the procedural and analytical requirements in E.O. 12866 as implemented by DOT Order 2100.6B. In so doing, PHMSA has determined that this direct final rule will result in cost savings by reducing unnecessary reporting burdens for incidents and accidents with relatively low actual consequences. PHMSA identified 57 hazardous liquid pipeline accidents reported between 2010 and 2024 involving total property damage between \$50,000 and \$149,700 that did not result in a fire, the release of five gallons or more, death, or injury. This averages to 3.5 incidents per year that would not require reporting to PHMSA under the final rule, resulting in cost savings for affected entities. According to OMB Control Number 2137–0047, the estimated burden for collecting this information is approximately 12 hours per response, including time for reviewing instructions, gathering data, and completing and reviewing the submission. Based on this estimate, PHMSA projects an annual reduction of 42 burden hours under the direct final rule. PHMSA expects those cost savings will also lead to reduced costs for the public, as pipeline operators typically pass a portion of their compliance costs on to consumers. Although PHMSA acknowledges a reduction in the number of reported accidents in the abstract could be said to reduce the quantity of information informing PHMSA regulatory oversight activity. However, PHMSA understands that impact would be de minimis as the accidents in question would (by definition) involve minimal public safety and property damage consequences; some of those events that were formerly reported as accidents may also remain subject to safety-related condition reporting pursuant to

§ 195.55. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This direct final rule will be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; (90 FR 9065 (Feb. 6, 2025))). PHMSA estimates that the total costs of the rule on the regulated community will be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; (90 FR 8353 (Jan. 29, 2025))) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” (90 FR 8353 (Jan. 29, 2025))) asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators cost savings associated with preparing incident and accident reports. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas and petroleum products in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; (66 FR 28355 (May 22, 2001))), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; and OIRA

has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory

Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore certifies it will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct

compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests.

PHMSA will submit an information collection revision request to OMB for approval based on the requirements in this proposed rule. The information collection is contained in the pipeline safety regulations, 49 CFR parts 190 through 199. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. The information collection burdens for the following information collections are estimated to be revised as follows:

1. *Title:* Transportation of Hazardous Liquids by Pipeline: Record keeping and Accident Reporting.

OMB Control Number: 2137–0047.

Current Expiration Date: 04/30/2026.

Abstract: This information collection covers general recordkeeping and the collection of information from hazardous liquid pipeline operators for accident reports. PHMSA estimates that due to the revised monetary damage threshold for reporting accidents operators will submit 3 fewer hazardous liquid accident reports per year. Therefore, PHMSA expects to eliminate 3 responses and 36 hours to this information collection per year as a result of the provisions in the rule.

Affected Public: All hazardous liquid pipeline operators.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 1,643 (1,646 – 3).

Total Annual Burden Hours: 53,741 (53,777 – 36).

Frequency of Collection: On Occasion.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final

rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects

49 CFR Part 191

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 195

Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA amends 49 CFR parts 191 and 195 as follows:

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL, INCIDENT, AND OTHER REPORTING

■ 1. The authority citation for part 191 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 191.3, revise paragraph (1)(ii) in the definition of “Incident” to read as follows:

§ 191.3 Definitions.

* * * * *

Incident * * *

(1) * * *

(ii) Estimated property damage of \$149,700 or more, including loss to the operator and others, or both, but excluding each of the cost of gas lost, the cost to acquire permits, and the cost to remove and replace non-operator infrastructure that was not damaged by the release. For adjustments for inflation observed in calendar year 2026 onwards, changes to the reporting threshold will be posted on PHMSA’s website. These changes will be determined in accordance with the procedures in appendix A to part 191.

* * * * *

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 3. The authority citation for part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et seq.*, and 49 CFR 1.97.

■ 4. Revise § 195.50(e) to read as follows:

§ 195.50 Reporting Accidents.

* * * * *

(e) Estimated property damage, including cost of clean-up and recovery and damage to the property of the operator or others—but excluding each of the cost of lost product, the cost to acquire permits, and the cost to remove

and replace non-operator infrastructure that was not damaged by the release—exceeding \$149,700. For adjustments for inflation observed in calendar year 2026 onwards, changes to the reporting threshold will be posted on PHMSA’s website. These changes will be determined in accordance with the procedures in appendix D to part 195.

■ 5. In part 195, add appendix D to read as follows:

Appendix D to Part 195—Procedure for Determining Reporting Threshold

I. Property Damage Threshold Formula

Each year after calendar year 2025, the Administrator will publish a notice on PHMSA’s website announcing the updates to the property damage threshold criterion that will take effect on July 1 of that year and will remain in effect until the June 30 of the next year. The property damage threshold used in determining the scope of accident reporting at § 195.50(d) shall be determined in accordance with the following formula:

$$T_r = T_p \times \frac{CPI_r}{CPI_p}$$

Where:

T_r is the revised damage threshold,
 T_p is the previous damage threshold,
 CPI_r is the average Consumer Price Indices for all Urban Consumers (CPI-U) published by the Bureau of Labor Statistics each month during the most recent complete calendar year, and
 CPI_p is the CPI-U used to establish the previous property damage criteria.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12113 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0117; Amdt. No. 192–155]

RIN 2137–AF80

Pipeline Safety: Clarifying Recordkeeping Requirements for Testing in MAOP Reconfirmation Regulation

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Final rule; technical correction.

SUMMARY: PHMSA is clarifying that certain recently adopted recordkeeping requirements for pressure testing do not apply retroactively when determining the applicability of the requirements for reconfirming the maximum allowable operating pressure of certain gas transmission lines.

DATES: Effective on October 9, 2025.

FOR FURTHER INFORMATION CONTACT:

Sayler Palabrica, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-744-0825, sayler.palabrica@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA is clarifying that certain recently adopted recordkeeping requirements in 49 Code of Federal Regulations (CFR) 192.517(a) do not apply retroactively to pressure testing predating Federal Pipeline Safety Regulations (PSR, 49 CFR parts 190–199) when determining whether an operator is required to reconfirm the maximum allowable operating pressure (MAOP) of a gas transmission line under 49 CFR 192.624(a)(1) (84 FR 52180 (Oct. 1, 2019), 85 FR 40132 (Jul. 6, 2020)). PHMSA wrongly suggested the contrary in an October 2022 letter of interpretation that PHMSA recently withdrew for further consideration (PI–22–0014 (Oct. 5, 2022)). PHMSA is now confirming that its earlier interpretation provided an erroneous reading of the applicable regulations in its letter of interpretation. To provide owners and operators of gas transmission lines with regulatory certainty, and to correct its earlier error, PHMSA is clarifying the language in § 192.624(a)(1) to address its applicability to testing conducted prior to the adoption of the PSRs in the early 1970s (35 FR 13248 (Aug. 19, 1970)).

PHMSA's October 2022 letter of interpretation omitted consideration of statutory and regulatory prohibitions on application of subsequently adopted requirements to historical pressure testing. Both PHMSA's statutory non-retroactivity provision at 49 U.S.C. 60104(b) and the regulatory provision at § 192.13(a) delineating the general applicability of part 192 make clear that subsequently adopted initial testing standards do not apply to gas pipeline facilities in existence prior the adoption of the PSRs. The recordkeeping requirements in § 192.517 are part of the initial testing standards for gas pipeline facilities in subpart J of part 192. As such, those requirements cannot be applied retroactively to pressure tests conducted prior to the original adoption of the part 192 regulations without violating the retroactivity prohibition in

49 U.S.C. 60104(b) and limitations in § 192.13(a).

Nothing in the text of § 192.624(a)(1), which was introduced in the 2019 Final Rule, overrides these longstanding and well-established legal principles. Section 192.624(a)(1) simply states, in relevant part, that MAOP reconfirmation is required if “[r]ecords necessary to establish the MAOP in accordance with § 192.619(a)(2), including records required by § 192.517(a), are not traceable, verifiable, and complete[.]” Section 192.619(a)(2), the regulation referenced in § 192.624(a)(1), makes clear that operators can use tests conducted prior to the original adoption of the part 192 regulations to establish MAOP, *see* Table 1 to Paragraph (a)(2)(ii). As previously discussed, the recordkeeping requirements in subpart J did not exist when operators conducted those tests.

Retroactive application of the recordkeeping requirements in § 192.517(a) to testing conducted prior to the adoption of part 192 was not required to establish the MAOP of a gas transmission line under § 192.619(a)(2) prior to the October 2022 letter of interpretation, nor does an operator need to have such records to satisfy the “traceable, verifiable, and complete” standard in § 192.624(a)(1). Indeed, the contrary determination taken in the October 2022 letter violated the non-retroactivity provision in 49 U.S.C. 60104(b) and the general limitation on the applicability of part 192 in § 192.13(a), and would impose significant costs on the gas transmission line industry by invalidating all pre-part 192 pressure tests not satisfying subsequently adopted recordkeeping requirements in 49 CFR 192.517(a).

For these reasons, PHMSA is amending § 192.624(a)(1) to clarify that for pressure tests performed prior to the adoption of the PSR on August 19, 1970, an operator is not expected to have each of the specific information listed in § 192.517(a) for those testing records to be considered traceable, verifiable, and complete. PHMSA intends to provide additional guidance in addressing the records needed to satisfy the traceable, verifiable, and complete standard for historical, pre-PSR pressure testing in the near future.

II. Regulatory Analysis and Notices

A. Legal Authority

This technical correction is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

PHMSA has good cause under 5 U.S.C. 553(b)(B) to issue this final rule without prior notice and comment because such notice and comment are unnecessary. The amendment to § 192.624(a)(1) merely clarifies within that provision the application of the statutory retroactivity prohibition at 49 U.S.C. 60102(b) and the general limitation on the applicability of part 192 at § 192.13(a). Making that clarification is consistent with PHMSA's enabling statute and implementing regulations and will reduce compliance burdens for affected entities (which are burdens generally passed on to the public in the form of higher costs) in a manner that promotes the public interest.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; (58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President's Office of Management and Budget (OMB) for review. This technical correction is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the procedural and analytical requirements in E.O. 12866 as implemented by DOT Order 2100.6B. In so doing, PHMSA has determined that this technical correction will result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators by clarifying the applicability of the MAOP reconfirmation requirements in § 192.624(a)(1) to pressure tests conducted prior to the adoption of part 192. PHMSA expects those cost savings will also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This final rule will be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 6, 2025)). PHMSA estimates that the total costs of the rule on the regulated community will be less than zero. Nor does this rule implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this technical correction is consistent with each of E.O. 14156 and E.O. 14154. The technical correction will clarify the applicability of the MAOP reconfirmation requirements in § 192.624(a)(1) to pressure tests conducted prior to the adoption of part 192. PHMSA therefore expects the regulatory amendments in this technical correction will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to

provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this technical correction is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 66 FR 28355 (May 22, 2001)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this technical correction is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use, as further discussed in the RIA; OIRA has therefore not designated this technical correction as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this technical correction in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693 (May 22, 2009)). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the technical correction may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this technical correction is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a technical correction subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 64 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This technical correction was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act and that the potential impacts of the rulemaking on small entities has been properly considered. PHMSA expects that this final rule will relieve a regulatory burden and therefore certifies the technical correction will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This technical correction does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this technical correction in accordance with NEPA

and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking—which corrects an erroneous interpretation of its regulations—will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this technical correction according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the technical correction and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this technical correction will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export

and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the technical correction and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the technical correction and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety.

In consideration of the foregoing, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for 49 CFR part 192 continues to read as follows

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. Revise the introductory text of § 192.624(a)(1) to read as follows:

§ 192.624 Maximum allowable operating pressure reconfirmation: Onshore steel transmission pipelines.

(a) * * *

(1) Records necessary to establish the MAOP in accordance with § 192.619(a)(2), including records required by § 192.517(a) for testing conducted pursuant to subpart J of this part, are not traceable, verifiable, and complete and the pipeline is located in one of the following locations:

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12115 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0133; Amdt. No. 192–145]

RIN 2137–AF94

Pipeline Safety: Standards Update—ASTM F2600

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s pipeline safety regulations to incorporate by reference the updated industry standard ASTM F2600, Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to

adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0133 using any of the following methods:

E-Gov Web: [https://](https://www.regulations.gov)

www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brianna Wilson, Transportation Specialist by phone at 771–215–0969 or email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety standards (PSRs, 49 Code of Federal Regulation (CFR) part 192). Specifically, PHMSA is updating the referenced version of the industry standard ASTM F2600, Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing. This standard was reapproved in 2023.

This standard presents the current materials, workmanship, and testing performance requirements for PA11 electrofusion fittings that are designed for use with outside-diameter-controlled PA11 pipe. Reference to the 2023 version of the standard will replace the existing reference within Section I of appendix B to 49 CFR 192 to ASTM F2600–09, “Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing,” April 1, 2009.

This updated standard will maintain or improve public safety, prevent

regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2018) edition of this standard after preliminarily finding the revisions in that edition enhanced pipeline safety (87 FR 57213, 52723 (Aug. 19, 2022)); PHMSA’s evaluation of the handful of changes introduced in the standard since 2018 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule’s updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA’s safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the

preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties[.]”

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements of the statutory mandate discussed above. The organization’s mailing address and website is listed in 49 CFR part 192.

The ASTM standards incorporated in this direct final rule are available from the following website: <https://www.astm.org/products-services/reading-room.html>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0133 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as

private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Brianna Wilson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at brianna.wilson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those

conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the

regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standard to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas and in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10,

1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24694). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O.

13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power

between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports

that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

- 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 et. seq., and 49 CFR 1.97.

- 2. In § 192.7, revise paragraph (e)(19) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(19) ASTM F2600–09(2023), “Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing”, reapproved November 1, 2023, (ASTM F2600); IBR approved for appendix B to this part.

* * * * *

Appendix B to Part 192 [Amended]

- 3. In appendix B, amend section I.B by removing the text “ASTM F2600–09” and adding, in its place, the text “ASTM F2600”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12075 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0127; Amdt. No. 192–147]

RIN 2137–AF96

Pipeline Safety: Standards Update—ASTM A578/A578M

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends the PSRs to incorporate by reference the updated industry standard ASTM A578/A578M, Standard Specification for Straight-Beam Ultrasonic Examination of Rolled Steel Plates for Special Applications. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0127 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200

New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Brianna Wilson, Transportation Specialist, by phone at (771) 215–0969 or email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) part 192). Specifically, PHMSA is updating the referenced version of the industry standard ASTM A578/A578M, Standard Specification for Straight-Beam Ultrasonic Examination of Rolled Steel Plates for Special Applications. This standard was reapproved in 2023 from the 2017 version.

A578/A578M presents the current state of knowledge and technology applicable to the detection of internal discontinuities via straight-beam, pulse-echo, ultrasonic examination of rolled carbon and alloy steel plates that are greater than 3/8ths of an inch thick. The standard also addresses the qualifications required for inspectors of such plates. Reference to the 2017 version will replace the existing reference within 49 CFR 192.112(c) to ASTM A578/A578M–96, “Standard Specification for Straight-Beam Ultrasonic Examination of Plain and Clad Steel Plates for Special Applications,” reapproved January 1, 2001.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA

incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2017) edition of this standard after preliminarily finding the revisions in that edition enhanced pipeline safety (87 FR 52713, 52723 (Aug. 19, 2022)); PHMSA's evaluation of the handful of changes introduced in the standard since 2017 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties[.]”

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements

of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 192.

The ASTM standards incorporated in this final rule are available from the following website: <https://www.astm.org/products-services/reading-room.html>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0127 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the

CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Brianna Wilson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at brianna.wilson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. *See* 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B

directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025))

a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standard to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas and in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any

regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.

This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private

sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and

consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17,

2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.7, revise paragraph (e)(6) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(6) ASTM A578/A578M–17 (2023), “Standard Specification for Straight-Beam Ultrasonic Examination of Rolled Steel Plates for Special Applications,” reapproved November 1, 2023, (ASTM A578/A578M); IBR approved for § 192.112(c).

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12122 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0125; Amdt. No. 192–144]

RIN 2137–AF93

Pipeline Safety: Standards Update—ASTM F2145

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA's regulations to incorporate by reference the updated industry standard ASTM F2145, Standard Specification for Polyamide 11 and Polyamide 12 Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0125 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

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Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Alyssa Imam, Transportation Specialist, by phone at (202) 738–3850 or email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry

technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) part 192). Specifically, PHMSA is updating the referenced version industry standard ASTM F2145, “Standard Specification for Polyamide 11 (PA 11) and Polyamide 12 (PA12) Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing” to the 2023 version.

This specification describes requirements and test methods for the qualification of Polyamide 11 (PA 11) bodied mechanical fittings for use with outside diameter controlled PA 11 pipe, and nominal 2 pipe size (IPS) and smaller. In addition, it specifies general requirements of the material from which these fittings are made. Reference to the 2023 version of the standard will replace existing references within 49 CFR part 192 to ASTM F2145–13, “Standard Specification for Polyamide 11 (PA 11) and Polyamide 12 (PA12) Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing,” issued May 1, 2013.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating this standard, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2018) edition of this standard after preliminarily finding the revisions in that edition enhanced

pipeline safety (87 FR 57213, 52723 (Aug. 19, 2022)); PHMSA's evaluation of the handful of changes introduced in the standard since 2018 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties[.]”

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 192.

The ASTM standards incorporated in this final rule are available from the following website: <https://www.astm.org/standards-and-solutions/standards-and-publications/reading-room>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0125 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may

submit comments at <https://www.regulations.gov>.

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II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B

and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. Updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—as part of their routine business practices. Incorporating the updated standards into the PSRs will help avoid the added costs of complying with multiple versions of the same standard. These savings are expected to reduce overall compliance costs, which pipeline operators often pass on to consumers. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standards to maintain or

improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators' ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this direct final rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism"; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government."

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory

amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the referenced specification is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking") obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.

This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 ("Consultation and Coordination with Indian Tribal Governments"; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A ("Department of Transportation Tribal Consultation Policies and Procedures"). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing "substantial direct compliance costs" or "substantial direct effects" on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking's regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for 49 CFR part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.7, revise paragraphs (e)(18) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(18) ASTM F2145–23, Standard Specification for Polyamide 11 (PA 11) and Polyamide 12 (PA12) Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing, amended February 1, 2023, (ASTM F2145); IBR approved for appendix B to this part.

* * * * *

Appendix B to Part 192 [Amended]

■ 3. In appendix B to part 192, amend section I.B by removing the text “ASTM F2145–13” and adding, in its place, the text “ASTM F2145”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12074 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0128; Amdt. No. 192–148]

RIN 2137–AG02

Pipeline Safety: Standards Update—ASTM F2817

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends the pipeline safety regulations to incorporate by reference the updated industry standard ASTM F2817,

Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0128 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Brianna Wilson, Transportation Specialist, by phone at (771) 215–0969 or email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) part 192). Specifically, PHMSA is updating the referenced version of the industry standard ASTM F2817, Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure

Pipe and Fittings for Maintenance or Repair to the 2023 version.

This standard presents existing industry requirements for PVC pipe, tubing, and fittings that are used to maintain or repair existing PVC gas piping. References to the 2023 version of the standard will replace the existing reference within 49 CFR 192 to ASTM F2817–10, “Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings For Maintenance or Repair,” February 1, 2010.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within Part 192 to an intermediate (2019) edition of this standard after preliminarily finding the revisions in that edition enhanced pipeline safety (87 FR 57213, 52723 (Aug. 19, 2022)); PHMSA’s evaluation of the handful of changes introduced in the standard since 2019 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule’s updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA’s safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties[.]”

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements of the statutory mandate discussed above. The organization’s mailing address and website is listed in 49 CFR part 192.

The ASTM standards incorporated in this final rule are available from the following website: <https://www.astm.org/products-services/reading-room.html>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0128 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

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B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. Updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—part of their routine business practices. Incorporating the updated version of these standards into the PSRs will help

avoid the added costs of complying with multiple versions of the same standard. These savings are expected to reduce overall compliance costs, which pipeline operators often pass on to consumers. The cost savings of this rulemaking could not be quantified.

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However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90

FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant

economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

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This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such

cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.7, revise paragraph (e)(23) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(23) ASTM F2817–13(Reapproved 2023), Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair, approved July 1, 2023, (ASTM F2817); IBR approved for appendix B to this part.

* * * * *

Appendix B to Part 192 [Amended]

■ 3. In appendix B to part 192, amend section I.A. by removing the text “ASTM F2817–10” and adding, in its place, the text “ASTM F2817”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12088 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0130; Amdt. No. 192–151]

RIN 2137–AF99

Pipeline Safety: Standards Update—NFPA 70

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s pipeline safety regulations to incorporate by reference the updated industry standard National Fire Protection Association (NFPA) 70, National Electrical Code (NEC). This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of

the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0130 using any of the following methods:

E-Gov Web: [https://](https://www.regulations.gov)

www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Brianna Wilson, Transportation Specialist, by phone at 771–215–0969 or email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety standards (PSRs, 49 Code of Federal Regulation (CFR) part 192). Specifically, PHMSA is updating the referenced version of the industry standard NFPA 70, “National Electrical Code (NEC)” to the 2023 edition.

NFPA 70 provides requirements for safe electrical design, installation, and inspection to protect people and property from electrical hazards. References to the 2023 edition of the standard will replace existing references within 49 CFR 192.163(e) and 192.189(c) to NFPA 70, “National Electrical Code (NEC),” 2017 edition, effective August 24, 2016.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical

and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the standard and concluded that it will either maintain or enhance the protection of public safety. PHMSA further concludes that the direct final rule’s updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA’s safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties[.]”

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. NFPA agreed to the public access requirements of the statutory mandate discussed above. The organization’s mailing address and website is listed in 49 CFR part 192.

The NFPA standards incorporated in this direct final rule are available from the following website: <https://www.nfpa.org/Codes-and-Standards/>

All-Codes-and-Standards/List-of-Codes-and-Standards.

Additional information regarding standards availability can be found at the following website: <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0130 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Brianna Wilson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety

Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at brianna.wilson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)) as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not been designated as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of this standard within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address

America's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 ("Unleashing American Energy"; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standard to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators' ability to provide abundant, reliable, affordable natural gas and in response to residential, commercial, and industrial demand.

However, this direct final rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism"; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government."

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct

effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking") obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final

rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 ("Consultation and Coordination with Indian Tribal Governments"; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A ("Department of Transportation Tribal Consultation Policies and Procedures"). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing "substantial direct compliance costs" or "substantial direct effects" on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking's regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter,

and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

- 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

- 2. In § 192.7, revise paragraph (i)(4) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(i) * * *

(4) NFPA 70, National Electrical Code (NEC), 2023 edition, effective September 1, 2022; IBR approved for §§ 192.163(e); 192.189(c).

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12080 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****49 CFR Part 192**

[Docket No. PHMSA–2025–0132; Amdt. No. 192–153]

RIN 2137–AG01

Pipeline Safety: Standards Update—PPI–TR 4

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s regulations to incorporate by reference

the updated industry standard PPI TR–4, PPI HSB Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDS), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0132 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Brianna Wilson, Transportation Specialist, by phone at (771) 215–0969 or by email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:**I. General Discussion**

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety standards (PSRs, 49 Code of Federal Regulation (CFR) part 192). Specifically,

PHMSA is updating the referenced version of the industry standard PPI TR-4, PPI HSB Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDS), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe to the 2024 edition.

This technical report (TR) details thermoplastic piping materials with a PPI-recommended HDB, SDB, PDB, or MRS rating for thermoplastic piping materials or pipe. This information was established in accordance with PPI TR-3: Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe. Reference to the 2024 edition of the standard will replace the existing reference within 49 CFR 192.121(b)(4) to PPI TR-4/2011, "PPI Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDB), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe," March 2011. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2021) edition of this standard after preliminarily finding the revisions in that edition enhanced pipeline safety (87 FR 57213, 52723 (Aug. 19, 2022)); PHMSA's evaluation of the handful of changes introduced in the standard since 2021 yield a similar conclusion regarding their safety impact.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to "use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards," "when practical and consistent with applicable laws." Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by

avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2021) edition of this standard after preliminarily finding the revisions in that edition enhanced pipeline safety (87 FR 57213, 52723 (Aug. 19, 2022)); PHMSA's evaluation of the handful of changes introduced in the standard since 2021 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112-90, 49 U.S.C. 60102(p), as amended), "the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge." On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to "[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties" (79 FR 66267).

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. Plastic Pipe Institute (PPI) agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 192.

The PPI standards incorporated in this final rule are available from the following website: <https://www.plasticpipe.org/PPI-Home/ALL-PPI-PUB/Technical-Reports.aspx>.

Additional information regarding standards availability can be found at

<https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA-2025-0132 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

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II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR § 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive

Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)) PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR

8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standard to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c)

of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the

agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR

1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its

regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.7, revise paragraph (k)(2) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(k) * * *

(2) PPI TR–4, “PPI HSB Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDB), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe”, updated May 1, 2024, (PPI TR–4); IBR approved for § 192.121(b).

§ 192.121 [Amended]

■ 3. Amend § 192.121(b)(4) by removing “PPI TR–4/2012” and adding in its place “PPI TR–4”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12079 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0129; Amdt. No. 192–150]

RIN 2137–AF98

Pipeline Safety: Standards Update—ASTM F1973

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends the PSRs to incorporate by reference the updated industry standard ASTM F1973, Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems. This updated standard would maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0129 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brianna Wilson, Transportation Specialist, by phone at 771–215–0969 or by email at brianna.wilson@dot.gov.

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated

by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) part 192). Specifically, PHMSA is updating to the 2021 edition the referenced version of the industry standard ASTM F1973, Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems.

ASTM F1973 presents the current requirements and test methods for the qualification of factory-assembled anodeless risers and transition fittings that are designed to be used in gas distribution systems that use PE, PA11, and PA12 pipe. The standard covers sizes up to and including Nominal Pipe Size (NPS) 8 for PE pipe and up to and including NPS 6 for PA11 and PA12 pipe. References to the 2021 edition of the standard will replace existing references within 49 CFR 192.204(b) and Section I of appendix B to part 192 to ASTM F1973–13, “Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems,” May 1, 2013.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2018) edition of this standard after preliminarily finding the

revisions in that edition enhanced pipeline safety (87 FR 57213, 52723 (Aug. 19, 2022)); PHMSA's evaluation of the handful of changes introduced in the standard since 2018 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties[.]” (79 FR 66267).

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 192.

The ASTM standards incorporated in this final rule are available from the following website: <https://www.astm.org/products-services/reading-room.html>.

Additional information regarding standards availability can be found at the following website: <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

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PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final

rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of this standard within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

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pipeline operators the benefit of using the updated standard to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas and in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

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facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.

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The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

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H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.7, revise paragraph (e)(17) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(17) ASTM F1973–25, Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems, November 1, 2021, (ASTM F1973); IBR approved for § 192.204(b); appendix B to this part.

* * * * *

§ 192.204 [Amended]

■ 3. In § 192.204, amend paragraph (b) by removing the text “ASTM F1973–13” and adding, in its place, the text “ASTM F1973”.

Appendix B to Part 192 [Amended]

■ 4. In appendix B to part 192, amend section I.B by removing the text “ASTM F1973–13” and adding, in its place, the text “ASTM F1973”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12063 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****49 CFR Part 192**

[Docket No. PHMSA–2025–0134; Amdt. No. 192–149]

RIN 2137–AF97

Pipeline Safety: Standards Update—ASTM F2945

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA's regulations to incorporate by reference the updated industry standard ASTM F2945, Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0134 using any of the following methods:

E-Gov Web: [https://](https://www.regulations.gov)

www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Alyssa Imam, Transportation Specialist, by phone at (202) 738–3850 or email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal

Regulation (CFR) part 192). Specifically, PHMSA is updating the referenced version of the industry standard ASTM F2945, “Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings” to the 2023 version.

This standard presents requirements and test methods for the characterization of PA11 pipe, tubing, and fittings that will be used on fuel gas pipelines. The PSRs currently incorporate the 2012 edition of this standard. Reference to the 2023 version of the standard will replace the existing reference within Item I, Appendix B to 49 CFR part 192 to ASTM F2945–12a, “Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings,” Nov. 27, 2012.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating this standard, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2018) edition of this standard after preliminarily finding the revisions in that edition enhanced pipeline safety (87 FR 57213, 52723 (Aug. 19, 2022)); PHMSA's evaluation of the handful of changes introduced in the standard since 2018 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and

public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties” (79 FR 66267).

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 192.

The ASTM standards incorporated in this final rule are available from the following website: <https://www.astm.org/standards-and-solutions/standards-and-publications/reading-room>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0134 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments

from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Alyssa Imam, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, or by email at alyssa.imam@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by

reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated

standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standards to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural

gas in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues

this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving

health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

- 1. The authority citation for 49 CFR part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 49 U.S.C. 60101 *et seq.*, and 49 CFR 1.97.

- 2. In § 192.7, revise paragraphs (e)(24) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(24) ASTM F2945–18 (Reapproved 2023 Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings, approved November 1, 2023 (ASTM F2945–18); IBR approved for appendix B to this part.

* * * * *

Appendix B to Part 192 [Amended]

- 3. In appendix B to part 192, amend section I by removing the text “ASTM F2945–12a”, everywhere it appears, and adding, in its place, the text “ASTM F2945”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12093 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0120; Amdt. No. 192–141]

RIN 2137–AF88

Pipeline Safety: Standards Update—API RP 1170 and API RP 1171

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s regulations to incorporate by reference the updated industry standards API RP 1170, Design and Operation of Solution-mined Salt Caverns Used for Natural Gas Storage, and API RP 1171, Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs. These updated standards will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0120 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Alyssa Imam, Transportation Specialist, by phone at (202) 738–3850 or email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference updates to a pair of voluntary, consensus industry technical standards already incorporated by reference within the pipeline safety regulations (PSRs; 49 Code of Federal Regulation (CFR) part 192). Specifically, PHMSA is updating the referenced editions of each of American Petroleum Institute (API) Recommended Practice (RP) 1170, “Design and Operation of Solution-mined Salt Caverns Used for Natural Gas Storage” and API RP 1171, “Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs.”

API Recommended Practice 1170, "Design and Operation of Solution-Mined Salt Caverns Used for Natural Gas Storage," 2nd Edition, November 2022 (API RP 1170)

This RP provides the functional recommendations for salt cavern facilities used for natural gas storage service and covers facility geomechanical assessments, cavern well design and drilling, risk management, solution mining techniques and operations, including monitoring and maintenance practices, site security and safety, procedures, training, and abandonment. This RP includes the cavern well system (wellhead, wellbore, and cavern) from the emergency shutdown (ESD) valve down to the cavern and facilities having significant impact to safety and integrity of the cavern system. This RP does not apply to caverns used for the storage of liquid or liquefied petroleum products, brine production, or waste disposal; hydrogen, or compressed air, nor to caverns which are mechanically mined, or depleted hydrocarbon or aquifer underground gas storage systems. Reference to the second edition of API RP 1170 will replace existing references within §§ 192.7 and 192.12 to API Recommended Practice 1170, "Design and Operation of Solution-mined Salt Caverns Used for Natural Gas Storage," First edition, July 2015.

API Recommended Practice 1171, "Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs," 2nd Edition, November 2022 (API RP 1171)

This RP outlines storage well, reservoir, and fluid management for functional integrity in design, construction, operation, monitoring, maintenance, and documentation practices. This standard applies to natural gas storage in depleted natural gas and oil reservoirs as well as aquifer reservoirs. Reference to the second edition of API RP 1171 will replace existing references within §§ 192.7 and 192.12 to API Recommended Practice 1171, "Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs, First edition, September 2015.

These updated standards will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directs Federal agencies to "use technical standards developed by voluntary consensus

standard bodies instead of government-developed technical standards," "when practical and consistent with applicable laws." Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated editions of API RPs 1170 and 1171 and determined that those updated standards will either maintain or enhance the protection of public safety. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), "the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge." On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to "[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties" (79 FR 66267).

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. API agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 192.

The API standards incorporated in this final rule are available from the

following website: <https://publications.api.org/Default.aspx>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0120 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

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1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at alyssa.imam@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”) 58 FR 51735 (Oct. 4, 1993), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. Updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standards that are the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standards. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy

development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standards to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”); 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism” 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship

between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act and that the potential impacts of the rulemaking on small entities has been properly considered. PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate

that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter,

and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

- 1. The authority citation for 49 CFR part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

- 2. In § 192.7, revise paragraphs (b)(10) and (11) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(b) * * *

(10) API Recommended Practice 1170, Design and Operation of Solution-mined Salt Caverns Used for Natural Gas Storage, 2nd edition, November 2022 (API RP 1170); IBR approved for § 192.12(a).

(11) API Recommended Practice 1171, Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs, 2nd edition, November 2022, including Errata 1, September 2023 (API RP 1171); IBR approved for § 192.12(a), (b), and (d).

* * * * *

§ 192.12 [Amended]

- 3. Amend § 192.12(d)(3) by removing the text “8.7.1”, and adding, in its place, the text “8.6.2”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12069 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0126; Amdt. No. 192–146]

RIN 2137–AF95

Pipeline Safety: Standards Update—ASTM F2767

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s regulations to incorporate by reference the updated industry standard ASTM F2767, Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0126 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Alyssa Imam, Transportation Specialist, by phone at (202) 738–3850 or email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) part 192. Specifically, PHMSA is updating the referenced version of the industry standard ASTM F2767, “Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution” to the 2023 version.

This standard presents the current state of knowledge and technology applicable to PA12 electrofusion fittings for use with outside-diameter-controlled PA12 pipe, as covered by ASTM F2785. The standard also includes requirements for materials, workmanship, and testing performance. Reference to the 2023 version of the standard will replace existing references within 49 CFR part 192 to ASTM F2767–12, “Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution,” issued Oct. 15, 2012.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating this standard, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological

advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2018) edition of this standard after preliminarily finding the revisions in that edition enhanced pipeline safety (87 FR 57213, 52723 (Aug. 19, 2022)); PHMSA's evaluation of the handful of changes introduced in the standard since 2018 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties[.]”

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 192.

The ASTM standard incorporated in this final rule are available from the following website: <https://www.astm.org/standards-and-solutions/standards-and-publications/reading-room>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

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II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the

Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President's Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a "major rule" as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

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This direct final rule is a deregulatory action pursuant to E.O. 14192 ("Unleashing Prosperity Through Deregulation"; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 ("Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative") indicative that a regulation is "unlawful . . . [or] that undermine[s] the national interest." (90 FR 10583 (Feb. 25, 2025)).

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capacity. Similarly, E.O. 14154 ("Unleashing American Energy"; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standards to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators' ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this direct final rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism"; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government."

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power

and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking") obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.

This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in

the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and

consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”) 77 FR 26413 (May 4, 2012) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 49 U.S.C. 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.7, revise paragraphs (e)(21) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(21) ASTM F2767–18(2023), “Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution,” November 1, 2023 (ASTM F2767); IBR approved for appendix B to this part.

* * * * *

Appendix B to Part 192 [Amended]

■ 3. In appendix B to part 192, amend section I.B by removing the text “ASTM F2767–12” and adding, in its place, the text “ASTM F2767”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12078 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials
Safety Administration****49 CFR Part 192**

[Docket No. PHMSA–2016–0002; Amdt. No. 192–137]

RIN 2137–AF13

**Pipeline Safety: Periodic Updates of
Regulatory References to Technical
Standards and Miscellaneous
Amendments; Additional Technical
Amendments; Response to Petition for
Reconsideration****AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).**ACTION:** Final rule; technical amendments; response to petition for reconsideration.

SUMMARY: PHMSA is issuing technical amendments to regulations promulgated in its April 29, 2024, final rule titled “Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments.” These technical amendments address the incorporation by reference of an updated edition of industry standard, ASME B31.8S, into specific provisions that the final rule did not update due to then-pending litigation. These technical amendments also respond to a Petition for Reconsideration filed on May 29, 2024.

DATES: This final rule is effective July 1, 2025. The incorporation by reference of certain material listed in the rule was approved by the Director of the Federal Register as of June 28, 2024.

FOR FURTHER INFORMATION CONTACT:

Technical Information: Rod Seeley by phone at 281–513–1741 or by email at rodrick.m.seeley@dot.gov.

Regulatory Information: Brianna Wilson by phone at 771–215–0969 or by email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background and Need for Technical Amendments**

This final rule updates the edition of an industry standard that is incorporated by reference into certain specific regulations in 49 CFR part 192. PHMSA previously declined to update a handful of those references due to litigation challenging the underlying regulatory provisions. The recent resolution of that litigation now allows PHMSA to update the standard referenced in those regulations.

On April 29, 2024, PHMSA published a final rule, titled “Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments” (Periodic Standards Update 1 Rule).¹ The Periodic Standards Update 1 Rule amended the Pipeline Safety Regulations (PSR, 49 CFR parts 190–199) at 49 CFR parts 192 and 195 to incorporate by reference all or parts of more than 20 new or updated industry standards.

One of the industry standards that the Periodic Standards Update 1 Rule incorporated by reference was the 2018 edition of ASME B31.8S, “Supplement to B31.8 on Managing System Integrity of Gas Pipelines” (2018 ASME B31.8S).² Although PHMSA had previously asked for public comment on whether to incorporate the 2018 ASME B31.8S throughout the PSRs—and the Gas Pipeline Advisory Committee (GPAC) had endorsed that proposal during an October 2021 public meeting, 49 U.S.C. 60115—PHMSA did not do so in the Periodic Standards Update 1 Rule. Instead, PHMSA only updated some of the PSR references to the 2018 ASME B31.8S because of a then-pending legal challenge to another final rule, titled “Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments” (2022 final rule).³

Specifically, as PHMSA explained in the preamble to the Periodic Standards Update 1 Rule, the challenge to the 2022 final rule involved amendments to certain specific regulations—namely, §§ 192.714 and 192.933—that referenced the 2004 edition of ASME B31.8S.⁴ Citing the uncertainty created as a result of the litigation, PHMSA declined to incorporate the 2018 ASME B31.8S into §§ 192.714 and 192.933 in the Periodic Standards Update 1 Rule.⁵ PHMSA explained that it would consider such an update in a future rulemaking action.

On May 29, 2024, Interstate Natural Gas Association of America (INGAA), the American Public Gas Association (APGA), the American Gas Association (AGA), the American Fuel and

Petrochemical Manufacturers (AFPM), the Liquid Energy Pipeline Association (LEPA), and the American Petroleum Institute (API) (collectively, the Petitioners) submitted a Petition for Reconsideration of the Periodic Standards Update 1 Rule.⁶ The Petitioners asked PHMSA to reconsider its decision not to incorporate the 2018 ASME B31.8S by reference into §§ 192.714(d)(1), 192.933(d)(1), and 192.933(d)(2)(iv), which they argued was not supported by the record, created a regulatory conflict at § 192.714(d)(1), and limited the ability of gas pipeline operators to use certain technologies. The Petitioners also filed a parallel motion to stay the effective date of the Periodic Standards Update 1 Rule.⁷

On June 20, 2024, PHMSA issued a Notice of Limited Enforcement Discretion (Notice) in response to the Petitioner’s stay motion. The Notice advised regulated entities that PHMSA would not take any action to enforce the provisions in Periodic Standards Update 1 Rule until January 1, 2025.⁸ On December 18, 2024, shortly before that enforcement discretion expired, the 2022 final rule litigation ended, effectively resolving the uncertainty surrounding the regulatory status of §§ 192.714(d) and 192.933(d)(1) and (d)(2)(iv).⁹

Now that the 2022 final rule litigation is complete, PHMSA is amending §§ 192.714(d) and 192.933(d)(1) and (d)(2)(iv) to incorporate the 2018 ASME B31.8S, which was previously approved by the Director of the Federal Register for incorporation by reference in those sections. PHMSA is also making conforming amendments to § 192.7.

⁶ INGAA *et al.*, Doc. No. PHMSA–2016–0002–0014, “Joint Trade Petition for Reconsideration IBR Rule” (May 29, 2024) (Petition for Reconsideration). On May 29, 2024, GPA Midstream Association (GPA) and the American Petroleum Institute (API) also filed a separate Petition for Reconsideration of the Final Rule. GPA and API, Doc. No. PHMSA–2016–0002–0016, “Petition for Reconsideration” (May 29, 2024) (“GPA–API Petition”). The GPA–API Petition asked PHMSA to give operators more time to comply with the updated welding standards under API 1104 and API 2350.

⁷ INGAA *et al.*, Doc. No. PHMSA–2016–0002, “Petitioners’ Motion to Stay Final Rule (May 29, 2024). The Petitioners requested a stay of the Final Rule or, in the alternative, a stay of enforcement. Petitioners’ Motion to Stay at 4. On May 29, 2024, GPA and API also filed a parallel motion to stay the effective date of the Final Rule.

⁸ The Notice, which expired by its terms on January 1, 2025, is available in the docket for this rulemaking at Doc. No. PHMSA–2016–0002–0018.

⁹ *Interstate Natural Gas Association of America v. Pipeline and Hazardous Materials Safety Administration and United States Department of Transportation*, No. 23–1173 (D.C. Cir. Dec. 18, 2024); *Interstate Nat. Gas Ass’n of Am. v. Pipeline & Hazardous Materials Safety Admin.*, 114 F.4th 744 (D.C. Cir. 2024).

¹ 89 FR 33264 (Apr. 29, 2024).

² ASME/ANSI, B31.8S–2004, “Supplement to B31.8 on Managing System Integrity of Gas Pipelines” (Jan. 2005) (ASME B31.8S).

³ PHMSA, “Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments—Final Rule,” 87 FR 52224 (Aug. 24, 2022).

⁴ Specific sub-paragraphs challenged in the 2022 final rule litigation were §§ 192.714(d) and 192.933(d)(1) and (d)(2)(iv)).

⁵ 89 FR at 33270.

PHMSA notes that these amendments are supported by the record and consistent with the GPAC's recommendations in the Periodic Standards Update 1 Final Rule. This document also responds to the Petitioners' May 29, 2024, Petition for Reconsideration.

II. Regulatory Analyses and Notices

A. Statutory/Legal Authority

This final rule is published under the authority of the Secretary of Transportation delegated to the PHMSA Administrator under 49 CFR 1.97. Among the statutory authorities vested in the Secretary under the Federal Pipeline Safety Statutes (49 U.S.C. 60101 *et seq.*), section 60102(l) authorizes, to the extent appropriate and practicable, the Secretary to update incorporated, voluntary, consensus industry technical standards that were adopted as part of the PSRs to protect public safety and the environment.

PHMSA finds it has good cause to make these amendments without notice and comment pursuant to section 553(b) of the Administrative Procedure Act (APA, 5 U.S.C. 551 *et seq.*). Section 553(b)(B) of the APA provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. This final rule contains editorial and technical amendments, including revision to or codification of regulatory language not adopted in the Periodic Standards Update 1 Rule due to then-pending litigation, consistent with statements in the administrative record. The technical amendments align the regulatory text with the October 2021 GPAC discussions, the GPAC's recommendation, and public comments received on the proposed rule.¹⁰ Furthermore, the technical and editorial amendments herein ensure consistency within, and intended effect of the Periodic Standards Update 1 Rule. These amendments will also help alleviate potential confusion created by incorporating by reference in the PSR two different editions of the same

voluntary, industry standard. Because these amendments are the product of an extensive administrative record with numerous opportunities for public comment, including through written comments and the GPAC, PHMSA finds that additional comment on the amendments herein are unnecessary.

The immediate effective date of the amendments contained in this document is authorized under 5 U.S.C. 553(d)(3) of the APA. Section 553(d)(3) provides that a rule should take effect "not less than 30 days" after publication in the **Federal Register**, except for when good cause is found by the agency and published within the rule, thus allowing for earlier effectiveness. 5 U.S.C.

553(d)(3). "[T]he purpose of the thirty-day waiting period is to give affected parties a reasonable time to adjust their behavior before the final rule takes effect." *Omnipoint Corp. v. F.C.C.*, 78 F.3d 620, 630 (D.C. Cir. 1996). PHMSA finds that good cause under section 553(d)(3) of the APA supports making the revisions effective upon publication in the **Federal Register** because the editorial and technical amendments at §§ 192.7(c)(6), 192.714(d)(1), 192.933(d)(1), and 192.933(d)(2)(iv) are consistent with statements in the administrative record, GPAC discussions and recommendations, and advance public interest.

B. Executive Order 12866; Regulatory Planning and Review

This document has been evaluated in accordance with existing policies and procedures and is considered not significant under each of Executive Order (E.O.) 12866 ("Regulatory Planning and Review")¹¹ and DOT Order 2100.6B ("Policies and Procedures for Rulemaking"). Therefore, this document has not been reviewed by the Office of Management and Budget (OMB). PHMSA finds that the editorial and technical amendments herein, in all respects are consistent with the Final Rule, impose no incremental compliance costs nor adversely affect safety. These amendments are merely updates to the edition of ASME B31.8S incorporated by reference in the PSR that could not be updated at issuance of the Final Rule due to then-pending 2022 final rule litigation. These amendments also are consistent with the intent of the Periodic Standards Update 1 Final Rule as discussed within comments on the proposed rule, the GPAC meeting, and the supporting administrative record.

C. Executive Orders 14192 and 14219

This final rule will be a deregulatory action pursuant to E.O. 14192 ("Unleashing Prosperity Through Deregulation").¹² PHMSA estimates that the total costs of the rule on the regulated community will be less than zero. Nor does this rule implicate any of the factors identified in section 2(a) of E.O. 14219 ("Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative") indicative that a regulation is "unlawful . . . [or] that undermine[s] the national interest."¹³

D. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires agencies to review regulations to assess their impact on small entities unless the agency head certifies that a rulemaking will not have a significant economic impact on a substantial number of small entities including small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. The Regulatory Flexibility Act directs agencies to establish exceptions and differing compliance standards for small businesses, where possible to do so and still meet the objectives of applicable regulatory statutes. E.O. 13272 ("Consideration of Small Entities in Agency Rulemaking")¹⁴ requires agencies to establish procedures and policies to promote compliance with the Regulatory Flexibility Act and to "thoroughly review draft rules to assess and take appropriate account of the potential impact" of the rules on small businesses, governmental jurisdictions, and small organizations. The DOT posts its implementing guidance on a dedicated web page.

As explained in the Final Regulatory Flexibility Analysis (FRFA) discussion in the Final Rule, PHMSA found that the Final Rule would not have a significant impact on a substantial number of small entities. Therefore, PHMSA expects that these amendments—like the amendments in the Final Rule—will not have a significant economic impact on a substantial number of small entities. Because the technical amendments herein will impose no new incremental compliance costs, PHMSA understands its analysis in the Final Rule regarding

¹⁰ PHMSA explained in the Periodic Standards Update 1 Rule Final Rule that it originally understood, mistakenly, that the updated 2018 edition of ASME B31.8S removed certain particular safety enhancing provisions elements, and thus, proposed incorporation by reference of the 2016 edition. However, commenters explained that the standards were merely relocated and were not deleted. PHMSA explicitly sought comment on potential incorporation by reference of the 2018 edition of ASME B31.8S; the Petitioners urged PHMSA to incorporate by reference the 2018 edition.

¹¹ 58 FR 51735 (Oct. 4, 1993).

¹² 90 FR 9065 (Feb. 6, 2025).

¹³ 90 FR 10583 (Feb. 25, 2025).

¹⁴ 68 FR 7990 (Feb. 19, 2003).

compliance with the Regulatory Flexibility Act remains unchanged.

In addition, the analytical requirements of the Regulatory Flexibility Act do not apply when the agency finds good cause under the APA to adopt a rule without prior notice and comment.¹⁵ Because PHMSA has “good cause” under the APA to forego comment on the corrections herein, no Regulatory Flexibility Act analysis is required.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), no individual is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. Pursuant to 44 U.S.C. 3506(c)(2)(B) and 5 CFR 1320.8(d), PHMSA must provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests.

The technical amendments in this document impose no new or revised information collection requirements beyond those discussed in the Final Rule. The changes being made in this document will require no change to the current reporting requirements.

F. Unfunded Mandates Reform Act of 1995

PHMSA analyzed the technical amendments in this document under the Unfunded Mandates Reform Act of 1995 (UMRA, 2 U.S.C. 1501 *et seq.*) and determined that the amendments herein do not impose enforceable duties of \$100 million or more, adjusted for inflation, in any one year, on State, local, or Tribal governments, or on the private sector. Because the amendments herein will impose no new incremental compliance costs, the analysis in that UMRA discussion for the Final Rule remains unchanged.

G. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) requires Federal agencies to prepare a detailed statement on major Federal actions significantly affecting the quality of the human environment. PHMSA has determined that the amendments in this document have no effect on its earlier NEPA analysis, as the amendments merely update incorporated by reference standards for particular provisions that were subject

to then-pending litigation that has now concluded.

H. Executive Order 13132 (Federalism)

PHMSA analyzed the amendments in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”).¹⁶ The amendments herein are consistent with the Periodic Standards Update 1 Final Rule, and does not have any substantial direct effect on the States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government beyond what was accounted for in the Final Rule. This document does not contain any provision that imposes any substantial direct compliance costs on State or local governments, nor any new provision that preempts State law. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

I. Energy-Related Executive Orders 13211, 14154, and 14156

E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”)¹⁷ requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Under E.O. 13211, a “significant energy action” is defined as any action by an agency (normally published in the **Federal Register**) that promulgates, or is expected to lead to the promulgation of, a final rule that (1)(i) is a significant regulatory action under E.O. 12866 or any successor order and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy (including a shortfall in supply, price increases, and increased use of foreign supplies); or (2) is designated by the Administrator of the Office of Information and Regulatory Affairs (OIRA) as a significant energy action. These editorial and technical corrections in this document are not a “significant energy action” under E.O. 13211, as they are not a significant regulatory action, and they are not likely to have a significant adverse effect on supply, distribution, or use of energy. These amendments are also not likely to impose an undue burden on the identification, development, or use of domestic energy resources pursuant to E.O. 14154 (“Unleashing American Energy”).¹⁸ Similarly, these amendments are not likely to inhibit the identification, leasing, siting, production, transportation, refining, and

generation of domestic energy resources pursuant to E.O. 14156 (“Declaring a National Energy Emergency”).¹⁹

J. Executive Order 13175

This document was analyzed in accordance with the principles and criteria contained in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”)²⁰ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 and DOT Order 5301.1A require DOT Operating Administrations to assure meaningful and timely input from Native American tribal government representatives in the development of rules that significantly or uniquely affect tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities, or the relationship and distribution of power between the Federal Government and Native American tribes. Because the amendments herein do not have Tribal implications or impose substantial direct compliance costs on Indian Tribal governments, the funding and consultation requirements of E.O. 13175 do not apply.

K. Executive Order 13609 and International Trade Analysis

Under E.O. 13609 (“Promoting International Regulatory Cooperation”),²¹ agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The amendments herein do not impact international trade.

L. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs federal agencies to use voluntary consensus standards in their regulatory activities unless doing so would be inconsistent with

¹⁵ 5 U.S.C. 603–604. See also Small Business Administration, “A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act” 55 (2017).

¹⁶ 64 FR 43255 (Aug. 10, 1999).

¹⁷ 66 FR 28355 (May 22, 2001).

¹⁸ 90 FR 9065 (Feb. 6, 2025).

¹⁹ 90 FR 10583 (Feb. 25, 2025).

²⁰ 65 FR 67249 (Nov. 6, 2000).

²¹ 77 FR 26413 (May 4, 2012).

applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specification of materials, test methods, or performance requirements) that are developed or adopted by voluntary consensus standard bodies. The Final Rule adopted more than 20 new or updated voluntary, consensus industry technical standards. The amendments herein do not change the Periodic Standards Update 1 Final Rule's analysis.

M. Severability

The technical amendments herein focus on specific provisions. Therefore, PHMSA finds that each correction in this rule is severable and able to function independently from the others. Further, these provisions are severable from the Periodic Standards Update 1 Final Rule. In the event a court were to invalidate one or more of the amendments in this rule, the remaining provisions should stand, thus allowing their continued effect.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

In consideration of the foregoing, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. Amend § 192.7 as follows:

■ a. Revise paragraph (c)(5);

■ b. Revise paragraph (c)(6); and

■ c. Remove and reserve paragraph (c)(7).

The revisions read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(c) * * *

(5) ASME B31.8–2018, Gas Transmission and Distribution Piping Systems, Issued November 20, 2018, (ASME B31.8); IBR approved for §§ 192.112(b); 192.619(a); and 192.911(m).

(6) ASME B31.8S–2018, Managing System Integrity of Gas Pipelines, Issued November 28, 2018, (ASME B31.8S); IBR approved for §§ 192.13(d); 192.714(c); 192.714(d); 192.903 note to Potential impact radius; 192.907(b); 192.911 introductory text, (i), and 192.913(a) through (c); 192.917(a)

through (e); 192.921(a); 192.923(b); 192.925(b); 192.933(c) and (d); 192.935(b); 192.937(c); 192.939(a); 192.945(a).

* * * * *

■ 3. Amend § 192.714 by revising the introductory text of paragraph (c), introductory text of paragraph (d)(1), and paragraph (d)(2)(iv) to read as follows:

§ 192.714 Transmission lines: Repair criteria for onshore transmission pipelines.

* * * * *

(c) *Schedule for evaluation and remediation.* An operator must remediate conditions according to a schedule that prioritizes the conditions for evaluation and remediation. Unless paragraph (d) of this section provides a special requirement for remediating certain conditions, an operator must calculate the predicted failure pressure of anomalies or defects and follow the schedule in ASME B31.8S (incorporated by reference, see § 192.7), section 7, Figure 7.2.1–1. If an operator cannot meet the schedule for any condition, the operator must document the reasons why it cannot meet the schedule and how the changed schedule will not jeopardize public safety. Each condition that meets any of the repair criteria in paragraph (d) of this section in an onshore steel transmission pipeline must be—

* * * * *

(d) * * *

(1) *Immediate repair conditions.* An operator's evaluation and remediation schedule for immediate repair conditions must follow section 7 of ASME B31.8S (incorporated by reference, see § 192.7). An operator must repair the following conditions immediately upon discovery:

* * * * *

(2) * * *

(iv) For metal loss anomalies, a calculation of the remaining strength of the pipe shows a predicted failure pressure, determined in accordance with § 192.712(b) at the location of the anomaly, of less than 1.39 times the MAOP for Class 2 locations, or less than 1.50 times the MAOP for Class 3 and 4 locations. For metal loss anomalies in Class 1 locations with a predicted failure pressure greater than 1.1 times MAOP, an operator must follow the remediation schedule specified in ASME B31.8S (incorporated by reference, see § 192.7), section 7, Figure 7.2.1–1, as specified in paragraph (c) of this section.

* * * * *

■ 4. Amend § 192.933 by revising paragraphs (d)(1) introductory text and (d)(2)(iv) to read as follows:

§ 192.933 What actions must be taken to address integrity issues?

(d) * * *

(1) *Immediate repair conditions.* An operator's evaluation and remediation schedule must follow ASME B31.8S, section 7 (incorporated by reference, see § 192.7) in providing for immediate repair conditions. To maintain safety, an operator must temporarily reduce operating pressure in accordance with paragraph (a) of this section or shut down the pipeline until the operator completes the repair of these conditions. An operator must treat the following conditions as immediate repair conditions:

(2) * * *

(iv) Metal loss anomalies where a calculation of the remaining strength of the pipe at the location of the anomaly shows a predicted failure pressure, determined in accordance with § 192.712(b), less than 1.39 times the MAOP for Class 2 locations, and less than 1.50 times the MAOP for Class 3 and 4 locations. For metal loss anomalies in Class 1 locations with a predicted failure pressure greater than 1.1 times MAOP, an operator must follow the remediation schedule specified in ASME B31.8S (incorporated by reference, see § 192.7), section 7, Figure 7.2.1–1, in accordance with paragraph (c) of this section.

* * * * *

Issued in Washington, DC, on June 26, 2025, under authority delegated in 49 CFR 1.97.

Keith Coyle,

Chief Counsel.

[FR Doc. 2025–12116 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0131; Amdt. No. 192–152]

RIN 2137–AG00

Pipeline Safety: Standards Update PPI–TR 3

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA's regulations to incorporate by reference the updated industry standard PPI TR-3, Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA-2025-0131 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1-202-493-2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brianna Wilson, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, by phone at (771) 215-0969 or email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) part 192). Specifically, PHMSA is updating the referenced version of the industry standard PPI TR-3, Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe, to the 2024 edition.

This report presents the policies and procedures that PPI's Hydrostatic Stress Board (HSB) used to develop long-term, strength-rating recommendations for commercial thermoplastic piping materials or pipe. The recommendations are published in PPI Technical Report 4 (TR-4): PPI HSB Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDB), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe. Reference to the 2024 edition of the standard will replace the existing reference within 49 CFR 192.121(a) to PPI TR-3/2012, "Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe," issued in November 2012.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to "use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards," "when practical and consistent with applicable laws." Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials,

testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated version of the specification and concluded that it will either maintain or enhance the protection of public safety. Indeed, PHMSA had in 2022 proposed to update references within part 192 to an intermediate (2021) edition of this standard after preliminarily finding the revisions in that edition enhanced pipeline safety (87 FR 57213, 57223 (Aug. 19, 2022)); PHMSA's evaluation of the handful of changes introduced in the standard since 2021 yield a similar conclusion regarding their safety impact. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112-90, 49 U.S.C. 60102(p), as amended), "the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge." On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to "[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties[.]"

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. Plastic Pipe Institute (PPI) agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 192.

The PPI standards incorporated in this final rule are available from the following website: <https://www.plasticpipe.org/PPI-Home/ALL-PPI-PUB/Technical-Reports.aspx>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0131 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Brianna Wilson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by

email at brianna.wilson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. *See* 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)) as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the

Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of this standard within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by

ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standard to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)) which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation

of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ⁹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹⁰ This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that

qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and

affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not

materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

- 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

- 2. In § 192.7, revise paragraph (k)(1) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(k) * * *

(1) PPI TR–3, Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe, May 1, 2024, ; IBR approved for § 192.121(a).

* * * * *

§ 192.121 [Amended]

- 3. In § 192.121, amend paragraph (a) by removing the text “PPI TR–3/2012” and adding, in its place, the text “PPI TR–3”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12089 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket No. PHMSA–2025–0119; Amdt. Nos. 192–140; 195–109]

RIN 2137–AF87

Pipeline Safety: Standards Update—API Spec 6D

AGENCY: Pipeline and Hazardous Materials Safety Administration

(PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s regulations to incorporate by reference the updated industry standard API Spec 6D, Specification for Valves. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to significant adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0119 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

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Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Brianna Wilson, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, by phone at (771) 215–0969 or email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry

technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) parts 192 and 195). Specifically, PHMSA is updating the referenced edition of industry standard American Petroleum Institute (API) Specification 6D, Specification for Valves to the 25th edition (issued in November 1, 2021) of that specification.

This standard prescribes requirements for the design, manufacturing, materials, welding, quality control, assembly, testing, marking, documentation, and process controls of axial, ball, check, gate, and plug valves for application in the natural gas industry. References to the 25th edition of the standard will replace existing references in §§ 192.145(a) and 195.116(d) to API Specification Spec 6D, “Specification for Pipeline and Piping Valves,” 24th edition, August 2014, including Errata 1 through 10 (October 2014 through July 2021), Addendum 1 (March 2015), and Addendum 2 (June 2016).

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directs Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated edition of the standard and concluded it will either maintain or enhance the protection of public safety. PHMSA further concludes that the direct final rule’s updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA’s safety priorities compared to alternatives, thereby

justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties” (79 FR 66267).

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. American Petroleum Institute (API) agreed to the public access requirements of the statutory mandate discussed above. The organization’s mailing address and website is listed in 49 CFR parts 192 and 195.

The API standard incorporated in this direct final rule is available from the following website: <https://publications.api.org/IBR-Documents-Under-Consideration.aspx>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0119 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

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Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Orders 12866 and 14192; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”); 58 FR 51735 (Oct. 4, 1993), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not been designated as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that

the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standard to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning

Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the

agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.

This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either state, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such

cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects

49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR parts 192 and 195 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.7, revise paragraph (b)(8) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(b) * * *
(8) API Specification 6D, Specification for Valves, 25th edition, November 1, 2021, including Errata (December 2021), Errata 2 (April 2022), Errata 3 (October 2023), Addendum 1 (April 2023), Addendum 2 (September 2024), and Addendum 3 (March 2025), (API Spec 6D); IBR approved for § 192.145(a).

* * * * *

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 3. The authority citation for part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 4. In § 195.3, revise paragraph (b)(13) to read as follows:

§ 195.3 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(b) * * *
(13) API Specification 6D, Specification for Valves, 25th edition, November 1, 2021, including Errata 1 (December 2021), Errata 2 (April 2022), Errata 3 (October 2023), Addendum 1 (April 2023), Addendum 2 (September 2024), and Addendum 3 (March 2025), (API Spec 6D); IBR approved for § 195.116(d).

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12068 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket No. PHMSA–2025–0118; Amdt. Nos. 192–154, 195–116]

RIN 2137–AF79

Pipeline Safety: Integration of Innovative Remote Sensing Technologies for Right-of-Way Patrols on Gas and Hazardous Liquid Pipelines

AGENCY: Pipeline and Hazardous Materials Safety Administration

(PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR clarifies that PHMSA's right-of-way patrol requirements are technology neutral, and that remote sensing technologies, such as unmanned aerial systems and satellites, can be used for compliance purposes.

DATES: The DFR is effective October 9, 2025, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to those comments.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0118 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Sayler Palabrica, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–744–0825, sayler.palabrica@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA requires operators to perform periodic patrols of gas transmission and hazardous liquid pipeline rights-of-way (ROW). Section 192.705 requires operators to patrol gas transmission pipelines between one and four times each calendar year, depending on the class location of the pipeline and whether the pipeline is located at a highway or railroad crossing. Similarly, § 195.412 requires hazardous liquid pipeline operators inspect the surface

conditions on or adjacent to each pipeline ROW at least 26 times each year. Both sections specify that patrols or inspections may include walking, driving, flying, or other appropriate means of traversing the ROW. During these inspections, an operator patrols the ROW to identify indications of leaks or threats to pipeline integrity, such as construction, excavation activity, and earth movement. While these are primarily visual inspections, PHMSA is aware of operators who integrate additional sensing technologies, such as thermal imaging or light detection and ranging sensors to identify leaks, earth movement, the condition of water crossings, and other safety risks, in conducting ROW patrols.

PHMSA has clarified in interpretation letters that unmanned aircraft systems (UAS, commonly known as drones) and satellite surveillance may satisfy patrol requirements, so long as they provide current information and imaging quality comparable to traditional aerial patrols (PI–19–0005 (Aug. 1, 2019), PI–21–0006 (Jul. 13, 2021)). However, PHMSA has never clarified this explicitly in the regulation, resulting in regulatory uncertainty that discourages the adoption of cost-effective, advanced technologies. In response to a DOT request for information on deregulation (90 FR 14593 (Apr. 3, 2025)), the American Petroleum Institute (API) and the Liquid Energy Pipeline Association (LEPA) recommended PHMSA “state clearly in regulation (not just interpretive guidance) that drone and satellite technology is eligible for inspecting ROWs” (Docket No. DOT–OST–2025–0026–0874 (May 5, 2025)).

To provide operators with additional regulatory certainty and encourage the use of cost-effective, advanced technologies, this rule revises §§ 192.705 and 195.412 to authorize explicitly UAS, satellite surveillance, and other technologies suitable for observing current surface conditions in conducting ROW patrols. This amendment will reduce potential barriers to the use of these technologies, resulting in potential cost savings and safety and environmental benefits. UAS and satellite surveys are often less expensive than ground-based surveys or surveys conducted with traditional fixed-wing or rotary-wing aircraft. A UAS or satellite patrol is also less likely to create risks to operator personnel, particularly when compared with patrols conducted using traditional ground-based or aerial technologies. Finally, satellite and UAS patrols are also likely to have lower local air quality and noise impacts when compared with traditional methods as

UAS are lower in mass than traditional aircraft and often use battery-electric propulsion.

PHMSA notes that while UAS are authorized for compliance with pipeline ROW patrol requirements under §§ 192.705 and 195.412, nothing in this rule affects other regulatory obligations regarding the commercial operation of UAS in the National Airspace System.

Commenting

Instructions: Please include the docket number PHMSA–2025–0118 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 United States Code (U.S.C.) 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Sayler Palabrica, Office of

Pipeline Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at sayler.palabrica@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that the clarification included in this direct final rule is unlikely to elicit significant adverse comment. *See* 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the procedural and analytical requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators by explicitly stating that certain cost-effective technologies are permitted. PHMSA expects those cost savings will also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This direct final rule will be a deregulatory action pursuant to Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)). PHMSA estimates that the total costs of the rule on the regulated community will be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; (90 FR 8353 (Jan. 29, 2025))) a national emergency to address America’s inadequate energy development, production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” (90 FR 8353 (Jan. 29, 2025))) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this

direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators regulatory certainty that cost-effective advanced technologies such as UAS and satellites are approved compliance methods. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators' ability to provide abundant, reliable, affordable natural gas and petroleum products in response to residential, commercial, and industrial demand.

However, this direct final rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"; (66 FR 28355 (May 22, 2001))), which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism"; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government."

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety

requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking"; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve regulatory burdens and therefore certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 ("Consultation and Coordination with Indian Tribal Governments"; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A ("Department of Transportation Tribal Consultation Policies and Procedures"). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing "substantial direct compliance costs" or "substantial direct effects" on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking's regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects

49 CFR Part 192

Natural gas, Pipeline safety.

49 CFR Part 195

Pipeline safety.

In consideration of the foregoing, PHMSA amends 49 CFR parts 192 and 195 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

- 1. The authority citation for 49 CFR part 192 continues to read as follows

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

- 2. Revise § 192.705(c) to read as follows

§ 192.705 Transmission lines: Patrolling.

* * * * *

(c) Methods of patrolling include walking, driving, flying via manned or unmanned aerial systems, imaging via satellite, or other means suitable for observing current surface conditions.

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

- 3. The authority citation for part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et seq.*, and 49 CFR 1.97.

- 4. Revise § 195.412(a) to read as follows

§ 195.412 Inspection of rights-of-way and crossings under navigable waters.

(a) Each operator shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way. Methods of inspection include walking, driving, flying via manned or unmanned aerial systems, imaging via satellite, or other means suitable for observing current surface conditions.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12114 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket No. PHMSA–2025–0123; Amdt. Nos. 192–142; 195–112]

RIN 2137–AF91

Pipeline Safety: Standards Update—ASTM A53/A53M

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s regulations to incorporate by reference the updated industry standard ASTM A53/A53M, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0123 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1-202-493-2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Alyssa Imam, Transportation Specialist, by phone at (202) 738-3850 or email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already referenced within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) parts 192 and 195). Specifically, PHMSA is updating to the 2022 approved version references to industry standard ASTM A53/A53M, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless.

This specification covers seamless and welded black and hot-dipped galvanized steel pipe in NPS $\frac{1}{8}$ to NPS 26. The steel categorized in this standard must be open-hearth, basic-oxygen or electric-furnace processed and must have the following chemical requirements: carbon, manganese, phosphorus, sulfur, copper, nickel, chromium, molybdenum, and vanadium. Reference to the 2022 approved version of the standard will replace existing references within §§ 192.113, appendix B to part 192, and § 195.106(e) to ASTM A53/A53M-20, “Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless,” approved July 1, 2020.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological

advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated edition of this standard and determined that updated standard will either maintain or enhance the protection of public safety. PHMSA further concludes that the direct final rule’s updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA’s safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112-90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties” (79 FR 66267).

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements of the statutory mandate discussed above. The organization’s mailing address and website is listed in 49 CFR parts 192 and 195.

The ASTM standard incorporated in this final rule are available from the following website: <https://www.astm.org/standards-and-solutions/standards-and-publications/reading-room>.

Additional information regarding standards availability can be found at the following website: <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA-2025-0123 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Alyssa Imam, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, or by email at alyssa.imam@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. *See* 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)) as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for

review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and has determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by

ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standards to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas and hazardous liquids in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws

prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ⁹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹⁰ This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, among other

things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide

interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not

materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects

49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Definitions, Incorporation by reference, Petroleum, Pipeline Safety.

For the reasons set forth above, PHMSA amends 49 CFR parts 192 and 195 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for 49 CFR part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.7, revise paragraph (e)(1) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(1) ASTM A53/A53M–22, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, approved July 1, 2022, (ASTM A53/A53M); IBR approved for § 192.113; appendix B to part 192.

* * * * *

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 3. The authority citation for 49 CFR part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 40 CFR 1.97.

■ 4. In § 195.3, revise paragraph (e)(1) to read as follows:

§ 195.3 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(1) ASTM A53/A53M–22, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, approved July 1, 2022, (ASTM A53/A53M); IBR approved for § 195.106(e).

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12072 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket No. PHMSA–2025–0124; Amdt. Nos. 192–143; 195–113]

RIN 2137–AF92

Pipeline Safety: Standards Update—ASTM A381/A381M

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s regulations to incorporate by reference the updated industry standard ASTM A381/A381M–18, Standard Specification for Metal-Arc-Welded Carbon or High-Strength Low-Alloy Steel Pipe for Use with High-Pressure Transmission Systems. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0124 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

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and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Alyssa Imam, Transportation Specialist, by phone at (202) 738–3850 or email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) parts 192 and 195. Specifically, PHMSA is updating the referenced edition of industry standard ASTM A381/A381M, Standard Specification for Metal-Arc-Welded Carbon or High-Strength Low-Alloy Steel Pipe for Use with High-Pressure Transmission System to the 2023 version.

This specification covers metal-arc-welded steel pipe for use with high pressure transmission systems, specifically with respect to fabrication of fittings and accessories for compressor or pump-station piping. The specification also sets forth required chemical compositions for carbon steel, and the tensile properties of finished pipes. References to the 2023 version of the standard will replace existing references within 49 CFR 192.113, appendix B to part 192, and § 195.106(e) to ASTM A381/A381M–18, “Standard Specification for Metal-Arc-Welded Carbon or High-Strength Low-Alloy Steel Pipe for Use with High-Pressure Transmission System,” approved November 1, 2018.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better

alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated standard and concluded that it will either maintain or enhance the protection of public safety. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

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PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. ASTM International (ASTM) agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR parts 192 and 195.

The ASTM standards incorporated in this final rule are available from the following website: <https://www.astm.org/standards-and-solutions/standards-and-publications/reading-room>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

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Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices:

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)) as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President's Office of Management and Budget (OMB) for

review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by

ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standards to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas and hazardous liquids in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)) which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws

prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.

This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects that this direct final rule will relieve a regulatory burden and therefore PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other

things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide

interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not

materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects

49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Definitions, Incorporation by reference, Petroleum, Pipeline Safety.

For the reasons set forth above, PHMSA amends 49 CFR parts 192 and 195 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

- 1. The authority citation for 49 CFR part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

- 2. In § 192.7, revise paragraph (e)(5) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(5) ASTM A381/A381M–23, Standard Specification for Metal-Arc-Welded Carbon or High-Strength Low-alloy Steel Pipe for Use With High-Pressure Transmission Systems, approved November 1, 2023, (ASTM A381); IBR approved for § 192.113(a); appendix B to part 192.

* * * * *

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

- 3. The authority citation for 49 CFR part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

- 4. In § 195.3, revise paragraph (e)(4) to read as follows:

§ 195.3 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(e) * * *

(4) ASTM A381/A381M–23, Standard Specification for Metal-Arc-Welded Carbon or High-Strength Low-alloy Steel Pipe for Use With High-Pressure Transmission Systems, approved November 1, 2023, (ASTM A381/A381M); IBR approved for § 195.106(e).

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12073 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 195

[Docket No. PHMSA–2025–0122; Amdt. No. 195–111]

RIN 2137–AF90

Pipeline Safety: Standards Update—API RP 2026

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA's regulations to incorporate by reference the updated industry standard API RP 2026, Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to significant adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0122 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building

Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Alyssa Imam, Transportation Specialist, by phone at 202–738–3850 or email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) part 195). Specifically, PHMSA is updating the referenced edition of industry standard American Petroleum Institute (API) Recommended Practice (RP) 2026, “Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service” to the 4th edition issued in 2022 (API RP 2026).

API RP 2026 addresses the hazards associated with access/egress onto external and internal floating roofs of in-service petroleum storage tanks and identifies some of the most common practices and procedures for safely accomplishing this activity. API RP 2026 is intended primarily for those persons who are required to perform inspection, service, maintenance, or repair activities that involve descent onto floating roofs of in-service petroleum tanks. Reference to the fourth edition of API RP 2026 will replace existing references within § 195.405(b) to API Recommended Practice 2026, “Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service,” 3rd edition, June 2017.

This updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry

standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated edition of API RP 2026 and determined that updated standard will either maintain or enhance the protection of public safety. PHMSA further concludes that the direct final rule's updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA's safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties” (79 FR 66267).

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. American Petroleum Institute (API) agreed to the public access requirements of the statutory mandate discussed above. The organization's mailing address and website is listed in 49 CFR part 195.

The API standards incorporated in this final rule are available from the following website: <https://publications.api.org/Default.aspx>.

Additional information regarding standards availability can be found at

<https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0122 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Alyssa Imam, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at alyssa.imam@dot.gov. Any materials PHMSA receives that is not

specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Orders 12866 and 14192; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”); 58 FR 51735 (Oct. 4, 1993), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of

Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. Updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of this standard within the PSRs will help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standard. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”); 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of

reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standards to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable hazardous liquids in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal

Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act and that the potential impacts of the rulemaking on small entities has been properly considered. PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses

the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to

comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Definitions, Incorporation by reference, Petroleum, Pipeline Safety.

For the reasons set forth above, PHMSA amends 49 CFR part 195 as follows:

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 1. The authority citation for part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 195.3, revise paragraph (b)(11) to read as follows:

§ 195.3 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(b) * * *

(11) API Recommended Practice 2026, Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service, 4th edition, July 2022, (API RP 2026); IBR approved for § 195.405(b).

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12071 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 195

[Docket No. PHMSA–2025–0121; Amdt. No. 195–110]

RIN 2137–AF89

Pipeline Safety: Standards Update—API STD 620

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule (DFR); request for comments.

SUMMARY: This DFR amends PHMSA’s regulations to incorporate by reference the updated industry standard API STD 620, Design and Construction of Large, Welded, Low-Pressure Storage Tanks. This updated standard will maintain or improve public safety, prevent regulatory confusion, reduce compliance burdens on stakeholders, and satisfy a mandate in the National

Technology Transfer and Advancement Act (NTTAA) of 1995.

DATES: The DFR is effective January 1, 2026, unless significant adverse comments are received by September 2, 2025. If adverse comments are received, notification will be published in the **Federal Register** before the effective date either withdrawing the rule (in its entirety or portions thereof) or issuing a new final rule which responds to significant adverse comments. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 1, 2026.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0121 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Alyssa Imam, Transportation Specialist, by phone at (202) 738–3850 or email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Through this DFR, PHMSA is incorporating by reference an update to a voluntary, consensus industry technical standard already incorporated by reference within the pipeline safety regulations (PSRs, 49 Code of Federal Regulation (CFR) part 195). Specifically, PHMSA is updating the referenced edition of American Petroleum Institute Standard (API) 620, “Design and Construction of Large, Welded, Low-Pressure Storage Tanks” to the 12th edition, October 2013, including Addendum 1 through 4 (November 2014 through February 2025) and Errata 1 (March 2025), (collectively, API STD 620).

This standard covers the design and construction of large, welded, low-

pressure carbon steel above ground storage tanks (including flat-bottom tanks) that have a single vertical axis of revolution. This standard does not cover design procedures for tanks that have walls shaped in such a way that the walls cannot be generated in their entirety by the rotation of a suitable contour around a single vertical axis of revolution. References to an earlier edition of API STD 620 will replace existing references within §§ 195.3; 195.132(b); 195.205(b); 195.264(b), and (e); 195.307(b); 195.565; and 195.579(d) to API Standard 620, “Design and Construction of Large, Welded, Low-Pressure Storage Tanks,” 12th edition, effective October 2013, including addendum 1 (November 2014).

The updated standard will maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 United States Code (U.S.C.) 272 (note)) directing Federal agencies to “use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards,” “when practical and consistent with applicable laws.” Consistent with that mandate, PHMSA incorporates more than 80 industry standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA ensures better alignment of the PSRs with the latest innovations in operational and management practices, materials, testing, and technological advancements; enhances compliance by avoiding conflict between different versions of the same industry standards; and facilitates safety-focused allocation of resources by pipeline operators. PHMSA technical experts have also evaluated the changes in the updated edition of API STD 620 and determined that updated standard will either maintain or enhance the protection of public safety. PHMSA further concludes that the direct final rule’s updated standard is technically feasible, reasonable, cost-effective, and practicable because of its respective anticipated commercial and public safety benefits; and because the benefits better support PHMSA’s safety priorities compared to alternatives, thereby justifying any associated compliance costs.

Availability of Materials to Interested Parties

Pursuant to section 24 of the Pipeline Safety, Regulatory Certainty, and Job

Creation Act of 2011 (Pub. L. 112–90, 49 U.S.C. 60102(p), as amended), “the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.” On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require every Federal agency to “[d]iscuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties” (79 FR 66267).

PHMSA consequently has negotiated agreements to make viewable copies of the standards available to the public at no cost. American Petroleum Institute (API) agreed to the public access requirements of the statutory mandate discussed above. The organization’s mailing address and website is listed in 49 CFR part 195.

The API standard incorporated in this final rule is available from the following website: <https://publications.api.org/Default.aspx>.

Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

Commenting

Instructions: Please include the docket number PHMSA–2025–0121 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information

that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Alyssa Imam, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at alyssa.imam@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This direct final rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. PHMSA has determined that this direct final rule—which updates an industry standard already incorporated by reference in the PSRs—is unlikely to elicit significant adverse comment. See 49 U.S.C. 60102(b)(6)(A); 49 CFR 190.339.

B. Executive Orders 12866 and 14192; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”); 58 FR 51735 (Oct. 4, 1993), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires

agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This direct final rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and determined that this direct final rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators. Updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that most pipeline operators already purchase and voluntarily apply industry standards—including the updated standard that is the subject of this rulemaking—as part of their routine business practices. Incorporation of the updated version of this standard into the PSRs will help avoid the added costs of complying with multiple versions of the same standard. These cost savings may also reduce overall compliance costs, which pipeline operators often pass on to consumers. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and Executive Order 14219

This direct final rule is a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 25, 2025)). PHMSA estimates that the total costs of the direct final rule on the regulated community will be less than zero. Nor do the proposals herein implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators the benefit of using the updated standards to maintain or improve public safety, prevent regulatory confusion, and reduce compliance burdens on stakeholders. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable hazardous liquids in response to residential, commercial, and industrial demand.

However, this direct final rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 90 FR 8353 (Jan. 29, 2025)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or

energy use; OIRA has therefore not designated this direct final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a direct final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. PHMSA expects no affected operators will face significant costs because the reference is freely available, most operators are already in compliance, and compliance cost differences between standards are

expected to be negligible. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This direct final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act and that the potential impacts of the rulemaking on small entities has been properly considered. PHMSA certifies the direct final rule will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this direct final rule in accordance with NEPA and issues this Finding of No Significant Impact (FONSI), as it has determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)). and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”).

E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related

activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety.

For the reasons set forth above, PHMSA amends 49 CFR part 195 as follows:

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 1. The authority citation for 49 CFR part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 195.3, revise paragraph (b)(16) to read as follows:

§ 195.3 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(b) * * *

(16) API Standard 620, Design and Construction of Large, Welded, Low-pressure Storage Tanks, 12th edition, effective October 2013, including Addendum 1 through 4 (November 2014), Addendum 2 (April 2018), Addendum 3 (March 2021), Addendum 4 (February 2025), Errata 1 (March 2025), (API STD 620); IBR approved for

§§ 195.132(b); 195.205(b); 195.264(b),
and (e); 195.307(b); 195.565; 195.579(d).

* * * * *

Issued in Washington, DC, on June 26,
2025, under the authority delegated in 49
CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12070 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

**49 CFR Parts 209, 217, 219, 223, 224,
225, 227, 230, 238, 239, 240, 241, 242,
243, 244, 245, and 246**

[Docket No. FRA–2025–0115]

RIN 2130–AD56

Updating the Definition of Person

AGENCY: Federal Railroad
Administration (FRA), Department of
Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule updates the definition of “person” in FRA’s regulations to provide for regulatory consistency. FRA is making these clarifying changes to better align with FRA’s safety jurisdiction and to conform definitions in FRA’s older regulations with the definition of “person” that FRA has used in its most recent rulemakings. In one section where “person” is defined, FRA is also replacing references to specific penalty amounts with general references to FRA’s minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty amounts, consistent with FRA’s current practice.

DATES: This rule is effective July 31, 2025.

FOR FURTHER INFORMATION CONTACT:
Elliott Gillooly, Attorney Adviser, Office
of the Chief Counsel, Federal Railroad
Administration, at telephone: (202) 897–
8666 or email: elliott.gillooly@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR) and repealing or updating

requirements that are outdated or redundant. This final rule updates the definition of “person” in FRA’s regulations to provide for regulatory consistency. Recent additions to the CFR, including 49 CFR 270.5, have defined “person” with reference to 49 U.S.C. 21301, which establishes FRA’s general civil penalty authority. Accordingly, FRA is now amending the definition of “person” to remove references to “1 U.S.C. 1,” and replace it with “49 U.S.C. 21301.” This change will better align the definitions with FRA’s general safety jurisdiction. The section-by-section analysis below describes all sections that FRA is amending in this final rule.

II. Final Rule

Under the Administrative Procedure Act, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes administrative updates to the CFR to provide a consistent statutory reference in the definition of “person,” and is replacing references to specific civil penalty amounts with a general reference to 49 CFR part 209, appendix A, notice and comment are not necessary.

II. Section-by-Section Analysis

Part 209—Railroad Safety Enforcement Procedures

Section 209.3 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 217—Railroad Operating Rules

Section 217.5 Penalty

FRA is removing reference to 1 U.S.C. 1 in the first sentence of this section, in the parenthetical that defines “person,” and replacing it with 49 U.S.C. 21301. FRA is also replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

Part 219—Control of Alcohol and Drug Use

Section 219.5 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 223—Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses

Section 223.5 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 224—Reflectorization of Rail Freight Rolling Stock

Section 224.5 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 225—Railroad Accidents/Incidents: Reports Classification and Investigations

Section 225.5 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 227—Occupational Safety and Health in the Locomotive Cab

Section 227.5 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 230—Steam Locomotive Inspection and Maintenance Standards

Section 230.8 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 238—Passenger Equipment Safety Standards

Section 238.5 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 239—Passenger Train Emergency Preparedness

Section 239.7 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 240—Qualification and Certification of Locomotive Engineers

Section 240.7 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 241—United States Locational Requirement for Dispatching of United States Rail Operations

Section 241.5 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 242—Qualification and Certification of Conductors

Section 242.7 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 243—Training, Qualification, and Oversight for Safety-Related Railroad Employees

Section 243.5 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 244—Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, and Acquisitions of Control

Section 244.9 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 245—Qualification and Certification of Dispatchers

Section 245.7 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

Part 246—Certification of Signal Employees

Section 246.7 Definitions

FRA is removing reference to 1 U.S.C. 1 in the first sentence of the definition of “person” and replacing it with 49 U.S.C. 21301.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

This final rule makes administrative changes such as updating statutory references in the CFR, and replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. Government, by updating the language of various parts of FRA’s regulations to provide regulatory consistency and to direct regulated entities to the appropriate civil monetary penalty amounts.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

² Executive Office of the President. Office of Management and Budget. Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.” Memorandum M–25–20. Mar. 26, 2025.

13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This final rule contains no new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Therefore, no information collection submission to OMB or approval is required.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, Federalism (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000). The rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979³ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects*49 CFR Part 209*

Administrative practice and procedure, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Parts 217, 224, 230, 239

Penalties, Railroad safety, and Reporting and recordkeeping requirements.

49 CFR Part 219

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety,

Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Parts 240, 242, 243, and 244

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 223

Glazing standards, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 227

Noise control, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 238

Fire prevention, Passenger equipment, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 241

Communications, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 245

Administrative practice and procedure, Dispatcher, Penalties, Railroad employees, Railroad operating procedures, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 246

Administrative practice and procedure, Signal employee, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends parts 209, 217, 219, 223, 224, 225, 227, 230, 238, 239, 240, 241, 242, 243, 244, 245, and 246 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

- 1. The authority citation for part 209 continues to read as follows:

Authority: 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. In § 209.3, revise the definition of “Person” to read as follows:

§ 209.3 Definitions.

* * * * *

Person generally includes all categories of entities covered under 49 U.S.C. 21301, including but not limited to the following: a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor; however, *person*, when used to describe an entity that FRA alleges to have committed a violation of the provisions of law formerly contained in the Hazardous Materials Transportation Act or contained in the Hazardous Materials Regulations, has the same meaning as in 49 U.S.C. 5102(9) (formerly codified at 49 App. U.S.C. 1802(11)), *i.e.*, an individual, firm, copartnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof, or government, Indian tribe, or authority of a government or tribe when offering hazardous material for transportation in commerce or transporting hazardous material to further a commercial enterprise, but such term does not include the United States Postal Service or, for the purposes of 49 U.S.C. 5123–5124 (formerly contained in sections 110 and 111 of the Hazardous Materials Transportation Act and formerly codified at 49 App. U.S.C. 1809–1810), a department, agency, or instrumentality of the Federal Government.

* * * * *

PART 217—RAILROAD OPERATING RULES

- 3. The authority citation for part 217 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20168, 28 U.S.C. 2461, note; and 49 CFR 1.89.

- 4. Revise § 217.5 to read as follows:

§ 217.5 Penalty.

(a) Any person (an entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the

³ 19 U.S.C. ch. 13.

minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation, except that: Penalties may be assessed against individuals only for willful violations, and, a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

PART 219—CONTROL OF ALCOHOL AND DRUG USE

■ 5. The authority citation for part 219 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461 note; Div. A, Sec. 412, Pub. L. 110–432, 122 Stat. 4889 (49 U.S.C. 20140 note); Sec. 8102, Pub. L. 115–271, 132 Stat. 3894; and 49 CFR 1.89.

■ 6. In § 219.5, revise the definition of “Person” to read as follows:

§ 219.5 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad, such as a service agent performing functions under part 40 of this title; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 223—SAFETY GLAZING STANDARDS—LOCOMOTIVES, PASSENGER CARS AND CABOOSSES

■ 7. The authority citation for part 223 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 8. In § 223.5, revise the definition of “Person” to read as follows:

§ 223.5 Definitions.

* * * * *

Person includes all categories of entities covered under 49 U.S.C. 21301,

including, but not limited to, a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any passenger, any trespasser or nontrespasser; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 224—REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

■ 9. The authority citation for part 224 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20148 and 21301; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 10. In § 224.5, revise the definition of “Person” to read as follows:

§ 224.5 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track or facilities; any independent contractor providing goods or services to a railroad; and any employee of such an owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 225—RAILROAD ACCIDENTS/ INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS

■ 11. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 12. In § 225.5, revise the definition of “Person” to read as follows:

§ 225.5 Definitions.

* * * * *

Person includes all categories of entities covered under 49 U.S.C. 21301, including, but not limited to, a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any passenger; any trespasser or nontrespasser; any independent contractor providing goods or services to a railroad; any volunteer providing goods or services to a railroad; and any

employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 227—OCCUPATIONAL SAFETY AND HEALTH IN THE LOCOMOTIVE CAB

■ 13. The authority citation for part 227 continues to read as follows:

Authority: 49 U.S.C. 20103, 20103 note, 20166, 20701–20703, 21301, 21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 14. In § 227.5, revise the definition of “Person” to read as follows:

§ 227.5 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; an owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; an independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 230—STEAM LOCOMOTIVE INSPECTION AND MAINTENANCE STANDARDS

■ 15. The authority citation for part 230 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 16. In § 230.8, revise the definition of “Person” to read as follows:

§ 230.8 Definitions.

* * * * *

Person. An entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

■ 17. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702,

21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 18. In § 238.5, revise the definition of “Person” to read as follows:

§ 238.5 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 239—PASSENGER TRAIN EMERGENCY PREPAREDNESS

■ 19. The authority citation for part 239 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20105–20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 20. In § 239.7, revise the definition of “Person” to read as follows:

§ 239.7 Definitions.

* * * * *

Person includes all categories of entities covered under 49 U.S.C. 21301, including, but not limited to, a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any passenger; any trespasser or nontrespasser; any independent contractor providing goods or services to a railroad; any volunteer providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 240—QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS

■ 21. The authority citation for part 240 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 22. In § 240.7, revise the definition of “Person” to read as follows:

§ 240.7 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301,

including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 241—UNITED STATES LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS

■ 23. The authority citation for part 241 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89.

■ 24. In § 241.5, revise the definition of “Person” to read as follows:

§ 241.5 Definitions.

* * * * *

Person means an entity of a type covered under 49 U.S.C. 21301, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; an owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; an independent contractor providing goods or services to a railroad; and an employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 242—QUALIFICATION AND CERTIFICATION OF CONDUCTORS

■ 25. The authority citation for part 242 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 26. In § 242.7, revise the definition of “Person” to read as follows:

§ 242.7 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer,

lessor, lessee, or independent contractor.

* * * * *

PART 243—TRAINING, QUALIFICATION, AND OVERSIGHT FOR SAFETY-RELATED RAILROAD EMPLOYEES

■ 27. The authority citation for part 243 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20131–20155, 20162, 20301–20306, 20701–20702, 21301–21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 28. In § 243.5, revise the definition of “Person” to read as follows:

§ 243.5 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including, but not limited to, the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 244—REGULATIONS ON SAFETY INTEGRATION PLANS GOVERNING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CONTROL

■ 29. The authority citation for part 244 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301; 5 U.S.C. 553 and 559; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 30. In § 244.9, revise the definition of “Person” to read as follows:

§ 244.9 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 245—QUALIFICATION AND CERTIFICATION OF DISPATCHERS

■ 31. The authority citation for part 245 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20162, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89; and Pub. L. 110–432, sec. 402, 122 Stat. 4884.

■ 32. In § 245.7, revise the definition of “Person” to read as follows:

§ 245.7 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

* * * * *

PART 246—CERTIFICATION OF SIGNAL EMPLOYEES

■ 33. The authority citation for part 246 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20162, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89; and Pub. L. 110–432, sec. 402, 122 Stat. 4884.

■ 34. In § 246.7, revise the definition of “Person” to read as follows:

§ 246.7 Definitions.

* * * * *

Person means an entity of any type covered under 49 U.S.C. 21301, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor or subcontractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor or subcontractor.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12190 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 211

[Docket No. FRA–2025–0079]

RIN 2130–AD06

Administrative Updates to the Federal Railroad Administration’s Rules of Practice

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s rules of practice regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its rules of practice regulations in 49 CFR part 211. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 211

§ 211.45 Petitions for Emergency Waiver of Safety Rules

FRA is amending § 211.45(d), (f), and (h) to remove the listed options of submitting emergency waiver petitions via fax and mail, and to update outdated email and web addresses.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the

agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes miscellaneous, administrative changes such as reflecting updated web and email addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying, simplifying, and updating the language of part 211, including updating addresses.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.* and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for

inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 211

Administrative practice and procedure, Rules of practice.

The Final Rule

In consideration of the foregoing, FRA amends part 211 of chapter II, subtitle

B of title 49, Code of Federal Regulations as follows:

PART 211—RULES OF PRACTICE

■ 1. The authority citation for part 211 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20114, 20306, 20502–20504, and 49 CFR 1.89.

■ 2. In § 211.45, revise paragraphs (d), (f), and (h) to read as follows:

§ 211.45 Petitions for emergency waiver of safety rules.

* * * * *

(d) *Notification.* When possible, FRA will post the FRA Administrator’s determination described in paragraph (c) of this section on its website at <https://railroads.dot.gov/>. FRA will also place the FRA Administrator’s determination in the ERD as soon as practicable.

* * * * *

(f) *Filing requirements.* Petitions filed under this section, shall be submitted via email to FRA at: FRAWaivers@dot.gov.

* * * * *

(h) *Comments.* Although the Administrator may waive compliance with any part of a regulation prescribed or order issued without prior notice and comment, comments may be submitted. Comments should be submitted as soon as possible, after a petition is available on the FeP. Any comment received will be considered to the extent practicable. All comments should identify the appropriate ERD and should identify the specific document number of the petition designated by the FeP in the ERD. Interested parties commenting on a petition under this section should also include in their comments to the ERD telephone numbers and email addresses at which their representatives may be reached. Interested parties may submit their comments via:

(1) Email to FRA at: FRAWaivers@dot.gov; and

(2) Electronically via the internet at <https://www.regulations.gov>. Any comments or information sent directly to FRA will be immediately provided to the DOT FeP for inclusion in the ERD.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12125 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 212**

[Docket No. FRA–2025–0080]

RIN 2130–AD07

Administrative Updates to the Federal Railroad Administration's State Safety Participation Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's state safety participation regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its state safety participation regulations in 49 CFR part 212. These changes include updating addresses that are no longer valid in part 212.

II. Section-by-Section Analysis*Part 212***§ 212.3 Definitions**

FRA is amending § 212.3(b) to have the *Associate Administrator* mean the “Associate Administrator for Railroad Safety and Chief Safety Officer.” FRA is updating § 212.3(d) to remove the individual references to discrete safety laws, which are obsolete, and instead to refer to the definition of *Federal railroad safety laws* in § 209.3. FRA is removing paragraph (g) as unnecessary.

§ 212.105 Agreements

FRA is revising paragraph (d)(2) to correct the spelling of the word

“delegation” and to make one editorial revision (change the word “particular” to “specific”). FRA is removing existing paragraph (e)(1)(iii) which requires a State's request for an FRA agreement to allow that State to participate in FRA investigative and surveillance activities to contain an opinion of counsel that State funds may be used for purposes of participation in the FRA activities. FRA is removing this requirement because, as a matter of current practice, State participation agreements do not currently contain such language.

§ 212.109 Joint Planning of Inspections

FRA is removing and reserving § 212.109. This section was applicable in the early days of the FRA State participation program, but is not currently applicable as FRA does not fund all State inspector activities.

§ 212.113 Program Termination

FRA is revising paragraphs (a) and (b) to make editorial corrections (change the phrase “thirty (30) days notice” to “30-days’ notice”).

§ 212.115 Enforcement Actions

FRA is amending § 212.115(c) to update references from “FRA Regional Director for Railroad Safety for the FRA region in which the State is located” to “FRA Staff Director for the relevant technical discipline.” FRA will maintain a listing on its website of email addresses for each technical discipline referenced in this rule (e.g., Track and Structures, Motive Power and Equipment) to facilitate communication and submission of required documents to FRA. FRA is removing a reference in § 212.115(c)(2)(ii) to “the Enforcement Division” of the “Office of Chief Counsel,” as that is an outdated reference. FRA is also removing the mailing address for the Office of the Chief Counsel and adding the email address FRALegal@dot.gov.

§ 212.201 General Qualifications of State Inspection Personnel

FRA is revising paragraphs (a) through (d) to remove the references to “compliance inspector” and to otherwise streamline the language. First, in paragraph (a) FRA is replacing the reference to “compliance inspectors” with the term “journeyman inspector,” which is commonly understood to refer to a fully trained, qualified, and experienced railroad safety inspector. In paragraphs (b) through (d), FRA is removing the references to “compliance inspector” and “apprentice inspector” to streamline the language of each paragraph. No substantive change is intended.

§ 212.203 Track Inspector

FRA is revising paragraph (a) to remove the phrases “the institution of” and “to promote compliance.” These are editorial revisions intended to simplify the regulatory language and the revisions make no substantive changes to this paragraph. FRA is also making an editorial correction to paragraph (b) and adding a reference to FRA's Railroad Workplace Safety Regulations (49 CFR part 214) in paragraph (c) as FRA issued that regulation since part 212 was last updated.

§ 212.207 Signal and Train Control (S&TC) Inspector

FRA is revising the title of § 212.207 and paragraphs (a), (b), and (c) to provide a shorthand reference to the phrase “signal and train control” (i.e., S&TC). Consistent with the edits to § 212.203, FRA is also revising paragraph (a) to remove the phrases “the institution of” and “to promote compliance.” These are editorial revisions intended to simplify the regulatory language and the revisions make no substantive changes to this paragraph.

§ 212.209 Train Control Inspector

FRA is removing and reserving this section because it is unnecessary given § 212.207.

§ 212.211 Apprentice S&TC Inspector

Consistent with the edits in § 212.207, FRA is revising the title of § 212.211 and paragraph (a) to provide a shorthand reference to the phrase “signal and train control.”

§ 212.213 Motive Power and Equipment (MP&E) Inspector

Consistent with the edits in § 212.203, FRA is revising paragraph (a) to remove the phrases “the institution of” and “to promote compliance.” FRA is also revising paragraph (a) to include a reference to 49 CFR part 224 (Reflectorization of Rail Freight Rolling Stock) as FRA issued that regulation since part 212 was last updated.

§ 212.215 Locomotive Inspector

FRA is removing and reserving this section because locomotive inspectors are considered MP&E inspectors under § 212.213 and as such, this section is unnecessary.

§ 212.217 Car Inspector

FRA is removing and reserving this section because car inspectors are considered MP&E inspectors under § 212.213 and as such, this section is unnecessary.

§ 212.221 Operating Practices Inspector

Consistent with the edits in §§ 212.203 and 212.213, FRA is revising paragraph (a) to remove the phrases “the institution of” and “to promote compliance.” FRA is also revising paragraph (a) to include references to parts 240 and 242 as FRA issued those regulations since part 212 was last updated.

§ 212.223 Operating Practices Compliance Inspector

FRA is removing and reserving this section because the term “compliance inspector” is outdated and operating practices inspectors are addressed in § 212.221.

§ 212.227 Hazardous Materials Inspector

Consistent with the edits in §§ 212.203, 212.213, and 212.221, FRA is revising paragraph (a) to remove the phrases “the institution of” and “to promote compliance.”

§ 212.231 Highway-Rail Grade Crossing Inspector

To reflect the RRS reorganization, FRA is revising the title of this section and all references to “highway-rail grade crossing inspector” in the section to “grade crossing and trespasser outreach inspector.” Consistent with the edits in §§ 212.203, 212.213, 212.221, and 212.227, FRA is also revising paragraph (a) to remove the phrases “the institution of” and “to promote compliance” and consistent with the changes to § 212.207, FRA is revising paragraph (d) to refer to a “State S&TC inspector.”

§ 212.233 Apprentice Highway-Rail Grade Crossing Inspector

Consistent with the edits to § 212.231, FRA is revising the title of this section to “Apprentice grade crossing and trespasser inspector” and is revising the inspector reference in paragraph (a) to be consistent with § 212.231.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such

as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes miscellaneous, administrative changes such as reflecting updated web and email addresses and addressing the RRS reorganization in the CFR, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities, by clarifying, simplifying, and updating the language of part 212, including removing references to obsolete laws.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There are no new information requirements contained in this final rule and, in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 212 were approved by OMB on November 1, 2022. The information collection requirements of this rule thereby became effective when they were approved by OMB. The OMB approval number is OMB No. 2130–0509, and OMB approval expires on November 30, 2025.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of

\$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 212

Hazardous materials transportation, Intergovernmental relations, Investigations, Railroad safety.

The Final Rule

In consideration of the foregoing, FRA amends part 212 of chapter II, subtitle

B of title 49, Code of Federal Regulations as follows:

PART 212—STATE SAFETY PARTICIPATION REGULATIONS

■ 1. The authority citation for part 212 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20105, 20106, and 20113, and 49 CFR 1.89.

■ 2. Amend § 212.3 by
■ a. Revising paragraphs (b) and (d); and
■ b. Removing paragraph (g).

The revisions read as follows:

§ 212.3 Definitions.

(b) *Associate Administrator* means the Associate Administrator for Railroad Safety and Chief Safety Officer.

(d) *Federal railroad safety laws* has the meaning assigned to that term by 49 CFR 209.3.

■ 3. Revise § 212.105(d)(2) and (e)(1) to read as follows:

§ 212.105 Agreements.

(d) * * *
(2) The delegation is effective only to the extent it is carried out through personnel recognized by the State and FRA (pursuant to subpart C of this part) to be qualified to perform the specific investigative and surveillance activities to which the personnel are assigned; and

(e) * * *
(1) An opinion of the counsel for the State agency stating that:

(i) The agency has jurisdiction over the safety practices of the facilities, equipment, rolling stock, and operations of railroads in that State and whether the agency has jurisdiction over shippers and manufacturers; and

(ii) The agency has the authority and capability to conduct investigative and surveillance activities in connection with the rules, regulations, orders, and standards issued by the Administrator under the Federal railroad safety laws.

§ 212.109 [Removed and Reserved]

■ 4. Remove and reserve § 212.109.

■ 5. Amend § 212.113 by revising paragraphs (a) and (b) introductory text to read as follows:

§ 212.113 Program termination.

(a) A State agency participating in investigative and surveillance activities by agreement or certification shall provide 30-days’ notice of its intent to terminate its participation.

(b) The Administrator may, on his or her own initiative, terminate the participation of a State agency if, after at least 30-days’ notice and an opportunity for oral hearing under section 553 of title 5 U.S.C., the State does not establish that it has complied and is complying with:

* * * * *

■ 6. Revise § 212.115(c) to read as follows:

§ 212.115 Enforcement actions.

* * * * *

(c)(1) Requests for civil penalty assessments and other administrative actions shall be submitted to the FRA Staff Director for the relevant technical discipline.

(2) Requests for the institution of injunctive actions shall be submitted simultaneously to—

(i) The FRA Staff Director for the relevant technical discipline; and

(ii) The Office of the Chief Counsel, FRA, FRALegal@dot.gov.

■ 7. Revise § 212.201(a), (b), (c), and (d) to read as follows:

§ 212.201 General qualifications of State inspection personnel.

(a) This subpart prescribes the minimum qualification requirements for State railroad safety inspectors, including journeyman and inspector apprentices. A State may establish more stringent or additional requirements for its employees.

(b) An inspector shall be recognized as qualified under this part by the State agency and the Associate Administrator prior to assuming the responsibilities of the position.

(c) Each inspector shall be a bona fide employee of the State agency.

(d) Each inspector shall demonstrate:

* * * * *

■ 8. Revise and republish § 212.203 to read as follows:

§ 212.203 Track inspector.

(a) The track inspector is required, at a minimum, to be able to conduct independent inspections of track structures for the purpose of determining compliance with the Track Safety Standards (49 CFR part 213), to make reports of those inspections, and to recommend enforcement actions when appropriate.

(b) The track inspector is required, at a minimum, to have at least four years of recent experience in track construction or maintenance. A bachelor’s degree in engineering or a related technical specialization may be substituted for two of the four years of this experience requirement. Successful

completion of the apprentice training program may be substituted for the four years of this experience requirement.

(c) The track inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of track nomenclature, track inspection techniques, track maintenance methods, and track equipment;

(2) The ability to understand and detect deviations from:

(i) Track maintenance standards accepted in the industry;

(ii) The Track Safety Standards (49 CFR part 213); and

(iii) Railroad Workplace Safety Standards (49 CFR part 214).

(3) Knowledge of operating practices and vehicle/track interaction sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of the requirements of the Track Safety Standards, including the remedial action required to bring defective track into compliance with the standards.

■ 9. Revise § 212.207 to read as follows:

§ 212.207 Signal and train control (S&TC) inspector.

(a) The S&TC inspector is required, at a minimum, to be able to conduct independent inspections of all types of signal and train control systems for the purpose of determining compliance with the Rules, Standards, and Instructions for Railroad Signal Systems (49 CFR part 236), to make reports of those inspections, and to recommend enforcement actions when appropriate.

(b) The S&TC inspector is required, at a minimum, to have at least four years of recent experience in signal construction or maintenance. A bachelor's degree in electrical engineering or a related technical specialization may be substituted for two of the four years of this experience requirement and successful completion of the apprentice training program may be substituted for the four years of this requirement.

(c) The S&TC inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of S&TC systems, maintenance practices, test and inspection techniques;

(2) The ability to understand and detect deviations from:

(i) S&TC maintenance standards accepted in the industry; and

(ii) The Rules, Standards and Instructions for Railroad Signal Systems (49 CFR part 236).

(3) The ability to examine plans and records, to make inspections of S&TC

systems and to determine adequacy of stopping distances from prescribed speeds;

(4) Knowledge of operating practices and signal systems sufficient to understand the safety significance of deviations and combination of deviations; and

(5) Specialized knowledge of the requirements of the Rules, Standards and Instructions for Railroad Signal Systems, including the remedial action required to bring S&TC systems into compliance with the standards.

§ 212.209 [Removed and Reserved]

■ 10. Remove and reserve § 212.209.

■ 11. Revise § 212.211 to read as follows:

§ 212.211 Apprentice S&TC inspector.

(a) The apprentice S&TC inspector must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as a S&TC inspector. The apprentice inspector may not participate in the investigative and surveillance activities, except as an assistant to a qualified State or FRA inspector while accompanying that qualified inspector.

(b) Prior to being enrolled in the program the apprentice inspector shall demonstrate:

(1) Working knowledge of basic electricity and the ability to use electrical test equipment in direct current and alternating current circuits; and

(2) A basic knowledge of S&TC inspection and maintenance methods and procedures.

■ 12. Revise § 212.213(a) to read as follows:

§ 212.213 Motive power and equipment (MP&E) inspector.

(a) The MP&E inspector is required, at a minimum, to be able to conduct independent inspections of railroad equipment for the purpose of determining compliance with all sections of the Freight Car Safety Standards (49 CFR part 215), Safety Glazing Standards (49 CFR part 223), ReflectORIZATION of Rail Freight Rolling Stock (49 CFR part 224), Locomotive Safety Standards (49 CFR part 229), Safety Appliance Standards (49 CFR part 231), and Power Brake Standards (49 CFR part 232), to make reports of those inspections and to recommend enforcement actions when appropriate.

* * * * *

§ 212.215 [Removed and Reserved]

■ 13. Remove and reserve § 212.215.

§ 212.217 [Removed and Reserved]

■ 14. Remove and reserve § 212.217.

■ 15. Revise § 212.221(a) to read as follows:

§ 212.221 Operating practices inspector.

(a) The operating practices inspector is required, at a minimum, to be able to conduct independent inspections for the purposes of determining compliance with all sections of the Federal operating practice regulations (49 CFR parts 217, 218, 219, 220, 221, 225, 228, 240, and 242) and the Hours of Service Act (45 U.S.C. 61–64b), to make reports of those inspections, and to recommend enforcement actions when appropriate.

* * * * *

§ 212.223 [Removed and Reserved]

■ 16. Remove and reserve § 212.223.

■ 17. Revise § 212.227(a) to read as follows:

§ 212.227 Hazardous materials inspector.

(a) The hazardous materials inspector is required, at a minimum, to be able to conduct independent inspections to determine compliance with all pertinent sections of the Federal hazardous materials regulations (49 CFR parts 171 through 174, and 179), to make reports of those inspections and findings, and to recommend enforcement actions when appropriate.

* * * * *

■ 18. Revise and republish § 212.231 to read as follows:

§ 212.231 Grade crossing and trespasser outreach inspector.

(a) The grade crossing and trespasser outreach inspector is required, at a minimum, to be able to conduct independent inspections of all types of highway-rail grade crossing warning systems for the purpose of determining compliance with Grade Crossing Signal System Safety Rules (49 CFR part 234), to make reports of those inspections, and to recommend enforcement actions when appropriate.

(b) The grade crossing and trespasser outreach inspector is required, at a minimum, to have at least four years of recent experience in highway-rail grade crossing construction or maintenance. A bachelor's degree in engineering or a related technical specialization may be substituted for two of the four years of this experience requirement. Successful completion of an apprentice training program under § 212.233 may be substituted for the four years of this experience requirement.

(c) The grade crossing and trespasser outreach inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of highway-rail grade crossing nomenclature, inspection techniques, maintenance requirements, and methods;

(2) The ability to understand and detect deviations from:

(i) Grade crossing signal system maintenance, inspection and testing standards accepted in the industry; and

(ii) The Grade Crossing Signal System Safety Rules (49 CFR part 234);

(3) Knowledge of operating practices and highway-rail grade crossing systems sufficient to understand the safety significance of deviations and combinations of deviations from § 212.231(c)(2) (i) and (ii);

(4) Specialized knowledge of the requirements of the Grade Crossing Signal System Safety Rules (49 CFR part 234), including the remedial action required to bring highway-rail grade crossing signal systems into compliance with those Rules;

(5) Specialized knowledge of highway-rail grade crossing standards contained in the Manual on Uniform Traffic Control Devices; and

(6) Knowledge of railroad signal systems sufficient to ensure that highway-rail grade crossing warning systems and inspections of those systems do not adversely affect the safety of railroad signal systems.

(d) A State S&TC inspector qualified under this part and who has demonstrated the ability to understand and detect deviations from the Grade Crossing Signal System Safety Rules (49 CFR part 234) is deemed to meet all requirements of this section and is qualified to conduct independent inspections of all types of highway-rail grade crossing warning systems for the purpose of determining compliance with Grade Crossing Signal System Safety Rules (49 CFR part 234), to make reports of those inspections, and to recommend enforcement actions when appropriate.

■ 19. Revise § 212.233(a) to read as follows:

§ 212.233 Apprentice grade crossing and trespasser inspector.

(a) An apprentice grade crossing and trespasser inspector shall be enrolled in a program of training prescribed by the Associate Administrator for Railroad Safety leading to qualification as a grade crossing and trespasser inspector. The apprentice inspector may not participate in investigative and surveillance activities, except as an assistant to a qualified State or FRA inspector while accompanying that qualified inspector.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,

Chief Counsel.

[FR Doc. 2025–12129 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. FRA–2025–0081]

RIN 2130–AD08

Administrative Updates to the Federal Railroad Administration's Track Safety Standards

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's track safety standards, including updating addresses.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its track safety standards in 49 CFR part 213. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 213

§ 213.4 Excepted Track

FRA is amending § 213.4(f) to update the reference from “the appropriate FRA Regional Office” to “FRA's Track and Structures Division.” This is to ensure information gets to the agency subject matter expert in the relevant technical discipline. FRA will maintain a listing on its website of email addresses for each Division referenced in this rule.

§ 213.5 Responsibility for Compliance

FRA is amending § 213.5(c) to update the reference from “the appropriate FRA Regional Office” to “FRA's Track and Structures Division.” As mentioned above, this update is to ensure information gets to the agency subject matter expert in the relevant technical discipline.

§ 213.15 Penalties

To avoid the need to update this section every time the civil penalty amounts are adjusted for inflation, FRA is changing § 213.15(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference in the definition of person from 1 U.S.C. 1 to 49 U.S.C. 21301.

§ 213.110 Gage Restraint Measurement Systems

FRA is amending 49 CFR 213.110(a)(1) and (2) to update the references from “the appropriate FRA Regional Office” to “FRA's Track and Structures Division.”

§ 213.303 Responsibility for Compliance

FRA is amending § 213.303(b) to update the reference from “the appropriate FRA Regional Office” to “FRA's Track and Structures Division.”

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT

Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes miscellaneous, administrative changes such as reflecting updated web and email addresses in the CFR, this final rule imposes no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying, simplifying, and updating the language of part 213, including updating addresses.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*,

small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 213 became effective when they were approved by OMB on February 7, 2024. The OMB Control No. is 2130–0010 and the expiration date is February 28, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to

prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 213

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 213 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 213—TRACK SAFETY STANDARDS

■ 1. The authority citation for part 213 continues to read as follows:

Authority: 49 U.S.C. 20102–20114 and 20142; 28 U.S.C. 2461 note; and 49 CFR 1.89.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

■ 2. Revise § 213.4(f) to read as follows:

§ 213.4 Excepted track.

* * * * *

(f) A track owner shall advise the Track and Structures Division of FRA's Office of Railroad Safety (Track and Structures Division) at least 10 days prior to removal of a segment of track from excepted status.

■ 3. Revise § 213.5(c) introductory text to read as follows:

§ 213.5 Responsibility for compliance.

* * * * *

(c) If an owner of track to which this part applies assigns responsibility for the track to another person (by lease or otherwise), written notification of the assignment shall be provided to FRA's Track and Structures Division at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but shall be in writing and include the following—

* * * * *

■ 4. Revise § 213.15(a) to read as follows:

§ 213.15 Penalties.

(a) Any person that violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A. "Person" means an entity of any type, covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; any employee of such owner, manufacturer, lessor, lessee, or independent contractor; and anyone held by the Federal Railroad Administrator to be responsible under § 213.5(d) or § 213.303(c). Each day a violation continues shall constitute a separate offense. See FRA's website at <https://>

railroads.dot.gov/ for a statement of agency civil penalty policy.

* * * * *

■ 5. Amend § 213.110 by revising paragraphs (a)(1) and (2) to read as follows:

§ 213.110 Gage restraint measurement systems.

(a) * * *

(1) The track owner notifies FRA's Track and Structures Division at least 30 days prior to the designation of any line segment on which GRMS technology will be implemented; and

(2) The track owner notifies FRA's Track and Structures Division at least 10 days prior to the removal of any line segment from GRMS designation.

* * * * *

■ 6. Revise § 213.303(b) introductory text to read as follows:

§ 213.303 Responsibility for compliance.

* * * * *

(b) If an owner of track to which this subpart applies assigns responsibility for the track to another person (by lease or otherwise), notification of the assignment shall be provided to FRA's Track and Structures Division at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but shall be in writing and include the following—

* * * * *

Issued in Washington, DC.

Kyle D. Fields,

Chief Counsel.

[FR Doc. 2025–12126 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[Docket No. FRA–2025–0082]

RIN 2130–AD09

Administrative Updates to the Federal Railroad Administration's Railroad Workplace Safety Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's railroad workplace safety regulations, including updating addresses.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its railroad workplace safety regulations in 49 CFR part 214. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 214

§ 214.5 Responsibility for Compliance

FRA is changing § 214.5 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also updating the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of "person," such as 49 CFR 270.5, FRA is updating the reference in the parenthetical from 1 U.S.C. 1 to 49 U.S.C. 21301.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes miscellaneous, administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty and referring readers to the CFR, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 214 and directing the regulated entities to the appropriate cites in the CFR. This rule would also provide additional clarity to regulated entities for certain requirements within part 214.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.* and E.O.

13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 214 became effective when they were approved by OMB on May 31, 2022. With this final rule, FRA will be using the OMB Control No. is 2130–0539—Railroad Workplace Safety.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local,

or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 214

Bridges, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 214 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. March 26, 2025.

PART 214—RAILROAD WORKPLACE SAFETY

■ 1. The authority citation for part 214 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 21301–21302, 21304, 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 214.5 to read as follows:

§ 214.5 Responsibility for compliance.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) “Person” means an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

(c) See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12103 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[Docket No. FRA–2025–0084]

RIN 2130–AD10

Administrative Updates to the Federal Railroad Administration’s Railroad Freight Car Safety Standards

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s railroad freight car safety standards, including updating addresses.

DATES: *Effective date:* July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its railroad freight car safety standards in 49 CFR part 215. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 215

§ 215.7 Prohibited Acts

FRA is changing § 215.7 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also updating the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference from 1 U.S.C. 1 to 49 U.S.C. 21301.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public

interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review and DOT Regulatory Policies and Procedures)

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 215 and directing the regulated entities to the appropriate cites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements contained in part 215 became effective when it was approved by OMB on April 24, 2023. The OMB control number is 2130–0519, and OMB approval expires on April 30, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10,

1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

■ 1. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 215.7 to read as follows:

§ 215.7 Prohibited acts.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) “Person” means an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

(c) Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12110 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 216**

[Docket No. FRA–2025–0085]

RIN 2130–AD12

Administrative Updates to the Federal Railroad Administration's Special Notice and Emergency Order Procedures: Railroad Track, Locomotive, and Equipment

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's special notice and emergency order procedures: railroad track, locomotive and equipment, including updating addresses.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA, (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its special notice and emergency order procedures: railroad track, locomotive and equipment in 49 CFR part 216. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis*§ 216.7 Penalties.*

To avoid the need to update this section every time the civil penalty amounts are adjusted for inflation, FRA is changing § 216.7 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part

209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference in the section from 1 U.S.C. 1 to 49 U.S.C. 21301.

§§ 216.11, 216.13, 216.14, and 216.15 Special Notices for Repairs

FRA is amending §§ 216.11(b), 216.13(b), 216.14(b), and 216.15(b) to update the references from “FRA Regional Administrator” to “Division of FRA's Office of Railroad Safety” for the relevant technical discipline (*i.e.*, Motive Power and Equipment (MP&E) or Track and Structures Division). These amendments are being made to ensure information gets to the agency subject matter expert in the specific discipline.

§ 216.17 Appeals

FRA is amending § 216.17 to replace references of “FRA Regional Administrator” with “FRA Staff Director” for the relevant technical discipline. FRA is also replacing the outdated language in § 216.17(a), “[t]he appeal shall be made by letter or telegram,” with “[t]he appeal must be made by email to the relevant FRA Staff Director.”

§ 216.21 Notice of Track Conditions

FRA is amending 49 CFR 216.21(a) to replace references of “FRA Regional Administrator” with “FRA Track and Structures Division Staff Director” and remove a reference to “FRA Regional Track Engineer.” In § 216.21(b), FRA is also replacing references of “FRA Regional Track Engineer” with “FRA Track and Structures Division Staff Director.”

§ 216.23 Consideration of Recommendation

FRA is amending 49 CFR 216.23 to replace references of “FRA Regional Administrator” with “FRA Track and Structures Division Staff Director.” FRA is also replacing a reference of “FRA Regional Track Engineer” with “FRA District Track Specialist.”

§ 216.25 Issuance and Review of Emergency Order

FRA is amending 49 CFR 216.25(a) to replace a reference of “FRA Regional Administrator” with “FRA Track and Structures Division Staff Director.” FRA is amending the language in § 216.25(b) to require a submission of a request of review of an emergency order to FRALegal@dot.gov. FRA is removing the mailing address for the Office of the Chief Counsel.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices*A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT**Regulatory Policies and Procedures*

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866. Because this final rule makes administrative changes to FRA's special notice and emergency order procedures: railroad track, locomotive and equipment, including updating addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying, simplifying, and updating the language and references of part 216.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.* and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 216 became effective when they were approved by OMB on February 27, 2023. The OMB Control No. is 2130–0504, and OMB approval expires on February 28, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that

they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 216

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 216 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 216—SPECIAL NOTICE AND EMERGENCY ORDER PROCEDURES: RAILROAD TRACK, LOCOMOTIVE AND EQUIPMENT

■ 1. The authority citation for part 216 continues to read as follows:

Authority: 49 U.S.C. 20102–20104, 20107, 20111, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 216.7 to read as follows:

§ 216.7 Penalties.

(a) Any person that violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) “Person” means an entity of any type, covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

(c) Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

■ 3. Revise § 216.11(b) to read as follows:

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

§ 216.11 Special notice for repairs—railroad freight car.

* * * * *

(b) The railroad shall notify the Motive Power and Equipment (MP&E) Division of FRA's Office of Railroad Safety in writing when the equipment is returned to service, specifying the repairs completed.

* * * * *

■ 4. Revise § 216.13(b) to read as follows:

§ 216.13 Special notice for repairs—locomotive.

* * * * *

(b) The carrier shall notify the FRA MP&E Division in writing when the locomotive is returned to service, specifying the repairs completed. The carrier officer or employee directly responsible for the repairs shall subscribe this writing under oath.

■ 5. Revise § 216.14(b) to read as follows:

§ 216.14 Special notice for repairs—passenger equipment.

* * * * *

(b) The railroad shall notify in writing the FRA MP&E Division when the equipment is returned to service, specifying the repairs completed.

* * * * *

■ 6. Revise § 216.15(b) to read as follows:

§ 216.15 Special notice for repairs—track class.

* * * * *

(b) The railroad shall notify the FRA Track and Structures Division in writing when the track is restored to a condition permitting operations at speeds authorized for a higher class, specifying the repairs completed.

■ 7. Revise § 216.17 to read as follows:

§ 216.17 Appeals.

(a) Upon receipt of a Special Notice prescribed in §§ 216.11, 216.13, 216.14, or 216.15, a railroad may appeal the decision of the Inspector to the relevant FRA Staff Director (*i.e.*, MP&E or Track and Structures Division Staff Director). The appeal must be made by email to the relevant FRA Staff Director. The FRA Staff Director assigns an inspector, other than the inspector from whose decision the appeal is being taken, to reinspect the railroad freight car, locomotive, railroad passenger equipment, or track. The reinspection will be made immediately. If upon reinspection, the railroad freight car, locomotive, or passenger equipment is found to be in serviceable condition, or the track is found to comply with the

requirements for the class at which it was previously operated by the railroad, the FRA Staff Director or the Director's delegate will immediately notify the railroad, whereupon the restrictions of the Special Notice cease to be effective. If on reinspection the decision of the original inspector is sustained, the FRA Staff Director notifies the railroad that the appeal has been denied.

(b) A railroad whose appeal to the FRA Staff Director has been denied may, within thirty (30) days from the denial, appeal to the Administrator. After affording an opportunity for informal oral hearing, the Administrator may affirm, set aside, or modify, in whole or in part, the action of the FRA Staff Director.

(c) The requirements of a Special Notice issued under this subpart shall remain in effect and be observed by a railroad pending appeal to the FRA Staff Director or to the Administrator.

■ 8. Revise § 216.21 to read as follows:

§ 216.21 Notice of track conditions.

(a) When an FRA Track Inspector or State Track Inspector finds track conditions which may require the issuance of an Emergency order removing the track from service under section 203, Public Law 91–458, 84 Stat. 972, the Inspector may issue a notice to the railroad owning the track. The notice sets out and describes the conditions found by the Inspector and specifies the location of defects on the affected track segment. The Inspector provides a copy to the FRA Track and Structures Division Staff Director.

(b) In the event the railroad immediately commences repairs on the affected track and so advises the FRA Track and Structures Division Staff Director, the Staff Director assigns an Inspector to reinspect the track immediately on the completion of repairs. If upon reinspection the Inspector determines that necessary repairs have been completed, the Inspector withdraws the Notice of Track Conditions.

■ 9. Revise § 216.23 to read as follows:

§ 216.23 Consideration of recommendation.

Upon receipt of a Notice of Track Conditions issued under § 216.21, the FRA Track and Structures Division Staff Director prepares a recommendation to the Administrator concerning the issuance of an Emergency order removing the affected track from service. In preparing this recommendation, the FRA Track and Structures Division Staff Director considers all written or other material

bearing on the condition of the track received from the railroad within three (3) calendar days of the issuance of the Notice of Track Conditions and also considers the report of the FRA District Track Specialist.

■ 10. Amend § 216.25 by revising paragraphs (a) and the first sentence of paragraph (b) to read as follows:

§ 216.25 Issuance and review of emergency order.

(a) Upon recommendation of the FRA Track and Structures Division Staff Director, the Administrator may issue an Emergency order removing from service track identified in the notice issued under § 216.21.

(b) As specified in section 203, Public Law 91–458, 84 Stat. 972, opportunity for review of the Emergency order is provided in accordance with section 554 of title 5 of the U.S.C. Petitions for such review must be submitted in writing to the Office of the Chief Counsel, Federal Railroad Administration, via email to FRALegal@dot.gov. * * *

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12105 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 218**

[Docket No. FRA–2025–0086]

RIN 2130–AD13

Administrative Updates to the Federal Railroad Administration's Railroad Operating Practices Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's railroad operating practices regulations, including updating addresses.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its railroad operating practices regulations in 49 CFR part 218. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 218

§ 218.9 Civil Penalty

FRA is changing § 218.9 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also updating the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference in the parenthetical from 1 U.S.C. 1 to 49 U.S.C. 21301.

§§ 218.41, 218.55, 218.57, and 218.59

FRA is amending §§ 218.41, 218.55, 218.57, and 218.59 to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866. Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imposes no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 218 and directing the regulated entities to the appropriate cites in the CFR. This final rule makes administrative updates to FRA's railroad operating practices regulations, including updating addresses.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 218 became effective when they were approved by OMB on January 18, 2024. The OMB Control No. is 2130–0035 and the expiration date is January 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 218

Locomotives, Occupational safety and health, Penalties, Railroad employees, Railroad safety, Tampering.

The Final Rule

In consideration of the foregoing, FRA amends part 218 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 218—RAILROAD OPERATING PRACTICES

- 1. The authority citation for part 218 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20131, 20138, 20144, 20168, 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. Revise § 218.9 to read as follows:

§ 218.9 Civil penalty.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) “Person” means an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

(c) Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

- 3. Revise § 218.41 to read as follows:

§ 218.41 Noncompliance with hump operations rule.

A person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who fails to comply with a railroad’s operating rule issued pursuant to § 218.39 is subject to a penalty. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

- 4. Revise § 218.55 to read as follows:

§ 218.55 Tampering prohibited.

Any individual who willfully disables a safety device is subject to a civil penalty and to disqualification from performing safety-sensitive functions on a railroad if found unfit for such duties under the procedures provided for in 49 CFR part 209. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

- 5. Revise § 218.57 to read as follows:

§ 218.57 Responsibilities of individuals.

Any individual who knowingly operates a train, or permits it to be operated, when the controlling locomotive of that train is equipped with a disabled safety device, is subject to a civil penalty and to disqualification from performing safety-sensitive functions on a railroad if found to be unfit for such duties. See appendix B to this part for a statement of agency enforcement policy concerning violations of this section. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

- 6. Revise the second sentence of § 218.59 to read as follows:

§ 218.59 Responsibilities of railroads.

Any railroad that operates a train when the controlling locomotive of a train is equipped with a disabled safety device is subject to a civil penalty. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12120 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 219

[Docket No. FRA–2025–0087]

RIN 2130–AD15

Administrative Updates to the Federal Railroad Administration’s Control of Alcohol and Drug Use Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s control of alcohol and drug use regulations, including updating addresses.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its railroad workplace safety regulations in 49 CFR part 219. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis*Part 219***§ 219.10 Penalties**

FRA is changing § 219.10 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also updating the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices*A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes miscellaneous, administrative changes (such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty) and referring readers to the CFR, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government by updating the language of part 219 and directing the regulated entities to the appropriate cites in the CFR. This rule will also provide additional clarity to regulated entities for certain requirements within part 219.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 219 became effective when they were approved by OMB on May 27, 2022. With this final rule, FRA will be using OMB Control No. 2130–0526—Control of Alcohol and Drug Use in Railroad Operations.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local,

or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects

49 CFR Part 219

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety, Reporting and recordkeeping requirements, Safety, Transportation.

The Final Rule

In consideration of the foregoing, FRA amends part 219 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 219—CONTROL OF ALCOHOL AND DRUG USE

■ 1. The authority citation for part 219 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461 note; Div. A, Sec. 412, Pub. L. 110–432, 122 Stat. 4889 (49 U.S.C. 20140 note); Sec. 8102, Pub. L. 115–271, 132 Stat. 3894; and 49 CFR 1.89.

■ 2. Revise § 219.10 to read as follows:

§ 219.10 Penalties.

(a) Any person, as defined by § 219.5, who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred.

(b) The standard of liability for a railroad will vary depending upon the requirement involved. See, e.g., § 219.105, which is construed to qualify the responsibility of a railroad for the unauthorized conduct of an employee that violates § 219.101 or § 219.102 (while imposing a duty of due diligence to prevent such conduct). See 49 CFR part 209, appendix A. Each day a violation continues constitutes a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12111 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 220

[Docket No. FRA–2025–0088]

RIN 2130–AD16

Administrative Updates to the Railroad Communications Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s railroad communications regulations, including updating addresses in those regulations.

DATES: *Effective:* July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 220. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 220

§ 220.7 Penalty

FRA is changing § 220.7 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also updating the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum and maximum civil monetary penalties, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government by updating the language of part 220 to direct regulated entities to the appropriate cite in the CFR and the appropriate web address.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*) and E.O.

13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 220 became effective when they were approved by OMB on January 11, 2024. The OMB Control No. is 2130–0524, and OMB approval expires on January 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local,

or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 220

Penalties, Radio, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 220 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation.* 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

PART 220—RAILROAD COMMUNICATIONS

- 1. The authority citation for part 220 is revised to read as follows:

Authority: 49 U.S.C. 20102–20103, 20103 note, 20107, 21301–21302, 20701–20703, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. Revise § 220.7 to read as follows:

§ 220.7 Penalty.

(a) Any person (including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred.

(b) The standard of liability for a railroad will vary depending upon the requirement involved. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12151 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 221

[Docket No. FRA–2025–0089]

RIN 2130–AD17

Administrative Updates to the Rear End Marking Device—Passenger, Commuter and Freight Trains Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's rear end marking device regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 221. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 221

§ 221.7 Civil Penalty

FRA is changing § 221.7 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is amending this section to update the web address from

www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference from 1 U.S.C. 1 to 49 U.S.C. 21301.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum and maximum civil monetary penalties, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government by updating the language of part 221 to direct regulated entities to the appropriate cite in the CFR and the appropriate web address and by using consistent definitions across regulations.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at

least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.* and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 221 became effective when they were approved by OMB on April 28, 2023. The OMB Control No. is 2130–0523 and the expiration date is April 30, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction,

such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from

engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 221

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 221 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 221—REAR END MARKING DEVICE—PASSENGER, COMMUTER AND FREIGHT TRAINS

■ 1. The authority citation for part 221 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 221.7 to read as follows:

§ 221.7 Civil penalty.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) “Person” means an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

(c) Each day a violation continues shall constitute a separate offense. See

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12136 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 222

[Docket No. FRA–2025–0090]

RIN 2130–AD19

Administrative Updates to the Use of Locomotive Horns at Public Highway-Rail Grade Crossings Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's use of locomotive horns at public highway-rail grade crossings regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA, (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 222. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 222

§ 222.9 Definitions

FRA is amending the definition of *Grade Crossing Inventory Form* in 49 CFR 222.9 to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

§ 222.11 What are the penalties for failure to comply with this part?

FRA is amending § 222.11 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also updating the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

§ 222.39 How is a quiet zone established?

FRA is amending § 222.39(b)(3) to remove the certified mail requirement, to require electronic submittal of the application to FRA's Grade Crossing and Trespasser Outreach Division, and to allow for electronic service of the application to other parties as well as electronic submission of comments on the application to FRA's Grade Crossing and Trespasser Outreach Division.

§ 222.43 What notices and other information are required to create or continue a quiet zone?

FRA is amending § 222.43(a) to remove the certified mail notification requirements, to require electronic service of notifications required in this section to FRA's Grade Crossing and Trespasser Outreach Division, and to allow for electronic service of the notifications required in this section to other parties.

FRA is also amending § 222.43(d)(2)(ii)(A) to update the web address from <http://www.fra.dot.gov/us/content/1337> to <https://safetydata.fra.dot.gov/quiet/login.aspx>.

§ 222.47 What periodic updates are required?

FRA is amending §§ 222.47(a)(1) and (b)(1) to remove the certified mail requirements, to require electronic service to FRA's Grade Crossing and Trespasser Outreach Division, and to allow for electronic service of the notices to other parties. FRA is also amending §§ 222.47(a)(2) and (b)(2) to require public authorities to submit their updated Crossing Inventory forms to FRA's Grade Crossing and Trespasser Outreach Division, rather than to the Associate Administrator.

§ 222.51 Under what conditions will quiet zone status be terminated?

FRA is amending §§ 222.51(d)(2) and (e)(1) to remove the certified mail requirements, to require electronic

service of the notices to FRA's Grade Crossing and Trespasser Outreach Division, and to allow for electronic service of the notices to other parties.

Appendix D to Part 222 Determining Risk Levels

FRA is amending the last sentence of 49 CFR part 222, appendix D, under the heading "Nationwide Significant Risk Threshold," to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum and maximum civil monetary penalties, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, updating web addresses, and replacing certified mail requirements with electronic submission and service requirements, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government by updating the language of part 222 to direct regulated entities to the appropriate cites in the CFR and the appropriate web address.

Additionally, this rule allows electronic methods of submissions of documents, which will expedite the speed at which documents are delivered while also reducing costs that would otherwise exist from having to physically print, mail, and process documents.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 222 became effective when they were approved by OMB on November 9, 2022. The OMB Control No. is 2130–

0560 and the expiration date is November 30, 2025. However, this final rule will decrease the paperwork burden in §§ 222.39, 222.43 and 222.47 by amending the certified mail requirement, to allow electronic service of applications to required parties. All other paperwork requirements within part 222 remain the same. By removing this reporting requirement, the currently approved burden reported within §§ 222.39, 222.43 and 222.47 of 2,559 hours will decrease by 46.50 hours for a revised estimate of 2,512.50 hours.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this

rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 222

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 222 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. In § 222.9, revise the definition of *Grade Crossing Inventory Form* to read as follows:

§ 222.9 Definitions.

* * * * *

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

Grade Crossing Inventory Form means the U.S. DOT National Highway-Rail Grade Crossing Inventory Form, FRA Form F6180.71. This form is available on FRA's website at <https://railroads.dot.gov/>.

* * * * *

■ 3. Revise § 222.11 to read as follows:

§ 222.11 What are the penalties for failure to comply with this part?

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) Each day a violation continues shall constitute a separate offense. Any person who knowingly and willfully falsifies a record or report required by this part may be subject to criminal penalties under 49 U.S.C. 21311. FRA's website at <https://railroads.dot.gov/> contains a schedule of civil penalty amounts used in connection with this part.

■ 4. Revise § 222.39(b)(3) to read as follows:

§ 222.39 How is a quiet zone established?

* * * * *

(b) * * *

(3)(i) The public authority application for FRA approval of the proposed quiet zone shall be provided to: all railroads operating over the public highway-rail grade crossings within the quiet zone; the highway or traffic control or law enforcement authority having jurisdiction over vehicular traffic at grade crossings within the quiet zone; the landowner having control over any private highway-rail grade crossings within the quiet zone; the State agency responsible for highway and road safety; and the State agency responsible for grade crossing safety. A copy of the public authority application shall also be submitted electronically to the Grade Crossing and Trespasser Outreach Division of FRA's Office of Railroad Safety (FRA Grade Crossing and Trespasser Outreach Division).

(ii) Except as provided in paragraph (b)(3)(iii) of this section, any party that

receives a copy of the public authority application may submit comments on the public authority application to the FRA Grade Crossing and Trespasser Outreach Division electronically during the 60-day period after the date on which the public authority application was sent.

(iii) If the public authority application for FRA approval contains written statements from each railroad operating over the public highway-rail grade crossings within the quiet zone, the highway or traffic control authority or law enforcement authority having jurisdiction over vehicular traffic at grade crossings within the quiet zone, the State agency responsible for grade crossing safety, and the State agency responsible for highway and road safety stating that the railroad, vehicular traffic authority and State agencies have waived their rights to provide comments on the public authority application, the 60-day comment period under paragraph (b)(3)(ii) of this section shall be waived.

* * * * *

■ 5. Revise § 222.43(a) and (d)(2)(ii)(A) to read as follows:

§ 222.43 What notices and other information are required to create or continue a quiet zone?

(a)(1) The public authority shall provide written notice of its intent to create a New Quiet Zone or New Partial Quiet Zone under § 222.39 or to implement new SSMS or ASMS within a Pre-Rule Quiet Zone or Pre-Rule Partial Quiet Zone under § 222.41(c) or (d) of this part. Such notification shall be provided to: All railroads operating over the public highway-rail grade crossings within the quiet zone; the State agency responsible for highway and road safety; and the State agency responsible for grade crossing safety.

(2) The public authority shall provide written notification to continue a Pre-Rule Quiet Zone or Pre-Rule Partial Quiet Zone under § 222.41 or to continue an Intermediate Quiet Zone or Intermediate Partial Quiet Zone under § 222.42. Such notification shall be provided to: All railroads operating over the public highway-rail grade crossings within the quiet zone; the highway or traffic control or law enforcement authority having jurisdiction over vehicular traffic at grade crossings within the quiet zone; the landowner having control over any private highway-rail grade crossings within the quiet zone; the State agency responsible for highway and road safety; and the State agency responsible for grade crossing safety. A copy of the written notification to continue a Pre-Rule Quiet

Zone or Pre-Rule Partial Quiet Zone under § 222.41 or to continue an Intermediate Quiet Zone or Intermediate Partial Quiet Zone under § 222.42 shall also be submitted electronically to FRA's Grade Crossing and Trespasser Outreach Division.

(3) The public authority shall provide written notice of the establishment of a quiet zone under § 222.39 or § 222.41. Such notification shall be provided to: All railroads operating over the public highway-rail grade crossings within the quiet zone; the highway or traffic control or law enforcement authority having jurisdiction over vehicular traffic at grade crossings within the quiet zone; the landowner having control over any private highway-rail grade crossings within the quiet zone; the State agency responsible for highway and road safety; and the State agency responsible for grade crossing safety. A copy of the written notice of quiet zone establishment under § 222.39 or § 222.41 shall also be submitted electronically to FRA's Grade Crossing and Trespasser Outreach Division.

* * * * *

(d) * * *

(2) * * *

(ii) * * *

(A) If the Notice contains a specific reference to § 222.39(a)(2)(i), 222.39(a)(2)(ii), 222.39(a)(3), 222.41(a)(1)(ii), 222.41(a)(1)(iii), 222.41(a)(1)(iv), 222.41(b)(1)(ii), 222.41(b)(1)(iii), or 222.41(b)(1)(iv), it shall include a copy of the FRA webpage that contains the quiet zone data upon which the public authority is relying (<https://safetydata.fra.dot.gov/quiet/login.aspx>).

* * * * *

■ 6. Revise § 222.47 to read as follows:

§ 222.47 What periodic updates are required?

(a) *Quiet zones with SSMS at each public crossing.* This paragraph (a) addresses quiet zones established pursuant to §§ 222.39(a)(1) and 222.41(a)(1)(i) and (b)(1)(i) (quiet zones with an SSM implemented at every public crossing within the quiet zone) of this part. Between 4½ and 5 years after the date of the quiet zone establishment notice provided by the public authority under § 222.43, and between 4½ and 5 years after the last affirmation under this section, the public authority must:

(1) Electronically affirm in writing to FRA's Grade Crossing and Trespasser Outreach Division that the SSMS implemented within the quiet zone continue to conform to the requirements of appendix A of this part. Copies of such affirmation must be provided to

the parties identified in § 222.43(a)(3); and

(2) Electronically provide to FRA's Grade Crossing and Trespasser Outreach Division an up-to-date, accurate, and complete Grade Crossing Inventory Form for each public highway-rail grade crossing, private highway-rail grade crossing, and pedestrian crossing within the quiet zone.

(b) *Quiet zones which do not have a supplementary safety measure at each public crossing.* This paragraph (b) addresses quiet zones established pursuant to §§ 222.39(a)(2) and (a)(3), 222.39(b), 222.41(a)(1)(ii), (a)(1)(iii), and (a)(1)(iv), and 222.41(b)(1)(ii), (b)(1)(iii), and (b)(1)(iv) (quiet zones which do not have an SSM at every public crossing within the quiet zone). Between 2½ and 3 years after the date of the quiet zone establishment notice provided by the public authority under § 222.43, and between 2½ and 3 years after the last affirmation under this section, the public authority must:

(1) Electronically affirm in writing to FRA's Grade Crossing and Trespasser Outreach Division that all SSMs and ASMs implemented within the quiet zone continue to conform to the requirements of appendices A and B of this part or the terms of the Quiet Zone approval. Copies of such notification must be provided to the parties identified in § 222.43(a)(3); and

(2) Electronically provide to FRA's Grade Crossing and Trespasser Outreach Division an up-to-date, accurate, and complete Grade Crossing Inventory Form for each public highway-rail grade crossing, private highway-rail grade crossing, and pedestrian grade crossing within the quiet zone.

■ 7. Revise § 222.51(d)(2) and (e)(1) to read as follows:

§ 222.51 Under what conditions will quiet zone status be terminated?

(d)(2) A public authority may withdraw its quiet zone status by providing written notice of termination to all railroads operating the public highway-rail grade crossings within the quiet zone, the highway or traffic control authority or law enforcement authority having control over vehicular traffic at the crossings within the quiet zone, the landowner having control over any private crossings within the quiet zone, the State agency responsible for grade crossing safety, and the State agency responsible for highway and road safety. A copy of the written notice of quiet zone termination shall also be submitted electronically to the Grade Crossing and Trespasser Outreach Division of FRA's Office of Railroad

Safety (Grade Crossing and Trespasser Outreach Division).

(e)(1) In the event that a quiet zone is terminated under the provisions of this section, it shall be the responsibility of the public authority immediately to provide written notification of the termination to all railroads operating over public highway-rail grade crossings within the quiet zone, the highway or traffic control authority or law enforcement authority having control over vehicular traffic at the crossings within the quiet zone, the landowner having control over any private crossings within the quiet zone, the State agency responsible for grade crossing safety, and the State agency responsible for highway and road safety. A copy of the written notice of quiet zone termination shall also be submitted electronically to FRA's Grade Crossing and Trespasser Outreach Division.

■ 8. In appendix D, under the heading "Nationwide Significant Risk Threshold", revise the last sentence to read as follows:

Appendix D to Part 222—Determining Risk Levels

Nationwide Significant Risk Threshold

* * * For the most recent value of the Nationwide Significant Risk Threshold, please visit FRA's public website at <https://railroads.dot.gov/>.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12147 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 223

[Docket No. FRA–2025–0091]

RIN 2130–AD20

Administrative Updates to the Safety Glazing Standards Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's safety glazing standards regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 223. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 223

§ 223.7 Responsibility

FRA is amending § 223.7 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also updating the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. As "person" is already defined in 49 CFR 223.5, FRA is removing the parenthetical from the first sentence of this section.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes miscellaneous, administrative changes (such as replacing references to specific penalty amounts with general references to the minimum and maximum civil monetary penalties; ordinary maximum civil monetary penalty; and aggravated maximum civil monetary penalty) and referring readers to the CFR, this final rule imposes no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government by clarifying the language of part 223 and directing the regulated entities to the appropriate cites in the CFR. This rule would also provide additional clarity to regulated entities for certain requirements within part 223.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 223 became effective when they were approved by OMB on February 27, 2023. The OMB Control No. is 2130–0525 and the expiration date is February 28, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 223

Glazing standards, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 223 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 223—SAFETY GLAZING STANDARDS—LOCOMOTIVES, PASSENGER CARS AND CABOOSSES

- 1. The authority citation for part 223 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. Revise § 223.7 to read as follows:

§ 223.7 Responsibility.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12138 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 224

[Docket No. FRA–2025–0092]

RIN 2130–AD21

Administrative Updates to the Reflectorization of Rail Freight Rolling Stock Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's

reflectorization regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 224. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 224

§ 224.11 Penalties

FRA is amending § 224.11(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. As “person” is already defined in 49 CFR 224.5, FRA is removing the parenthetical from the first sentence of this section.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not

benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes miscellaneous, administrative changes (such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty) and referring readers to the CFR, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government by clarifying the language of part 224 and directing the regulated entities to the appropriate cites in the CFR. This rule would also provide additional clarity to regulated entities for certain requirements within part 224.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.* and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 224 became effective when they were approved by OMB on March 29, 2024. The OMB Control No. is 2130–0566 and the expiration date is March 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 224

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 224 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 224—REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

■ 1. The authority citation for part 224 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20148 and 21301; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. In § 224.11, revise paragraph (a) to read as follows:

§ 224.11 Penalties.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. FRA’s website at <https://railroads.dot.gov/> contains a schedule of civil penalty amounts used in connection with this part.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12134 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA–2025–0093]

RIN 2130–AD23

Administrative Updates to the Railroad Accidents/Incidents: Reports Classification, and Investigations Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's railroad accidents/incidents: reports classification, and investigations reporting regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202-480-3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202-657-2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 225. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 225

§ 225.7 Public Examination and Use of Reports

FRA is amending the last sentence of § 225.7(a) to update the web address from <http://www.fra.dot.gov/us/foia> to <https://railroads.dot.gov/freedom-information-act-foia>.

§ 225.12 Rail Equipment Accident/ Incident Reports Alleging Employee Human Factor as Cause; Employee Human Factor Attachment; Notice to Employee; Employee Supplement

FRA is amending the last sentence of § 225.12(h)(1) to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

§ 225.29 Penalties

FRA is amending § 225.29 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this

section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference from 1 U.S.C. 1 to 49 U.S.C. 21301.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 225 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified

for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M-25-20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 225 became effective when they were approved by OMB on December 05, 2023. The OMB Control No. is 2130–0500 and the expiration date is December 31, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction,

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M-25-20. Mar. 26, 2025.

such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from

engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 225 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 225—RAILROAD ACCIDENTS/ INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. In § 225.7(a), revise the last sentence to read as follows:

§ 225.7 Public examination and use of reports.

(a) * * * For additional information on submitting a FOIA request to FRA see FRA’s website at <https://railroads.dot.gov/freedom-information-act-foia>.

* * * * *

■ 3. In § 225.12(h)(1), revise the last sentence to read as follows:

§ 225.12 Rail Equipment Accident/Incident Reports alleging employee human factor as cause; Employee Human Factor Attachment; notice to employee; employee supplement.

* * * * *

(h) * * *

(1) * * * See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

* * * * *

■ 4. Revise § 225.29 to read as follows:

§ 225.29 Penalties.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and

not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) “Person” means an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

(c) Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy. A person may also be subject to the criminal penalties provided for in 49 U.S.C. 21311.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12135 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 227

[Docket No. FRA–2025–0094]

RIN 2130–AD25

Administrative Updates to the Occupational Safety and Health in the Locomotive Cab Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s locomotive cab occupational safety and health regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief

Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 227. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 227

§ 227.9 Penalties

FRA is amending § 227.9(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory

Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 227 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions).

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this

rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 227

Hazardous materials transportation, Incorporation by reference, Locomotive noise control, Occupational safety and health, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 227 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 227—OCCUPATIONAL SAFETY AND HEALTH IN THE LOCOMOTIVE CAB

- 1. The authority citation for part 227 continues to read as follows:

Authority: 49 U.S.C. 20103, 20103 note, 20166, 20701–20703, 21301, 21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. Revise § 227.9(a) to read as follows:

§ 227.9 Penalties.

(a) Any person who violates any requirement of this part or causes the

violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12152 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 228

[Docket No. FRA–2025–0125]

RIN 2130–AD36

Modernizing Dispatcher’s Record of Train Movements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule modernizes requirements related to a dispatcher’s record of train movements. Specifically, it will eliminate the reference to the telegraph and the need for rail carriers to record weather conditions at 6-hour intervals, as outdated and redundant, respectively.

DATES: This rule is effective July 31, 2025.

FOR FURTHER INFORMATION CONTACT: William T. Smith, Operating Practices Specialist, FRA, telephone: (682) 305–6709, email: William.Smith@dot.gov; or Colleen A. Brennan, Deputy Assistant Chief Counsel, FRA, telephone: (202) 657–3927, email: Colleen.Brennan@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR) and repealing requirements that are outdated and redundant. In this final rule, FRA is removing the reference in 49 CFR 228.17(a) to the telegraph, an outdated technology, and the need for rail carriers to record weather conditions at 6-hour intervals, a redundant requirement, as weather information is now readily available and easily accessible. For more information, please review the Section-by-Section Analysis below for the relevant information related to FRA’s repeal of this regulatory provision.

II. Final Rule

Under the Administrative Procedure Act, an agency may dispense with notice and comment “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(B). FRA has determined that issuing a final rule is the appropriate mechanism here because notice and comment are unnecessary, as FRA is merely removing a reference to an outdated technology, the telegraph, and a redundant weather reporting requirement. FRA is not imposing any new requirements in § 228.17.

III. Section-by-Section Analysis

Section 228.17 Dispatcher’s Record of Train Movements

As discussed above, this final rule revises the language of 49 CFR 228.17 to eliminate the reference to the telegraph in introductory paragraph (a) and the need to record weather conditions at 6-hour intervals in paragraph (a)(4).

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within OMB determined that this final rule is not a significant regulatory action under section 3(f) of

E.O. 12866. This final rule is considered an E.O. 14192 deregulatory action.

FRA analyzed the potential costs and benefits of this final rule. Because this final rule eliminates the need for rail carriers to record weather conditions at 6-hour intervals, this final rule may reduce burdens on regulated entities without imposing any additional cost. This rule also provides clarity by removing outdated references to the telegraph. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by updating the language of part 228.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of this rule.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. March 26, 2025.

D. Paperwork Reduction Act

The recordkeeping and reporting requirements already contained in Part 228 were approved by OMB on April 30, 2025. The information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is OMB No. 2130–0005, and OMB approval expires on April 30, 2028. However, this final rule will decrease the paperwork burden in 49 CFR 228.17 by removing the recordkeeping requirement of recording the weather conditions at 6-hour intervals. All other paperwork requirements within Part 228 remain the same. By removing this recordkeeping requirement, the approved burden within § 228.17 of 285,000 hours will decrease by 71,250 hours for a revised estimate of 213,750 hours.

E. Environmental Assessment

FRA has evaluated this final rule in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). FRA has determined that this final rule is categorically excluded from environmental review and therefore does not require the preparation of an environmental assessment or environmental impact statement. Specifically, FRA has determined that this final rule is categorically excluded from detailed environmental review.³

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to

³ See 23 CFR 771.116(c)(15) (categorically excluding “[p]romulgation of rules, the issuance of policy statements, the waiver or modification of existing regulatory requirements, or discretionary approvals that do not result in significantly increased emissions of air or water pollutants or noise”).

prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁴ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 228

Administrative practice and procedure, Hours of service recordkeeping, Railroad safety.

The Final Rule

For the reasons discussed in the preamble, FRA amends 228 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 49 U.S.C. 103, 20103, 20107, 21101–21109; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

⁴ 66 FR 28355 (May 22, 2001).

■ 2. Amend § 228.17 by revising and republishing paragraph (a) to read as follows:

§ 228.17 Dispatcher's record of train movements.

(a) Each carrier shall keep, for each dispatching district, a record of train movements made under the direction and control of a dispatcher who uses telephone, radio, or any other electrical or mechanical device to dispatch, report, transmit, receive, or deliver orders pertaining to train movements. The following information shall be included in the record:

- (1) Identification of timetable in effect.
- (2) Location and date.
- (3) Identification of dispatchers and their times on duty.
- (4) Identification of enginemen and conductors and their times on duty.
- (5) Identification of trains and engines.
- (6) Station names and office designations.
- (7) Distances between stations.
- (8) Direction of movement and the time each train passes all reporting stations.
- (9) Arrival and departure times of trains at all reporting stations.
- (10) Unusual events affecting movement of trains and identification of trains affected.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12183 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 228

[Docket No. FRA–2025–0095]

RIN 2130–AD26

Administrative Updates to the Passenger Train Employee Hours of Service; Recordkeeping and Reporting; Sleeping Quarters Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's passenger train employee hours of service and recordkeeping regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 228. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 228

§ 228.6 Penalties.

FRA is changing § 228.6(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference in the parenthetical from 1 U.S.C. 1 to 49 U.S.C. 21301.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866. Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule impacts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 228 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002)

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 228 became effective when they were approved by OMB on April 30, 2025. The OMB Control No. is 2130–0005 and the expiration date is April 30, 2028.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local,

or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects

49 CFR Part 228

Penalties, Railroad employees, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 228 of chapter II, subtitle

B of title 49, Code of Federal Regulations as follows:

PART 228—PASSENGER TRAIN EMPLOYEE HOURS OF SERVICE; RECORDKEEPING AND REPORTING; SLEEPING QUARTERS

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 49 U.S.C. 103, 20103, 20107, 21101–21109; 21301, 21303, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 228.6(a) to read as follows:

§ 228.6 Penalties.

(a) *Civil penalties.* Any person (an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) a grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy. Violations of the hours of service laws themselves (*e.g.*, requiring an employee to work excessive hours or beginning construction of sleeping quarters subject to approval under subpart C of this part without prior approval) are subject to penalty under 49 U.S.C. 21303.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12133 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 229**

[Docket No. FRA–2025–0096]

RIN 2130–AD27

Administrative Updates to the Railroad Locomotive Safety Standards Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's railroad locomotive safety standards regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 229. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis*Part 229***§ 229.7 Prohibited Acts and Penalties**

FRA is amending § 229.7(b) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

§ 229.125 Headlights and Auxiliary Lights

FRA is amending the last sentence of § 229.125(f) by replacing the phrase, “FRA's Associate Administrator for Safety or any one of FRA's Regional Administrators,” with the phrase “FRA's Associate Administrator for Railroad Safety or FRA's Motive Power and Equipment Division Staff Director.” These amendments are being made to ensure information gets to the agency subject matter expert in the specific discipline.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices*A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying and updating the language of part 229 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules,

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related

activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 229

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 229 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20137–38, 20143, 20168, 20701–03, 21301–02, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 229.7 by revising paragraph (b) to read as follows:

§ 229.7 Prohibited acts and penalties.

(b) Any person (including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or of the Federal Rail Safety Laws or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where: A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. FRA’s website at <https://>

railroads.dot.gov/ contains a statement of agency civil penalty policy.

■ 3. In § 229.125(f), revise the last sentence to read as follows:

§ 229.125 Headlights and auxiliary lights.

(f) Any exception from use of auxiliary lights at a specific public grade crossing can be disapproved for a stated cause by FRA’s Associate Administrator for Railroad Safety or FRA’s Motive Power and Equipment Division Staff Director, after investigation by FRA and opportunity for response from the railroad.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12146 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 230

[Docket No. FRA–2025–0097]

RIN 2130–AD29

Administrative Updates to the Steam Locomotive Inspection and Maintenance Standards Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s steam locomotive inspection and maintenance standards regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and

as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 230. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 230

§ 230.14 Thirty-One (31) Service Day Inspection

FRA is amending § 230.14(b) by replacing references to “Regional Administrator” with “FRA Motive Power and Equipment Division Staff Director” or “Staff Director.” These amendments are being made to ensure information gets to the agency subject matter expert in the specific discipline.

FRA is also amending the first sentence of § 230.14(c) by replacing a reference to “FRA Regional Administrator for that region” with “FRA Motive Power and Equipment Division Staff Director.”

§ 230.15 Ninety-Two (92) Service Day Inspection

FRA is amending the first sentence of § 230.15(b) by replacing a reference to “FRA Regional Administrator for that region” with “FRA Motive Power and Equipment Division Staff Director.”

§ 230.16 Annual Inspection

FRA is amending § 230.16(b) by replacing references to “Regional Administrator” with “FRA Motive Power and Equipment Division Staff Director” or “Staff Director.”

FRA is also amending § 230.16(c) by replacing a reference to “FRA Regional Administrator for that region” with “FRA Motive Power and Equipment Division Staff Director.”

§ 230.17 One Thousand Four Hundred Seventy-Two (1472) Service Day Inspection

FRA is amending § 230.17(b) by replacing a reference to “FRA Regional Administrator for that region” with “FRA Motive Power and Equipment Division Staff Director.”

§ 230.18 Service Days

FRA is amending § 230.18(b) by replacing a reference to the “Regional Administrator” with “FRA Motive Power and Equipment Division Staff Director.”

§ 230.20 Alteration and Repair Report for Steam Locomotive Boilers

FRA is amending § 230.20(a) and (b) by replacing references to “Regional Administrator” with “FRA Motive Power and Equipment Division Staff Director.”

§ 230.33 Welded Repairs and Alterations

FRA is amending § 230.33(a), (c), and (d) by replacing references to “Regional Administrator” with “FRA Motive Power and Equipment Division Staff Director.”

§ 230.34 Riveted Repairs and Alterations

FRA is amending § 230.34(a) by replacing a reference to “Regional Administrator” with “FRA Motive Power and Equipment Division Staff Director.”

§ 230.96 Main, Side, and Valve Motion Rods

FRA is amending § 230.96(b) by replacing a reference to “Regional Administrator” with “FRA Motive Power and Equipment Division Staff Director.”

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as updating references, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 230 and directing the regulated entities to the appropriate

agency subject matter expert in the specific discipline.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 230 became effective when they were approved by OMB on January 06, 2025. The OMB Control No. is 2130–0505 and the expiration date is January 31, 2028.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on

Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 230

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 230 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 230—STEAM LOCOMOTIVE INSPECTION AND MAINTENANCE STANDARDS

■ 1. The authority citation for part 230 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. In § 230.14, revise paragraph (b) and the first sentence in paragraph (c) to read as follows:

§ 230.14 Thirty-one (31) service day inspection.

* * * * *

(b) *FRA notification.* The FRA Motive Power and Equipment Division Staff Director or the Staff Director’s delegate(s) may require a steam locomotive owner or operator to provide FRA with timely notification before performing a 31 service day inspection. If the FRA Motive Power and Equipment Division Staff Director or the Staff Director’s delegate indicates their desire to be present for the 31 service day inspection, the steam locomotive owner and/or operator shall provide them a scheduled date and location for inspection. Once scheduled, the inspection must be performed at the time and place specified, unless the Staff Director and the steam locomotive

owner and/or operator mutually agree to reschedule. If the Staff Director requests the inspection be performed on another date but the steam locomotive owner and/or operator and the Staff Director are unable to agree on a date for rescheduling, the inspection may be performed as scheduled.

(c) *Filing inspection reports.* Within 10 days of conducting the 31 service day inspection, the steam locomotive owner and/or operator shall file, for each steam locomotive inspected, a report of inspection (FRA Form No. 1), in the place where the steam locomotive is maintained and with the FRA Motive Power and Equipment Division Staff Director. * * *

■ 3. In § 230.15, revise paragraph (b) to read as follows:

§ 230.15 Ninety-two (92) service day inspection.

* * * * *

(b) *Filing inspection reports.* Within 10 days of conducting the 92 service day inspection, the steam locomotive owner and/or operator shall file, for each steam locomotive inspected, a report of inspection (FRA Form No. 1), in the place the locomotive is maintained and with the FRA Motive Power and Equipment Division Staff Director.

* * * * *

■ 4. In § 230.16, revise paragraphs (b) and (c) to read as follows:

§ 230.16 Annual inspection.

* * * * *

(b) *FRA notification.* The FRA Motive Power and Equipment Division Staff Director shall be provided written notice at least one month prior to an annual inspection and shall be afforded an opportunity to be present. If the Staff Director or the Director’s delegate indicates a desire to be present, the steam locomotive owner and/or operator will provide a scheduled date and location for the inspection. Once scheduled, the inspection must be performed at the time and place specified, unless the Staff Director and the steam locomotive owner and/or operator mutually agree to reschedule. If the Staff Director requests the inspection be performed on another date but the steam locomotive owner and/or operator and the Staff Director are unable to agree on a date for rescheduling, the inspection may be performed as scheduled.

(c) *Filing inspection reports.* Within 10 days of completing the annual inspection, the steam locomotive owner and/or operator shall file, for each steam locomotive inspected, a report of inspection (FRA Form No. 3), in the place where the steam locomotive is

maintained and with the FRA Motive Power and Equipment Division Staff Director. (See appendix A of this part.)

■ 5. In § 230.17, revise paragraph (b) to read as follows:

§ 230.17 One thousand four hundred seventy-two (1472) service day inspection.

(b) *Filing inspection reports.* Within 30 days of completing the 1472 service day inspection, the steam locomotive owner and/or operator shall, for each steam locomotive inspected, file in the place where the steam locomotive is maintained and with the FRA Motive Power and Equipment Division Staff Director a report of inspection (FRA Form No. 3), and a completed FRA Form No. 4. (See appendix C of this part.)

■ 6. In § 230.18, revise paragraph (b) to read as follows:

§ 230.18 Service days.

(b) *Service day report.* By the 31st of every January, every steam locomotive owner and/or operator shall file a service day report, FRA Form No. 5, with the FRA Motive Power and Equipment Division Staff Director accounting for the days the steam locomotive was in service from January 1 through December 31st of the preceding year. If the steam locomotive was in service zero (0) days during that period, a report must still be filed to prevent the steam locomotive from being considered retired by FRA. (See appendix B of this part.)

■ 7. In § 230.20, revise paragraphs (a) and (b) to read as follows:

§ 230.20 Alteration and repair report for steam locomotive boilers.

(a) *Alterations.* When an alteration is made to a steam locomotive boiler, the steam locomotive owner and/or operator shall file an alteration report (FRA Form No. 19), detailing the changes to the locomotive with the FRA Motive Power and Equipment Division Staff Director within 30 days from the date the work was completed. This form shall be attached to, and maintained with, the FRA Form No. 4 until such time as a new FRA Form No. 4 reflecting the alteration is submitted to the FRA Motive Power and Equipment Division Staff Director. Alteration reports shall be filed and maintained for the life of the boiler. (See appendix B of this part.)

(b) *Welded and riveted repairs to unstayed portions of the boiler.* Whenever welded or riveted repairs are performed on unstayed portions of a steam locomotive boiler, the steam

locomotive owner and/or operator shall file with the FRA Motive Power and Equipment Division Staff Director, within 30 days from the time the work was completed, a repair report, FRA Form No. 19, that details the work done to the steam locomotive. Repair reports shall be filed and maintained for the life of the boiler. (See appendix B of this part.)

■ 8. In § 230.33, revise paragraphs (a), (c), and (d) to read as follows:

§ 230.33 Welded repairs and alterations.

(a) *Unstayed portions of the boiler containing alloy steel or carbon steel with a carbon content over 0.25 percent.* Prior to welding on unstayed portions of the boiler, the steam locomotive owner and/or operator shall submit a written request for approval to the FRA Motive Power and Equipment Division Staff Director. If the approval is granted, the steam locomotive owner and/or operator shall perform any welding to unstayed portions of the boiler in accordance with an accepted national standard for boiler repairs. The steam locomotive owner and/or operator shall satisfy reporting requirements in § 230.20 at this time.

(c) *Wastage.* The steam locomotive owner and/or operator shall submit a written request for approval to the FRA Motive Power and Equipment Division Staff Director before performing weld build up on wasted areas of unstayed surfaces of the boiler that exceed a total of 100 square inches or the smaller of 25 percent of minimum required wall thickness or ½ inch. Wasted sheets shall not be repaired by weld build up if the wasted sheet has been reduced to less than 60 percent of the minimum required thickness as required by this part.

(d) *Flush patches.* The steam locomotive owner and/or operator shall submit a written request for approval to the FRA Motive Power and Equipment Division Staff Director for the installation of flush patches of any size on unstayed portions of the boiler.

■ 9. In § 230.34, revise paragraph (a) to read as follows:

§ 230.34 Riveted repairs and alterations.

(a) *Alterations to unstayed portions of the boiler.* Prior to making riveted alterations on unstayed portions of the boiler, the steam locomotive owner and/or operator shall submit a written request for approval to the FRA Motive Power and Equipment Division Staff Director. If approval is granted, the

steam locomotive owner and/or operator shall perform any riveting to unstayed portions of the boiler in accordance with established railroad practices or an accepted national standard for boiler repairs. The steam locomotive owner and/or operator shall satisfy reporting requirements in § 230.20.

■ 10. In § 230.96, revise paragraph (b) to read as follows:

§ 230.96 Main, side, and valve motion rods.

(b) *Repairs.* Repairs, and welding of main, side or valve motion rods shall be made in accordance with an accepted national standard. The steam locomotive owner and/or operator shall submit a written request for approval to the FRA Motive Power and Equipment Division Staff Director prior to welding defective main rods, side rods, and valve gear components.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 231

[Docket No. FRA–2025–0098]

RIN 2130–AD30

Administrative Updates to the Railroad Safety Appliance Standards Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's railroad safety appliance standards regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 231. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 231

§ 231.0 Applicability and Penalties

FRA is changing § 231.0(f) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference in the parenthetical from 1 U.S.C. 1 to 49 U.S.C. 21301.

§ 231.33 Procedure for Special Approval of Existing Industry Safety Appliance Standards

FRA is amending § 231.33(b)(1) to add a requirement that an email address be provided in a petition for special approval.

FRA is amending § 231.33(c)(1) to require submission of a petition for special approval via email to FRAWaivers@dot.gov. FRA is also amending § 231.33(c)(2)(iii) to require submission of a statement of interest via email to FRAWaivers@dot.gov.

FRA is amending § 231.33(g) to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public

interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 231 and directing the regulated entities to the appropriate sites in the CFR. Additionally, this final rule allows electronic methods, such as email, of submissions of a petition for special approval and statement of interest. This will expedite the speed at which documents are delivered while also reducing costs that would otherwise exist from having to physically print, mail, and process documents.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192

deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 231 became effective when they were approved by OMB on February 7, 2024. The OMB Control No. is 2130–0594 and the expiration date is February 28, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international

standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 231

Penalties, Railroad safety.

The Final Rule

In consideration of the foregoing, FRA amends part 231 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

■ 1. The authority citation for part 231 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20131, 20301–20303, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 231.0(f) to read as follows:

§ 231.0 Applicability and penalties.

(f) Any person (an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

* * * * *

■ 3. Revise § 231.33(b)(1), (c), and (g) to read as follows:

§ 231.33 Procedure for special approval of existing industry safety appliance standards.

* * * * *

(b) * * *

(1) The name, title, address, email address, and telephone number of the primary individual to be contacted with regard to review of the petition.

* * * * *

(c) *Service.* (1) Each petition for special approval under paragraph (b) of this section shall be submitted to the email address FRAWaivers@dot.gov.

(2) Service of each petition for special approval of an existing industry safety appliance standard under paragraph (b) of this section shall be made on the following:

(i) Designated representatives of the employees responsible for the equipment’s operation, inspection, testing, and maintenance under this part;

(ii) Any organizations or bodies that either issued the standard to which the special approval pertains or issued the industry standard that is proposed in the petition; and

(iii) Any other person who has filed with FRA a current statement of interest in reviewing special approvals under the particular requirement of this part at least 30 days but not more than 5 years prior to the filing of the petition. If filed, a statement of interest shall be filed at the email address FRAWaivers@dot.gov, and shall reference the specific section(s) of this part in which the person has an interest. A statement of interest that properly references the specific section(s) in which the person has an interest will be posted in the docket to ensure that each statement is accessible to the public.

* * * * *

(g) *Enforcement.* Any industry standard approved pursuant to this section will be enforced against any person, as defined at 49 CFR 209.3, who violates any provision of the approved standard or causes the violation of any such provision. Civil penalties will be assessed under this part by using the applicable defect code in the statement of agency civil penalty policy on FRA’s website at <https://railroads.dot.gov/>.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12153 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 232**

[Docket No. FRA–2025–0099]

RIN 2130–AD31

Administrative Updates to the Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's brake system safety standards regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 232. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis*Part 232***§ 232.207 Class IA Brake Tests—1,000-Mile Inspection**

In § 232.207(c), FRA is replacing the references to “Associate Administrator for Safety” with “the Motive Power and Equipment Division of FRA's Office of Railroad Safety (MP&E Division).”

§ 232.213 Extended Haul Trains

FRA is amending § 232.213(b) to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. FRA is also replacing the references to “FRA's Associate

Administrator for Safety” with “FRA's MP&E Division” in §§ 232.213(a)(1) and (a)(8). FRA is replacing the reference to “FRA's Associate Administrator for Safety” with “the Associate Administrator” in § 232.213(b).

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices*A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by updating the language of part 232 to direct regulated entities to the appropriate agency subject matter expert to ensure information gets to the specific discipline. This rule would also provide additional clarity to regulated entities for certain requirements within part 232.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing*

guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 232 became effective when they were approved by OMB on March 03, 2025. The OMB Control No. is 2130–0008 and the expiration date is March 31, 2028.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result

Prosperity Through Deregulation. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary

obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 232

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 232 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 232—BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES

■ 1. The authority citation for part 232 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20301–20303, 20306, 21301–20302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 232.207(c) to read as follows:

§ 232.207 Class IA brake tests—1,000-mile inspection.

* * * * *

(c) A railroad shall designate the locations where Class IA brake tests will be performed, and the railroad shall furnish to the Federal Railroad Administration upon request a description of each location designated. A railroad shall notify the Motive Power and Equipment Division of FRA’s Office of Railroad Safety (MP&E Division) in writing 30 days prior to any change in the locations designated for such tests and inspections.

(1) Failure to perform a Class IA brake test on a train at a location designated pursuant to this paragraph (c) constitutes a failure to perform a proper Class IA brake test if the train is due for such a test at that location.

(2) In the event of an emergency that alters normal train operations, such as a derailment or other unusual circumstance that adversely affects the safe operation of the train, the railroad is not required to provide prior written notification of a change in the location where a Class IA brake test is performed to a location not on the railroad’s list of

designated locations for performing Class IA brake tests, provided that the railroad notifies FRA’s MP&E Division within 24 hours after the designation has been changed and the reason for that change.

■ 3. Revise § 232.213(a)(1) and (8), and (b) to read as follows:

§ 232.213 Extended haul trains.

(a) * * *

(1) The railroad must designate the train in writing to FRA’s MP&E Division. This designation must include the following:

(i) The train identification symbol or identification of the location where extended haul trains will originate and a description of the trains that will be operated as extended haul trains from those locations;

(ii) The origination and destination points for the train;

(iii) The locations where all train brake and mechanical inspections and tests will be performed.

* * * * *

(8) In the event of an emergency that alters normal train operations, such as a derailment or other unusual circumstance that adversely affects the safe operation of the train, the railroad is not required to provide prior written notification of a change in the location where an extended haul brake test is performed to a location not on the railroad’s list of designated locations for performing extended haul brake tests, provided that the railroad notifies FRA’s MP&E Division within 24 hours after the designation has been changed and the reason for that change.

(b) Failure to comply with any of the requirements contained in paragraph (a) of this section will be considered an improper movement of a designated priority train for which appropriate civil penalties may be assessed as outlined in the statement of civil penalty policy on FRA’s website at <https://railroads.dot.gov/>.

Furthermore, the Associate Administrator may revoke a railroad’s ability to designate any or all trains as extended haul trains for repeated or willful noncompliance with any of the requirements contained in this section. Such a determination will be made in writing and will state the basis for such action.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12165 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 233**

[Docket No. FRA–2025–0100]

RIN 2130–AD34

Administrative Updates to the Signal Systems Reporting Requirements Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's signal systems reporting requirements regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 233. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis*Part 233***§ 233.11 Civil Penalties**

FRA is amending § 233.11 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with

other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference from 1 U.S.C. 1 to 49 U.S.C. 21301.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment are not necessary.

IV. Regulatory Impact and Notices*A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 233 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing*

guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.* and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the

Prosperity Through Deregulation. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect

trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 233

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 233 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

■ 1. The authority citation for part 233 continues to read as follows:

Authority: 49 U.S.C. 504, 522, 20103, 20107, 20501–20505, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 233.11 to read as follows:

§ 233.11 Civil penalties.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) “Person” means an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

(c) Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12163 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 234

[Docket No. FRA–2025–0101]

RIN 2130–AD35

Administrative Updates to the Grade Crossing Safety Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s grade crossing safety regulations, including updating addresses in those regulations.

DATES: *Effective* [July 1, 2025].

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 234. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 234

§ 234.6 Penalties

FRA is amending § 234.6(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the

reference in the parenthetical from 1 U.S.C. 1 to 49 U.S.C. 21301.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 234 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB

(Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

List of Subjects in 49 CFR Part 234

Highway safety, Penalties, Railroad safety, Reporting and recordkeeping requirements, State and local governments.

The Final Rule

In consideration of the foregoing, FRA amends part 234 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 234—GRADE CROSSING SAFETY

■ 1. The authority citation for part 234 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20152, 20160, 21301, 21304, 21311, 22907 note; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 234.6(a) to read as follows:

§ 234.6 Penalties.

(a) *Civil penalty.* Any person (an entity of any type covered under 49 U.S.C. 21301, including the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part, except for any violation of § 234.11, or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where: A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. FRA's website at <https://railroads.dot.gov/> contains a schedule of civil penalty amounts used in connection with this part. The railroad is not responsible for compliance with respect to any condition inconsistent with the technical standards set forth in this part where such variance arises as a result of actions beyond the control of the railroad and the railroad could not have prevented the variance through the exercise of due diligence. The foregoing sentence does not excuse any instance of noncompliance resulting from the

actions of the railroad's employees, agents, or contractors.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,

Chief Counsel.

[FR Doc. 2025–12170 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 235**

[Docket No. FRA–2025–0102]

RIN 2130–AD37

Administrative Updates to the Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief From the Requirements of Part 236 Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's instructions governing applications for approval of a discontinuance or material modification of a signal system regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 235. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis**Part 235****§ 235.6 Expedited Application for Approval of Certain Changes**

FRA is amending § 235.6(b) by replacing references to “Regional Administrator” with “FRA Signal and Train Control Division Staff Director.” These amendments are being made to ensure information gets to the agency subject matter expert in the specific discipline.

§ 235.7 Changes Not Requiring Filing of Application

FRA is amending § 235.7(c)(24)(vi) by replacing references to “FRA regional office having jurisdiction over that territory” and “Regional Administrator” with “FRA Signal and Train Control Division Staff Director.”

§ 235.9 Civil Penalty

FRA is amending § 235.9 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference from 1 U.S.C. 1 to 49 U.S.C. 21301.

§ 235.13 Filing Procedure

FRA is amending § 235.13(b) to require that an application or request for reconsideration be submitted to the email address FRAwaivers@dot.gov. FRA is also removing the mailing address and inserting the word “Railroad” before “Safety” in the term “Associate Administrator for Safety.”

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such

as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by updating the language of part 235 to direct regulated entities to the appropriate agency subject matter expert to ensure information gets to the specific discipline. Additionally, this final rule allows electronic methods, such as email, for applications or requests for reconsideration. This will expedite the speed at which documents are delivered while also reducing costs that would otherwise exist from having to physically print, mail, and process documents.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 235 became effective when they were approved by OMB on March 14, 2024. The OMB Control No. is 2130–0553 and the expiration date is March 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled*

“*Unleashing Prosperity Through Deregulation*.” Memorandum M–25–20. Mar. 26, 2025.

business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 235

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 235 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236

■ 1. The authority citation for part 235 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 235.6(b) to read as follows:

§ 235.6 Expedited application for approval of certain changes.

* * * * *

(b) *Procedure of expedited application.* (1) To seek approval under this section, a railroad shall provide a notice and profile plan for the proposed modification to the FRA Signal and Train Control Division Staff Director.

(2) Simultaneously with its filing with the FRA Signal and Train Control Division Staff Director, the railroad shall serve, either by hard copy or electronically, a copy of the notice and profile plan to representatives of employees responsible for maintenance, inspection, and testing of the affected signal system under part 236 of this chapter, as well as representatives of employees responsible for operating trains or locomotives in the affected territory.

(3) The railroad shall include in its submission to the FRA Signal and Train Control Division Staff Director a statement affirming that the railroad has complied with the requirements of paragraph (b)(2) of this section, together with a list of the names and addresses of the persons served.

(4) In response to receipt of a notice and profile plan under paragraph (b)(1) of this section, the Signal and Train Control Division Staff Director shall in writing deny or approve, in full or in part, and with or without conditions, the request for signal system modification. For any portion of the request that is denied, the Signal and Train Control Division Staff Director shall refer the issue to the Railroad

Safety Board as an application to modify the signal system.

(5) A railroad may rescind its application to the Signal and Train Control Division Staff Director and submit an application under §§ 235.5 and 235.9 through 235.20 at any time prior to the decision of the Signal and Train Control Division Staff Director.

* * * * *

■ 3. Revise § 235.7(c)(24)(vi) to read as follows:

§ 235.7 Changes not requiring filing of application.

* * * * *

(c) * * *

(24) * * *

(vi) The conversion of pole line circuits to electronic (coded) track circuits provided that the railroad gives notice and a profile plan of the change to the FRA Signal and Train Control Division Staff Director at least 60 days in advance of the change. The railroad must also at the same time provide a copy of the notice and profile plan to representatives of employees responsible for maintenance, inspection and testing of the signal system under 49 CFR part 236. The signal system modification will be deemed acceptable, unless within 60 days, the FRA Signal and Train Control Division Staff Director stays action by written notice to the railroad and refers the issue to the Railroad Safety Board for decision.

* * * * *

■ 4. Revise § 235.9 to read as follows:

§ 235.9 Civil penalty.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) “Person” means an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing

goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

(c) Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

■ 5. Revise § 235.13(b) to read as follows:

§ 235.13 Filing procedure.

* * * * *

(b) The application and correspondence in reference thereto should be addressed to the Associate Administrator for Railroad Safety, Federal Railroad Administration, and must be submitted via email to FRAwaivers@dot.gov.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12166 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 236

[Docket No. FRA–2025–0104]

RIN 2130–AD47

Repealing a Redundant Reporting Requirement

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FRA is removing one requirement from its regulations governing positive train control (PTC) systems. This rule repeals a redundant regulatory requirement for railroads to file a Report of PTC System Performance (Form FRA F 6180.152) biannually, as the Passenger Rail Expansion and Rail Safety Act of 2021 requires railroads to submit that exact report to FRA quarterly.

DATES: This rule is effective July 31, 2025.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0104 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket

number (FRA–2025–0104), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD47). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, Federal Railroad Administration, telephone: 816–516–7168, email: Gabe.Neal@dot.gov; or Stephanie Anderson, Senior Attorney, Federal Railroad Administration, telephone: 202–834–0609, email: Stephanie.Anderson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). The requirements for certain railroads to implement, operate, and maintain PTC systems are established in title 49 United States Code (U.S.C.) 20157, *Implementation of PTC systems*, and 49 CFR part 236, subpart I, *PTC systems*. In July 2021, FRA issued a final rule establishing, in relevant part, a reporting requirement under 49 CFR 236.1029(h), *Biannual Report of PTC System Performance*.¹ In November 2021, section 22414 of the Passenger Rail Expansion and Rail Safety Act of 2021² codified the same substantive reporting requirement as 49 CFR 236.1029(h) at 49 U.S.C. 20157(m), using the same FRA form number (Form FRA F 6180.152) and content requirements. Accordingly, as the statute imposes the same reporting requirement, FRA's regulatory reporting requirement at 49 CFR 236.1029(h) is unnecessary and redundant. Please

review the section-by-section analysis below for the relevant information related to FRA's repeal of this regulatory provision.

II. Final Rule

Under the Administrative Procedure Act, an agency may dispense with notice and comment “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(B). FRA has determined that issuing a final rule is the appropriate mechanism here because notice and comment are unnecessary, as FRA is merely removing a redundant reporting requirement from its regulations and not imposing any new requirements. This rulemaking still accommodates the principles of public participation as FRA previously received public comment on the pertinent reporting requirement via FRA's 2020 NPRM,³ as summarized in FRA's 2021 final rule,⁴ and FRA's additional information collection notices in 2022 regarding 49 U.S.C. 20157(m).⁵

III. Section-by-Section Analysis

Section 236.1029 PTC System Use and Failures

This final rule removes existing paragraph (h) of this section as it is redundant and unnecessary. Paragraph (h) imposes a reporting requirement that is also required under a statutory provision at 49 U.S.C. 20157(m). The only substantive difference is the statutory reporting cadence is quarterly and the reporting requirement under existing paragraph (h) of this section is biannual. On September 23, 2024, FRA published the requisite notice under 49 U.S.C. 20157(m)(3)(B) to inform the public that FRA has determined it is in the public interest for railroads to continue submitting Reports of PTC System Performance (Form FRA F 6180.152) to FRA on a quarterly basis and as OMB has approved through March 31, 2027.⁶ In the future, FRA reserves the right to reduce the reporting frequency to biannual, as 49 U.S.C. 20157(m)(3) itself authorizes. Accordingly, 49 CFR 236.1029(h) is wholly unnecessary, and FRA hereby removes paragraph (h) of this section and reserves it.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within OMB determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

This final rule repeals a redundant regulatory requirement (49 CFR 236.1029(h)) for railroads to file a Report of PTC System Performance (Form FRA F 6180.152) biannually, as the Passenger Rail Expansion and Rail Safety Act of 2021 requires applicable railroads to submit that exact report to FRA quarterly. FRA has concluded that this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by eliminating the possibility of duplicative Reports of PTC System Performance. This rule will also eliminate confusion caused by the current redundant requirements.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁷ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁸

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of this rule.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O.

⁷ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

⁸ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

¹ 85 FR 82400 (Dec. 18, 2020) (Notice of Proposed Rulemaking (NPRM)); 86 FR 40154 (July 27, 2021) (Final Rule).

² Public Law 117–58, 135 Stat. 429 (Nov. 15, 2021).

³ 85 FR 82400 (Dec. 18, 2020).

⁴ 86 FR 40154 (July 27, 2021).

⁵ 87 FR 25346 (Apr. 28, 2022); 87 FR 44187 (July 25, 2022).

⁶ 89 FR 77580 (Sept. 23, 2024).

13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, an information collection submission to OMB is not required. OMB most recently approved the recordkeeping and reporting requirements in FRA's PTC regulations (49 part 236, subpart I) and Form FRA F 6180.152 (pursuant to 49 U.S.C. 20157(m)) on March 14, 2024. The OMB approval number is OMB No. 2130–0553, and OMB approval expires on March 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132,

“Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian Tribes, will not impose substantial direct compliance costs on Indian Tribal governments, and will not preempt Tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a Tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁹ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or

for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 236

Penalties, Positive train control, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 236 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 236—RULES, STANDARDS, AND INSTRUCTIONS GOVERNING THE INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SIGNAL AND TRAIN CONTROL SYSTEMS, DEVICES, AND APPLIANCES

■ 1. The authority citation for part 236 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20157, 20301–20303, 20306, 20501–20505, 20701–20703, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 236.1029 [Amended]

■ 2. Amend § 236.1029 by removing and reserving paragraph (h):

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12155 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 236

[Docket No. FRA–2025–0103]

RIN 2130–AD38

Administrative Updates to the Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's signal and train control regulations, including updating addresses in those regulations.

DATES: *Effective* July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief

⁹ 19 U.S.C. ch. 13.

Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 236. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 236

236.0 Applicability, Minimum Requirements, and Penalties

FRA is amending § 236.0(f) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference in the parenthetical from 1 U.S.C. 1 to 49 U.S.C. 21301.

236.1005 Requirements for Positive Train Control Systems

FRA is amending 49 CFR 236.1005(g), (h), and (k) by replacing references to “Regional Administrator” with “FRA Signal and Train Control Division Staff Director” or “Staff Director.”

236.1029 PTC System Use and Failures

FRA is amending § 236.1029(g) by replacing the phrase “regional office having jurisdiction over that territory” with “FRA Signal and Train Control Division Staff Director.”

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency

organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by updating the language of part 236 to direct regulated entities to the appropriate agency subject matter expert to ensure information gets to the specific discipline.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192

deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 236 became effective when they were approved by OMB on March 14, 2024. The OMB Control No. is 2130–0553 and the expiration date is March 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that

they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 236

Penalties, Positive train control, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 236 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 236—RULES, STANDARDS, AND INSTRUCTIONS GOVERNING THE INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SIGNAL AND TRAIN CONTROL SYSTEMS, DEVICES, AND APPLIANCES

■ 1. The authority citation for part 236 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20157, 20301–20303, 20306, 20501–20505, 20701–20703, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 236.0(f) to read as follows:

§ 236.0 Applicability, minimum requirements, and penalties.

* * * * *

(f) Any person (an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where: A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://>

railroads.dot.gov/ for a statement of agency civil penalty policy.

* * * * *

■ 3. Revise § 236.1005(g), (h)(1), and (k) to read as follows:

§ 236.1005 Requirements for Positive Train Control systems.

* * * * *

(g) *Temporary rerouting.* A train equipped with a PTC system as required by this subpart may be temporarily rerouted onto a track not equipped with a PTC system and a train not equipped with a PTC system may be temporarily rerouted onto a track equipped with a PTC system as required by this subpart in the following circumstances:

(1) *Emergencies.* In the event of an emergency—including conditions such as derailment, flood, fire, tornado, hurricane, earthquake, or other similar circumstance outside of the railroad’s control—that would prevent usage of the regularly used track if:

(i) The rerouting is applicable only until the emergency condition ceases to exist and for no more than 14 consecutive calendar days, unless otherwise extended by approval of the Associate Administrator;

(ii) The railroad provides written or telephonic notification to the FRA Signal and Train Control Division Staff Director of the information listed in paragraph (i) of this section within one business day of the beginning of the rerouting made in accordance with this paragraph; and

(iii) The conditions contained in paragraph (j) of this section are followed.

(2) *Planned maintenance.* In the event of planned maintenance that would prevent usage of the regularly used track if:

(i) The maintenance period does not exceed 30 days;

(ii) A request is filed with the FRA Signal and Train Control Division Staff Director in accordance with paragraph (i) of this section no less than 10 business days prior to the planned rerouting; and

(iii) The conditions contained in paragraph (j) of this section are followed.

(h) *Rerouting requests.* (1) For the purposes of paragraph (g)(2) of this section, the rerouting request shall be self-executing unless the FRA Signal and Train Control Division Staff Director responds with a notice disapproving of the rerouting or providing instructions to allow rerouting. Such instructions may include providing additional information to the Staff Director or Associate Administrator prior to the

commencement of rerouting. Once the Staff Director responds with a notice under this paragraph, no rerouting may occur until the Staff Director or Associate Administrator provides approval.

* * * * *

(k) *Rerouting cessation.* The FRA Signal and Train Control Division Staff Director may order a railroad to cease any rerouting provided under paragraph (g) or (h) of this section.

■ 4. Revise § 236.1029(g)(3)(iii) to read as follows:

§ 236.1029 PTC system use and failures.

* * * * *

(g) * * *

(3) * * *

(iii) The railroad shall provide notice to the FRA Signal and Train Control Division Staff Director at least 7 days in advance of planned temporary disabling of PTC system service and contemporaneous notice for unplanned temporary disabling of PTC system service.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12164 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 237

[Docket No. FRA–2025–0105]

RIN 2130–AD40

Administrative Updates to the Bridge Safety Standards Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s bridge safety standards regulations, including updating addresses in those regulations.

DATES: *Effective date:* July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 237. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 237

§ 237.3 Responsibility for Compliance

FRA is amending § 237.3(b) to add a requirement that an email address for the track owner and an email address for the person to whom responsibility is assigned be provided. FRA is also amending this section to replace the phrase “appropriate FRA Regional Office” with “FRA Track and Structures Division.” These amendments are being made to ensure information gets to the agency subject matter expert in the specific discipline.

§ 237.7 Penalties

FRA is amending § 237.7(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. To be consistent with other definitions of “person,” such as 49 CFR 270.5, FRA is updating the reference in this section from 1 U.S.C. 1 to 49 U.S.C. 21301.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not

benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 237 and directing the regulated entities to the appropriate sites in the CFR as well as the appropriate agency subject matter expert in the specific discipline.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation.* 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore, a submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 237 became effective when they were approved by OMB on February 27, 2023. The OMB Control No. is 2130–0586 and the expiration date is February 28, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 237

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 237 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 237—BRIDGE SAFETY STANDARDS

■ 1. The authority citation for part 237 is revised to read as follows:

Authority: 49 U.S.C. 20102–20114; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise 237.3(b) to read as follows:

§ 237.3 Responsibility for compliance.

* * * * *

(b) If an owner of track to which this part applies assigns responsibility for the bridges that carry the track to another person (by lease or otherwise), written notification of the assignment shall be provided to the FRA Track and Structures Division at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but shall be in writing and include the following—

- (1) The name, address, and email address of the track owner;
- (2) The name, address, and email address of the person to whom responsibility is assigned (assignee);
- (3) A statement of the exact relationship between the track owner and the assignee;
- (4) A precise identification of the track segment and the individual bridges in the assignment;
- (5) A statement as to the competence and ability of the assignee to carry out the bridge safety duties of the track owner under this part; and
- (6) A statement signed by the assignee acknowledging the assignment to the person of responsibility for purposes of compliance with this part.

* * * * *

■ 3. Revise § 237.7(a) to read as follows:

§ 237.7 Penalties.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where a grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or a death or injury has occurred. See 49 CFR part 209,

appendix A. “Person” means an entity of any type covered under 49 U.S.C. 21301, including the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; any employee of such owner, manufacturer, lessor, lessee, or independent contractor; and anyone held by the Administrator of the Federal Railroad Administration to be responsible under § 237.3(d). Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12160 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 238

[Docket No. FRA–2025–0106]

RIN 2130–AD41

Administrative Updates to the Passenger Equipment Safety Standards Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s passenger equipment safety standards regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s

economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 238. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 238

§ 238.11 Penalties

FRA is amending § 238.11(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

§ 238.21 Special Approval Procedure

FRA is amending 49 CFR 238.21(b), (c), and (d) to require that an email address be provided for the primary contact to be contacted with respect to a petition for special approval, a petition for special approval of alternative compliance, and a pre-revenue service acceptance testing plan. FRA is also amending § 238.21(d) to require that the petition for special approval of the pre-revenue service acceptance testing plan be submitted to FRAwaivers@dot.gov.

§ 238.203 Static End Strength

FRA is amending § 238.203(d) to require that an email address be provided for the primary person to be contacted with respect to a petition for grandfathering.

FRA is also amending § 238.203(e) to require that each petition be submitted to FRAwaivers@dot.gov. FRA is adding the word “Railroad” before “Safety” in the term “Associate Administrator for Safety.” FRA is also removing the mailing address.

§ 238.229 Safety Appliances—General

FRA is amending § 238.229(d) by updating the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

§ 238.230 Safety Appliances—New Equipment

FRA is amending 49 CFR 238.230(c) and (e) by updating the web address

from www.fra.dot.gov to <https://railroads.dot.gov/>.

§ 238.505 Program Approval Procedure

FRA is amending § 238.505(a) to require submission of an inspection, testing, and maintenance program via email to FRAwaivers@dot.gov. FRA is amending this section by adding a requirement that the program must contain an email address of the primary person to be contacted with respect to review of the program. FRA is adding the word “Railroad” before “Safety” in the term “Associate Administrator for Safety.” FRA is removing the mailing address.

FRA is amending § 238.505(b) by requiring submission of a comment via email to FRAwaivers@dot.gov.

Appendix H Rigid Locomotive Design Computer Model Input Data and Geometrical Depiction

FRA is amending the fourth sentence of paragraph (b) in appendix H to part 238 by updating the web address from http://www.fra.dot.gov/eLib/details/L01292#p4_z50_gD_IRT to https://railroads.dot.gov/elibrary/technical-criteria-and-procedures-evaluating-crashworthiness-and-occupant-protection#p4_z50_gD_IRT.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 238 and directing the regulated entities to the appropriate sites in the CFR. Additionally, this final rule allows electronic methods, such as email, for petitions. This will expedite the speed at which documents are delivered while also reducing costs that would otherwise exist from having to physically print, mail, and process documents.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.* and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from

notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and there are no new information collection requirements, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 238 became effective when it was approved by OMB on June 7, 2024. The OMB control number is 2130–0576, and OMB approval expires on June 30, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 238

Fire prevention, Passenger equipment, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 238 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

■ 1. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

■ 2. In § 238.11, revise paragraph (a) to read as follows:

§ 238.11 Penalties.

(a) Any person, as defined in § 238.5, who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where a grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

■ 3. In § 238.21, revise paragraphs (b)(1), (c)(1), and (d) to read as follows:

§ 238.21 Special approval procedure.

(b) * * *
(1) The name, title, address, email address, and telephone number of the primary person to be contacted with regard to review of the petition;

(c) * * *
(1) The name, title, address, email address, and telephone number of the primary person to be contacted with regard to the petition;

(d) *Petitions for special approval of pre-revenue service acceptance testing plan.* (1) Each petition for special approval of a pre-revenue service acceptance testing plan shall contain—

(i) The name, title, address, email address, and telephone number of the primary person to be contacted with regard to review of the petition; and
(ii) The elements prescribed in

§ 238.111.

(2) Each petition for special approval of the pre-revenue service acceptance testing plan shall be submitted to the Associate Administrator, Federal Railroad Administration, via email to FRAwaivers@dot.gov.

■ 4. In § 238.203, revise paragraphs (d)(3)(i) and (e) to read as follows:

§ 238.203 Static end strength.

(d) * * *

(3) * * *

(i) The name, title, address, email address, and telephone number of the primary person to be contacted with respect to the petition;

(e) *Service.* Each petition shall be submitted to the Associate Administrator for Railroad Safety, Federal Railroad Administration, via email to FRAwaivers@dot.gov.

■ 5. In § 238.229, revise the last sentence of paragraph (d) to read as follows:

§ 238.229 Safety appliances—general.

(d) * * * When appropriate, civil penalties for improperly using or hauling a piece of equipment with a defective welded safety appliance or safety appliance bracket or support addressed in this section will be assessed as an improperly applied safety appliance pursuant to the penalty schedule on FRA's website at <https://railroads.dot.gov/> under the appropriate defect code contained therein.

■ 6. In § 238.230, revise the last sentence of the introductory text to paragraph (c) and the last sentence of paragraph (e) to read as follows:

§ 238.230 Safety appliances—new equipment.

(c) * * * When appropriate, civil penalties for improperly using or hauling a piece of equipment with a defective welded safety appliance or safety appliance bracket or support addressed in this section will be assessed pursuant to the penalty schedule on FRA's website at <https://railroads.dot.gov/> under the appropriate defect code contained therein.

(e) * * * Civil penalties will be assessed under part 231 of this chapter by using the applicable defect code contained on FRA's website at <https://railroads.dot.gov/>.

■ 7. In § 238.505, revise paragraphs (a) and (b) to read as follows:

§ 238.505 Program approval procedure.

(a) *Submission.* Not less than 90 days prior to commencing passenger operations using Tier II passenger equipment, each railroad to which this subpart applies shall submit for approval an inspection, testing, and maintenance program for that equipment meeting the requirements of this subpart with the Associate Administrator for Railroad Safety,

Federal Railroad Administration, via email to FRAwaivers@dot.gov. If a railroad seeks to amend an approved program, the railroad shall file with FRA's Associate Administrator for Railroad Safety a petition for approval of such amendment not less than 60 days prior to the proposed effective date of the amendment. A program responsive to the requirements of this subpart or any amendment to the program shall not be implemented prior to FRA approval.

(1) Each program or amendment under § 238.503 shall contain:

(i) The information prescribed in § 238.503 for such program or amendment;

(ii) The name, title, address, email address and telephone number of the primary person to be contacted with regard to review of the program or amendment; and

(iii) A statement affirming that the railroad has served a copy of the program or amendment on designated representatives of railroad employees, together with a list of the names and addresses of persons served.

(2) Each railroad shall serve a copy of each submission to FRA on designated representatives of railroad employees responsible for the equipment's operation, inspection, testing, and maintenance under this subpart.

(b) *Comment.* Not later than 45 days from the date of filing the program or amendment, any person may comment on the program or amendment.

(1) Each comment shall set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) Each comment shall be submitted to the Associate Administrator for Railroad Safety, Federal Railroad Administration, via email to FRAwaivers@dot.gov.

(3) The commenter shall certify that a copy of the comment was served on the railroad.

■ 8. In appendix H, revise the fourth sentence of paragraph (b) to read as follows:

Appendix H to Part 238—Rigid Locomotive Design Computer Model Input Data and Geometrical Depiction

(b) * * * The input data is contained in appendix C to FRA's Technical Criteria and Procedures Report, available at https://railroads.dot.gov/elibrary/technical-criteria-and-procedures-evaluating-crashworthiness-and-occupant-protection#p4_z50_gD_IRT.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12161 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 239

[Docket No. FRA–2025–0107]

RIN 2130–AD42

Administrative Updates to the Passenger Train Emergency Preparedness Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's passenger train emergency preparedness regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 239. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 239

§ 239.11 Penalties

FRA is amending § 239.11 by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers

to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov> and to remove the outdated phrase “(formerly codified in 45 U.S.C. 438(e)).”

§ 239.201 Emergency Preparedness Plan; Filing and Approval

FRA is amending § 239.201(a) by requiring submission of a single emergency preparedness plan via email to FRA-239@dot.gov. FRA is also removing the mailing address.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 239 and directing the regulated entities to the appropriate

sites in the CFR. Additionally, this final rule allows electronic methods, such as email, for submitting a single emergency preparedness plan. This will expedite the speed at which documents are delivered while also reducing costs that would otherwise exist from having to physically print, mail, and process documents.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and there are no new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The record keeping and

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

reporting requirements already contained in part 239 became effective when it was approved by OMB on January 11, 2024. The OMB control number is 2130–0545, and OMB approval expires on January 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects

49 CFR Part 239

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 239 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 239—PASSENGER TRAIN EMERGENCY PREPAREDNESS

■ 1. The authority citation for part 239 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20105–20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 239.11 to read as follows:

§ 239.11 Penalties.

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed

against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A.

(b) Each day a violation continues shall constitute a separate offense. Any person who knowingly and willfully falsifies a record or report required by this part may be subject to criminal penalties under 49 U.S.C. 21311. FRA’s website at <https://railroads.dot.gov/> contains a schedule of civil penalty amounts used in connection with this part.

■ 3. In § 239.201(a)(1), revise to read as follows:

§ 239.201 Emergency preparedness plan; filing and approval.

(a) * * *

(1) *Filing of plan.* Each passenger railroad to which this part applies and all railroads hosting its passenger train service (if applicable) shall jointly adopt a single emergency preparedness plan for that service, and the passenger railroad shall file one copy of that plan with the Associate Administrator for Railroad Safety and Chief Safety Officer, Federal Railroad Administration, via email to FRA-239@dot.gov, not less than 60 days prior to commencing passenger operations. Any passenger railroad that has an emergency preparedness plan approved by FRA as of July 29, 2014, is considered to have timely filed its plan. The emergency preparedness plan shall include the name, title, address (street address and email address), and telephone number of the primary person on each affected railroad to be contacted with regard to review of the plan, and shall include a summary of each railroad’s analysis supporting each plan element and describing how every condition on the railroad’s property that is likely to affect emergency response is addressed in the plan.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,

Chief Counsel.

[FR Doc. 2025–12156 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 241**

[Docket No. FRA–2025–0108]

RIN 2130–AD33

Administrative Updates to the United States Locational Requirement for Dispatching of United States Rail Operations Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's U.S. locational requirement for dispatching of U.S. rail operations regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 241. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis*Part 241***§ 241.9 Prohibition Against Extraterritorial Dispatching; Exceptions**

Section 241.9(a) contains an erroneous reference to § 241.7(d) as § 241.7 does not have a paragraph (d). FRA is revising § 241.9(a) to refer to § 241.7, *Waivers*, generally.

FRA is revising § 241.9(c)(1) to refer to the “Safety Management Team Railroad Administrator” instead of the “FRA Regional Administrator.” FRA is also revising § 241.9(c)(3) to remove the reference to appendix C and instead refer to FRA's website ([https://](https://railroads.dot.gov/divisions/regional-offices/safety-management-teams)

railroads.dot.gov/divisions/regional-offices/safety-management-teams) for the contact information for FRA safety management teams. These amendments are being made to ensure information gets to the relevant Safety Management Team.

§ 241.11 Prohibition Against Conducting a Railroad Operation Dispatched by an Extraterritorial Dispatcher; Exceptions

Section 241.11(a) contains an erroneous reference to § 241.5(d) as § 241.5(d) does not exist. FRA is revising § 241.11(a) to refer to § 241.7, *Waivers*, generally.

FRA is revising § 241.11(c)(1) to refer to the “Safety Management Team Railroad Administrator” instead of the “FRA Regional Administrator.” FRA is also revising § 241.11(c)(3) to remove the reference to appendix C and instead refer to FRA's website ([https://](https://railroads.dot.gov/divisions/regional-offices/safety-management-teams) railroads.dot.gov/divisions/regional-offices/safety-management-teams) for the list of FRA safety management teams.

§ 241.13 Prohibition Against Track Owner's Requiring or Permitting Use of its Line for a Railroad Operation Dispatched by an Extraterritorial Dispatcher; Exceptions

FRA is revising § 241.13(a) to refer to § 241.7, *Waivers*, to be consistent with the revised language in § 241.9(a) and § 241.11(a).

FRA is revising § 241.13(c)(1) to refer to the “Safety Management Team Railroad Administrator” instead of the “FRA Regional Administrator.”

§ 241.15 Penalties and Other Consequences for Noncompliance

FRA is amending § 241.15(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA also incorporated a reference to <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

Appendix C Geographical Boundaries of FRA's Districts and Addresses of FRA's District Headquarters

FRA is removing 49 CFR part 241, appendix C, entirely. The contact information therein is outdated, and relevant information can instead be obtained on FRA's public website

(<https://railroads.dot.gov/divisions/regional-offices/safety-management-teams>).

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices**A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by updating the language of part 241 to direct regulated entities to the appropriate agency subject matter expert to ensure information gets to the specific discipline. This rule also corrects erroneous CFR section references and removes outdated sections, resulting in less confusion by the regulated entities.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified

for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.* and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and there are no new information collection requirements, in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 241 became effective when it was approved by OMB on April 5, 2024. The OMB control number is 2130–0556, and OMB approval expires on April 30, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not

involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 241

Communications, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 241 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 241—UNITED STATES LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS

■ 1. The authority citation for part 241 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89.

■ 2. In § 241.9, revise paragraphs (a) and (c) to read as follows:

§ 241.9 Prohibition against extraterritorial dispatching; exceptions.

(a) *General.* Except as provided in § 241.7 and paragraphs (b) and (c) of this section, a railroad subject to this part shall not require or permit a dispatcher located outside the United States to dispatch a railroad operation that occurs in the United States if the dispatcher is employed by the railroad or by a contractor to the railroad.

* * * * *

(c) *Emergencies.* (1) In an emergency situation, a railroad may require or permit one of its dispatchers located outside the United States to dispatch a railroad operation that occurs in the United States, provided that:

(i) The dispatching railroad notifies the Safety Management Team Railroad Administrator, in writing as soon as practicable, of the emergency; and

(ii) The extraterritorial dispatching is limited to the duration of the emergency.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation.* 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

(2) Written notification must be made by electronic mail.

(3) A list of the FRA Safety Management Teams and contact information is available at <https://railroads.dot.gov/divisions/regional-offices/safety-management-teams>.

* * * * *

■ 3. In § 241.11, revise paragraphs (a) and (c) to read as follows:

§ 241.11 Prohibition against conducting a railroad operation dispatched by an extraterritorial dispatcher; exceptions.

(a) *General.* Except as provided in § 241.7 and paragraphs (b) and (c) of this section, a railroad subject to this part shall not conduct, or contract for the conduct of, a railroad operation in the United States that is dispatched from a location outside of the United States.

* * * * *

(c) *Emergencies.* (1) In an emergency situation, a railroad may conduct, or contract for the conduct of, a railroad operation in the United States that is dispatched from a location outside the United States, provided that:

(i) The dispatching railroad notifies the Safety Management Team Railroad Administrator by email, as soon as practicable, of the emergency; and

(ii) The extraterritorial dispatching is limited to the duration of the emergency.

(2) A list of the FRA Safety Management Teams and contact information is available at <https://railroads.dot.gov/divisions/regional-offices/safety-management-teams>.

* * * * *

■ 4. In § 241.13, revise paragraphs (a) and (c)(1) to read as follows:

§ 241.13 Prohibition against track owner's requiring or permitting use of its line for a railroad operation dispatched by an extraterritorial dispatcher; exceptions.

(a) *General.* Except as provided in § 241.7 and paragraphs (b) and (c) of this section, an owner of railroad track located in the United States shall not require or permit the track to be used for a railroad operation that is dispatched from outside the United States.

* * * * *

(c) * * *

(1) The dispatching railroad notifies the Safety Management Team Railroad Administrator, in writing as soon as practicable, of the emergency; and

* * * * *

■ 5. In § 241.15, revise paragraph (a) to read as follows:

§ 241.15 Penalties and other consequences for noncompliance.

(a) Any person who violates any requirement of this part or causes the

violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where a grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov> for a statement of agency civil penalty policy.

* * * * *

Appendix C to Part 241—[Removed]

■ 6. Remove appendix C.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12162 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 243

[Docket No. FRA–2025–0110]

RIN 2130–AD43

Administrative Updates to the Training, Qualification, and Oversight for Safety-Related Railroad Employees Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's training, qualification, and oversight regulations, including updating addresses in those regulations.

DATES: Effective *July 1, 2025*.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 243. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 243

§ 243.7 Penalties and Consequences for Noncompliance

FRA is amending § 243.7(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also amending this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final

rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 243 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.² An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 243 became effective when they were approved by OMB on June 18, 2024. The OMB Control No. is 2130–0597, and OMB approval expires on June 30, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement

of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects

49 CFR Part 243

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 243 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 243—TRAINING, QUALIFICATION, AND OVERSIGHT FOR SAFETY-RELATED RAILROAD EMPLOYEES

■ 1. The authority citation for part 243 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20131–20155, 20162, 20301–20306, 20701–20702, 21301–21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 3. Revise § 243.7(a) to read as follows:

§ 243.7 Penalties and consequences for noncompliance.

(a) A person who violates any requirement of this part, or causes the violation of any such requirement, is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12181 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 244

[Docket No. FRA–2025–0111]

RIN 2130–AD48

Administrative Updates to the Federal Railroad Administration's Safety Integration Plans Governing Railroad Consolidations, Mergers, and Acquisitions of Control Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's safety integration plans regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 244. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 244

§ 244.5 Penalties

FRA is amending § 244.5(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Orders (E.O.) 12866 (Regulatory Planning and Review) and DOT

Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 244 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

D. Paperwork Reduction Act

This rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and

criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 244

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends part 244 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 244—REGULATIONS ON SAFETY INTEGRATION PLANS GOVERNING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CONTROL

- 1. The authority citation for part 244 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301; 5 U.S.C. 553 and 559; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. Revise § 244.5(a) to read as follows:

§ 244.5 Penalties.

(a) Any person who violates any requirement of this part, or causes the violation of any such requirement, is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed

the aggravated maximum civil monetary penalty per violation may be assessed, where:

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12182 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 270

[Docket No. FRA–2025–0112]

RIN 2130–AD53

Administrative Updates to the Federal Railroad Administration’s System Safety Program Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s system safety program regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 270. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 270

§ 270.7 Penalties and Responsibility for Compliance

FRA is amending § 270.7(a) to update the web address from *www.fra.dot.gov* to *https://railroads.dot.gov/*. FRA is updating § 270.7(c)(2)(ii) to direct notifications to the email address *FRA-SSP@dot.gov*.

§ 270.107 Consultation Requirements

FRA is amending § 270.107(c)(1) to replace the mailing address with the email address *FRA-SSP@dot.gov* and to remove a duplicate reference to filing statements with the FRA Associate Administrator for Railroad Safety and Chief Safety Officer.

§ 270.201 Filing and Approval

FRA is amending § 270.201(a)(1) to replace the mailing address with the email address *FRA-SSP@dot.gov*. FRA is updating § 270.201(c)(1)(i) to direct amendments to be filed at the email address *FRA-SSP@dot.gov*. FRA is removing § 270.201(e), as the language is superfluous, given the overall update to electronic submissions.

§ 270.303 Internal System Safety Program Assessment

FRA is amending § 270.303(c)(1)(i) to replace the mailing address with the email address *FRA-SSP@dot.gov*.

§ 270.305 External Safety Audit

FRA is amending § 270.305(b)(1) to direct a passenger rail operation to submit an improvement plan to the email address *FRA-SSP@dot.gov*.

§ 270.405 General Requirements; Procedure

FRA is amending § 270.405(c)(1) and (2) to direct a passenger rail operation to submit an FRMP plan or an update to that FRMP plan to the email address *FRAFatigue@dot.gov*.

§ 270.409 Requirements for an FRMP Plan

FRA is amending § 270.409(a) to direct a passenger rail operation to submit an FRMP plan to the email address *FRAFatigue@dot.gov*.

Appendix C Procedures for Submission of SSP Plans and Statements From Directly Affected Employees

FRA is amending appendix C to replace the mailing address (Mail Stop 25, 1200 New Jersey Avenue SE, Washington, DC 20590) with the email address *FRA-SSP@dot.gov*. FRA is revising the language to reflect the change to electronic submissions

throughout part 270. FRA is also amending appendix C to affirmatively reference amendments to SSP plans.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as updating web and email addresses, this final rule imposes no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 270 and directing the regulated entities to the appropriate sites in the CFR. Additionally, this final rule allows electronic methods, such as email, for submitting documents. This will expedite the speed at which documents are delivered while also reducing costs that would otherwise exist from having to physically print, mail, and process documents.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing*

guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 270 became effective when they were approved by OMB on November 7, 2023. The OMB approval number is 2130–0599, and OMB approval expires November 30, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules,

Prosperity Through Deregulation. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related

activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 270

Penalties, Railroad safety, Reporting and recordkeeping requirements, System safety.

The Final Rule

In consideration of the foregoing, FRA amends part 270 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 270—SYSTEM SAFETY PROGRAM

- 1. The authority citation for part 270 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. In § 270.7, revise the last sentence in paragraph (a) and the first sentence in paragraph (c)(2)(ii), to read as follows:

§ 270.7 Penalties and responsibility for compliance.

(a) * * * FRA’s website at <https://railroads.dot.gov> contains a schedule of civil penalty amounts used in connection with this part.

* * * * *

(c) * * *

(2) * * *

(ii) A passenger rail operation subject to this part may notify FRA of a designation of responsibility before submitting an SSP plan by first submitting a designation of responsibility notice to the Associate Administrator for Railroad Safety and Chief Safety Officer at FRA-SSP@dot.gov. * * *

- 3. Revise the first sentence in § 270.107(c)(1) to read as follows:

§ 270.107 Consultation requirements.

* * * * *

(c) * * *

(1) If a passenger rail operation and its directly affected employees cannot reach agreement on the proposed contents of an SSP plan, the directly affected employees may file a statement explaining their views on the plan on which agreement was not reached with

the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at FRA-SSP@dot.gov. * * *

* * * * *

- 4. Amend § 270.201 by

- a. Revising paragraph (a)(1) and the first sentence in paragraph (c)(1)(i); and
- b. Removing paragraph (e).

The revisions read as follows:

§ 270.201 Filing and approval.

(a) * * *

(1) Each passenger rail operation to which this part applies shall submit one copy of its SSP plan to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at FRA-SSP@dot.gov, no later than March 4, 2021, or not less than 90 days before commencing passenger operations, whichever is later.

* * * * *

(c) * * *

(1)(i) A passenger rail operation shall submit any amendment(s) to the SSP plan to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at FRA-SSP@dot.gov not less than 60 days before the proposed effective date of the amendment(s). * * *

* * * * *

- 5. Revise § 270.303(c)(1)(i) to read as follows:

§ 270.303 Internal system safety program assessment.

* * * * *

(c)(1) * * *

(i) Submit a copy of the passenger rail operation’s internal assessment report that includes a system safety program assessment and the status of internal assessment findings and improvement plans to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at FRA-SSP@dot.gov; and

* * * * *

- 6. Revise the first sentence in § 270.305(b)(1) to read as follows:

§ 270.305 External safety audit.

* * * * *

(b)(1) Within 60 days of FRA’s written notification of the results of the audit, the passenger rail operation shall submit for approval to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer, at FRA-SSP@dot.gov, an improvement plan to address the audit findings that require corrective action. * * *

* * * * *

- 7. Revise § 270.405(c) to read as follows:

§ 270.405 General requirements; procedure.

* * * * *

(c)(1) A railroad shall submit an FRMP plan for approval to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRAFatigue@dot.gov*, no later than either the applicable timeline in § 270.201(a) for filing its SSP plan or July 13, 2023, whichever is later.

(2) A railroad shall submit updates to its FRMP plan to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRAFatigue@dot.gov*, under the process for amending its SSP plan in § 270.201(c).

* * * * *

■ 8. Revise the last sentence in § 270.409(a) to read as follows:

§ 270.409 Requirements for an FRMP plan.

(a) * * * A railroad must submit the plan for approval to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRAFatigue@dot.gov*, under the criteria of subpart C.

* * * * *

■ 9. Revise appendix C to part 270 to read as follows: *mailto:*

Appendix C to Part 270—Procedures for Submission of SSP Plans, SSP Plan Amendments, and Statements From Directly Affected Employees.

This appendix summarizes procedures for the submission of an SSP plan, an amendment to an already-approved SSP plan, or a statement by directly affected employees consistent with the requirements of this part.

Submission by a Passenger Rail Operation or Directly Affected Employees

As provided for in § 270.101, a system safety program shall be fully implemented and supported by a written SSP plan. Each passenger rail operation must submit its SSP plan to FRA for approval as provided for in § 270.201(a) and SSP plan amendments as provided for in § 270.201(c).

As provided for in § 270.107(c), if a passenger rail operation and its directly affected employees cannot come to agreement on the proposed contents of the SSP plan, the directly affected employees have 30 days following the submission of the proposed SSP plan to submit a statement to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer explaining the directly affected employees' views on the plan on which agreement was not reached.

The passenger rail operation's and directly affected employees' submissions shall be sent to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRA-SSP@dot.gov*. When a passenger rail operation submits its SSP plan (or SSP plan amendment) and consultation statement to FRA pursuant to § 270.201, it must also simultaneously send a copy of these documents to all individuals identified in the service list pursuant to § 270.107(b)(3).

Each passenger rail operation and directly affected employee is authorized to file by electronic means any submissions required under this part. A passenger rail operation that electronically submits an initial SSP plan or SSP plan amendment pursuant to this part shall be considered to have provided its consent to receive approval or disapproval notices from FRA by email. FRA may electronically store any materials required by this part.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12184 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 271**

[Docket No. FRA–2025–0113]

RIN 2130–AD52

Administrative Updates to the Federal Railroad Administration's Risk Reduction Program Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA's risk reduction program regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), *veronica.chittim@dot.gov*; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), *lucinda.henriksen@dot.gov*.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 271. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis**Part 271****§ 271.9 Penalties and Responsibility for Compliance**

FRA is amending § 271.9(a) to update the web address from *www.fra.dot.gov* to *https://railroads.dot.gov/*.

§ 271.13 Determination of Inadequate Safety Performance

FRA is amending § 271.13(c)(1)(i) to replace the mailing address with the email address *FRA-RRP@dot.gov*.

§ 271.15 Voluntary Compliance

FRA is amending § 271.15(c) to replace the mailing address with the email address *FRA-RRP@dot.gov*.

§ 271.207 Consultation Requirements

FRA is amending § 271.207(e)(1) to replace the mailing address with the email address *FRA-RRP@dot.gov*.

§ 271.301 Filing and Approval

FRA is amending § 271.301(a) and (b)(4)(i) to replace the mailing address with the email address *FRA-RRP@dot.gov*. FRA is removing § 271.301(e), as the language is superfluous, given the overall update to electronic submissions.

§ 271.303 Amendments

FRA is amending § 270.303(b)(1) to direct a railroad to submit any amendment to the email address *FRA-RRP@dot.gov*.

§ 271.405 Internal Assessment Reports

FRA is amending § 271.405(a) to replace the mailing address with the email address *FRA-RRP@dot.gov*.

§ 271.503 External Audit Improvement Plans

FRA is amending § 271.503(a) to replace the mailing address with the email address *FRA-RRP@dot.gov*.

§ 271.605 General Requirements; Procedure

FRA is amending § 271.605(c)(1) and (2) to direct a railroad to submit an FRMP plan or an update to that FRMP plan to the email address *FRAFatigue@dot.gov*.

§ 271.609 Requirements for an FRMP Plan

FRA is amending § 271.609(a) to direct a railroad to submit an FRMP plan to the email address *FRAFatigue@dot.gov*.

Appendix B Procedures for Submission of RRP Plans and Statements From Directly Affected Employees

FRA is amending appendix B in the introductory language for clarity. Under the heading “Submission by a Railroad and Directly Affected Employees,” in paragraph (a), FRA is correcting a reference to § 271.201, to the proper filing provision, § 271.301. FRA is replacing the mailing address (Mail Stop 25, 1200 New Jersey Avenue SE, Washington, DC 20590) in paragraph (c) with the email address *FRA-RRP@dot.gov*. FRA is revising paragraph (d) and removing paragraph (e) to account for electronic submissions throughout part 271. Finally, FRA is amending this appendix to affirmatively reference amendments to RRP plans.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as updating web and email addresses, this final rule imposes no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 271 and directing the regulated entities to the appropriate sites in the CFR. Additionally, this final rule allows electronic methods, such as email, for documents. This will expedite the speed

at which documents are delivered while also reducing costs that would otherwise exist from having to physically print, mail, and process documents.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the OMB is not required. The recordkeeping and reporting requirements already contained in part 271 became effective when they were approved by OMB on December 05, 2023. The OMB Control No. is 2130–0610, and OMB approval expires on December 31, 2026.

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on

Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 271

Penalties, Railroad safety, Reporting and recordkeeping requirements, Risk reduction.

The Final Rule

In consideration of the foregoing, FRA amends part 271 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 271—RISK REDUCTION PROGRAM

- 1. The authority citation for part 271 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. In § 271.9(a), revise the last sentence to read as follows:

§ 271.9 Penalties and responsibility for compliance.

(a) * * * See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

- 3. In § 271.13(c)(1)(i), revise the last sentence to read as follows:

§ 271.13 Determination of inadequate safety performance.

* * * * *

(c) * * *

(1) * * *

(i) * * * The notification shall inform railroad employees that they may confidentially submit comments to FRA regarding the railroad's safety performance and that employees shall file any such comments with the FRA Associate Administrator for Railroad

Safety and Chief Safety Officer at *FRA-RRP@dot.gov* no later than 45 days following FRA's initial written notice.

* * * * *

- 4. Revise § 271.15(c) to read as follows:

§ 271.15 Voluntary compliance.

* * * * *

(c) *Notification to discontinue compliance.* After this five-year period, a voluntarily-compliant railroad may discontinue compliance with this part by providing written notice to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRA-RRP@dot.gov*.

* * * * *

- 5. Revise § 271.207(e)(1) to read as follows:

§ 271.207 Consultation requirements.

* * * * *

(e) * * *

(1) If a railroad and its directly affected employees cannot reach agreement on the proposed contents of an RRP plan, the directly affected employees may file a statement explaining their views on the plan on which agreement was not reached with the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRA-RRP@dot.gov*. The FRA Associate Administrator shall consider any such views during the plan review and approval process.

* * * * *

- 6. Amend § 271.301 by

■ a. Revising paragraphs (a) and (b)(4)(i); and

■ b. Remove paragraph (e).

The revisions read as follows:

§ 271.301 Filing and approval.

(a) *Filing.* A railroad shall submit one copy of its RRP plan to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRA-RRP@dot.gov*.

* * * * *

(b) * * *

(4)(i) Before submitting an RRP plan for FRA's review and approval, a voluntarily-compliant railroad shall notify FRA of its intent to submit an RRP plan by providing written notice to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRA-RRP@dot.gov*.

* * * * *

- 7. Revise the first sentence in § 271.303(b)(1) to read as follows:

§ 271.303 Amendments.

* * * * *

(b) * * *

(1) A railroad shall submit any amendment(s) to its approved RRP plan

to FRA's Associate Administrator at *FRA-RRP@dot.gov* not less than 60 days before the proposed effective date of the amendment(s).

* * * * *

- 8. Revise § 271.405(a) to read as follows:

§ 271.405 Internal assessment reports.

(a) Within 60 days of completing its internal assessment, a railroad shall submit a copy of an internal assessment report to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRA-RRP@dot.gov*.

* * * * *

- 9. Revise § 271.503(a) to read as follows:

§ 271.503 External audit improvement plans.

(a) *Submission.* Within 60 days of receiving FRA's written notice of the audit results, if necessary, a railroad shall submit for approval an improvement plan addressing any instances of deficiency or non-compliance found in the audit to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRA-RRP@dot.gov*.

* * * * *

- 10. Revise § 271.605(c) to read as follows:

§ 271.605 General requirements; procedure.

* * * * *

(c)(1) A railroad shall submit an FRMP plan for approval to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRAFatigue@dot.gov* no later than either the applicable timeline in § 271.301(b) for filing its RRP plan or July 13, 2023, whichever is later; and

(2) A railroad shall submit updates to its FRMP plan to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRAFatigue@dot.gov*, under the process for amending its RRP plan in § 271.303.

* * * * *

- 11. Revise the last sentence of § 271.609(a) to read as follows:

§ 271.609 Requirements for an FRMP plan.

(a) * * * The railroad must submit the plan for approval to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer at *FRAFatigue@dot.gov*, under the criteria of subpart D.

* * * * *

- 12. Amend appendix B to part 271 by:
■ a. Revising the introductory text;

■ b. Under the heading “Submission by a Railroad and Directly Affected Employees,” revising paragraphs (a), (c), and (d) and removing paragraph (e).

The revisions to read as follows:

Appendix B to Part 271—Procedures for Submission of RRP Plans, RRP Plan Amendments, and Statements From Directly Affected Employees

This appendix summarizes procedures for the submission of an RRP plan, an amendment to an already-approved RRP plan, or a statement by directly affected employees consistent with the requirements of this part.

Submission by a Railroad and Directly Affected Employees

(a) As provided for in § 271.101(a), each railroad must establish and fully implement an RRP that continually and systematically evaluates railroad safety hazards on its system and manages the resulting risks to reduce the number and rates of railroad accidents, incidents, injuries, and fatalities. The RRP shall be fully implemented and supported by a written RRP plan. Each railroad must submit its RRP plan to FRA for approval as provided for in § 271.301 and RRP plan amendments as provided for in § 271.303.

* * * * *

(c) The railroad’s and directly affected employees’ submissions shall be sent to the Associate Administrator for Railroad Safety and Chief Safety Officer, FRA, at FRA-RRP@dot.gov. When a railroad submits to FRA its RRP plan and consultation statement pursuant to § 271.301 or RRP plan amendment and consultation statement pursuant to § 271.303, it must also simultaneously send a copy of these documents to all individuals identified in the service list pursuant to § 271.207(d)(3) or § 271.303.

(d) Each railroad and directly affected employee is authorized to file by electronic means any submissions required under this part. A railroad that electronically submits an initial RRP plan or an RRP plan amendment pursuant to this part shall be considered to have provided its consent to receive approval or disapproval notices from FRA by email. FRA may electronically store any materials required by this part.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12185 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 272

[Docket No. FRA–2025–0114]

RIN 2130–AD45

Administrative Updates to the Federal Railroad Administration’s Critical Incident Stress Plans Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes administrative updates to FRA’s critical incident stress plans regulations, including updating addresses in those regulations.

DATES: Effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and as described in more detail below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 272. These changes include updating addresses that are no longer valid.

II. Section-by-Section Analysis

Part 272

§ 272.11 Penalties

FRA is amending § 272.11(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA is also including a reference to <https://railroads.dot.gov/> for a statement of agency civil penalty policy. To be consistent with other

penalty provisions, such as 49 CFR 214.5, FRA is adding a parenthetical to define “person” in this context.

§ 272.105 Requirement To File Critical Incident Stress Plan Electronically

FRA is amending § 272.105(a) to direct a railroad to submit a critical incident stress (CISP) plan or an update to that CISP plan to the email address FRA-CISP@dot.gov instead of through the website <http://safetydata.fra.dot.gov/OfficeofSafety/CISP>.

III. Public Participation

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

IV. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by clarifying the language of part 272 and directing the regulated entities to the appropriate sites in the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this final rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 272 became effective when they were approved by OMB on June 7, 2024. The OMB Control No. is 2130–0602, and OMB approval expires on June 30, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In

accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal

summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 272

Penalties, Railroad employees, Railroad safety, Railroads, Safety, Transportation.

The Final Rule

In consideration of the foregoing, FRA amends part 272 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 272—CRITICAL INCIDENT STRESS PLANS

- 1. The authority citation for part 272 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20109 note; 28 U.S.C. 2461 note; 49 CFR 1.89.

- 2. Revise § 272.11(a) to read as follows:

§ 272.11 Penalties.

(a) *Civil penalties.* A person (an entity of any type covered under 49 U.S.C. 21301, including the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part, or causes the violation of any such requirement, is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where:

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation.* 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

(1) A grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or

(2) A death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

* * * * *

■ 3. Revise § 272.105(a) to read as follows:

§ 272.105 Requirement to file critical incident stress plan electronically.

(a) Each railroad subject to this part must submit its critical incident stress plan and any material modifications to that plan to the email address FRA-CISP@dot.gov.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12189 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 601

[Docket No. FTA–2025–0003]

RIN 2132–AB52

Organization, Functions, and Procedures

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The Federal Transit Administration (FTA) is revising its regulations on the agency's organization, functions, and procedures to update outdated information and increase clarity.

DATES: This final rule is effective on July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Heather Ueyama, Office of Chief Counsel, (202) 366–7374 or heather.ueyama@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Purpose and Summary of Regulatory Action

This final rule amends FTA's regulations regarding the agency's organization, functions, and procedures

at 49 CFR part 601. These regulations describe the various offices of which FTA is comprised and the sources and locations of available information about FTA programs. They also provide information regarding FTA's procedures for rulemaking and emergency relief petitions.

Much of the information in the regulations is nearly twenty years out of date and no longer accurate. FTA last updated the provisions regarding emergency relief petitions in 2007 (72 FR 912). Most of the other provisions have not been updated since 2005 (70 FR 67318). Accordingly, FTA is amending part 601 to update outdated information and make other minor edits. These revisions will increase clarity for the public by providing accurate information about FTA's organizational structure and its procedures for rulemaking and emergency relief petitions.

II. Section-by-Section Analysis

Authority Citations

FTA has revised the authority citations for accuracy.

Subpart A—General Provisions

Section 601.1 Purpose

FTA made a minor, non-substantive edit to this section for clarity.

Section 601.2 Organization of FTA

FTA edited the heading of this section from “Organization of the Administration” to “Organization of FTA” for clarity. In paragraph (a), FTA added the Office of Transit Safety and Oversight and the Office of Regional Services to the list of headquarters offices. It also made a corresponding edit to revise the number of headquarters offices from eight to ten.

In paragraph (b), FTA removed the addresses and telephone numbers of its regional offices. This information is both outdated and subject to change in the future. In the list of regional offices, FTA has removed the Lower Manhattan Recovery Office and revised the table to reflect that the United States Virgin Islands are located in FTA Region IV, not Region II. These revisions are necessary to reflect the agency's current organizational structure accurately.

601.3 General Responsibilities

FTA has updated this section to remove outdated information and to reflect the current responsibilities of FTA's headquarters offices. FTA has added the Office of Transit Safety and Oversight and the Office of Regional Services to reflect the creation of those two offices since this section was last

updated in 2005. FTA has also made minor edits for clarity.

601.4 Responsibilities of the Administrator

FTA did not amend this section.

Subpart B—Public Availability of Information

601.10 Sources of Information

Throughout this section, FTA updated the agency's headquarters address for accuracy and made minor edits for clarity. In paragraph (a)(1), FTA also removed the URL for the agency's website because this information need not be codified in the CFR. FTA revised paragraph (b) to update the name, contact information, and services provided by the Department of Transportation Docket Management Facility for accuracy.

Subpart C—Rulemaking Procedures

601.20 Applicability

FTA revised “under an Act” to “by FTA.” This is a minor edit to clarify that the procedures in this section apply to rulemaking actions promulgated by FTA.

601.21 Definitions

FTA is removing and reserving this section, which defined the terms “Act” and “Administrator.” The term “Act” is no longer used in the regulation, given the revision to section 601.20 discussed above. The term “Administrator” is already defined in a parenthetical in section 601.2(a). In addition, the authorities of the FTA Administrator and his or her designees regarding rulemaking are described in FTA's internal delegations of authority procedures. It therefore is unnecessary to define these terms in the regulation.

601.22 General

FTA made a minor clarifying edit in paragraph (b) to revise “subpart” to “part.”

601.23 Initiation of Rulemaking

FTA did not amend this section.

601.24 Contents of Notices of Proposed Rulemaking

FTA did not amend this section.

601.25 Participation by Interested Persons

FTA made a minor clarifying edit to the citation in paragraph (b) for accuracy.

601.26 Petitions for Extension of Time To Comment

FTA did not amend this section.

601.27 Contents of Written Comments

FTA removed language requiring commenters to submit five copies of written comments on FTA rulemakings, as it is no longer accurate. Commenters need only submit one copy. This revision both aligns the regulation with FTA's practice and reduces potential confusion about the agency's requirements for public participation in rulemakings.

601.28 Consideration of Comments Received

FTA made minor, non-substantive edits to this section for clarity.

601.29 Additional Rulemaking Proceedings

FTA removed superfluous language from this section. These edits are minor and non-substantive.

601.30 Hearings

FTA revised paragraph (b) to clarify that the Administrator's and Chief Counsel's designation of representatives to participate in rulemaking hearings is discretionary. This aligns the regulation with FTA's existing practice and will have no impact on the status quo. FTA also made minor, non-substantive edits to delete superfluous language from this paragraph.

601.31 Adoption of Final Rules

FTA revised this section to remove language about FTA's internal process for drafting, consideration, and approval of final rules. This information relates solely to FTA's internal procedures, which are detailed in internal FTA Orders. These procedures need not be codified in the CFR to be effective.

601.32 Petitions for Rulemaking or Exemptions

In paragraph (b)(1), FTA updated the agency's headquarters address for accuracy. FTA also removed language requiring petitions for rulemaking exemptions to be submitted in duplicate. This aligns the regulation with FTA's existing practice and will have no effect on the status quo.

601.33 Processing of Petitions

FTA made minor, non-substantive edits to paragraph (b) for clarity.

601.34 Petitions for Reconsideration

In paragraph (a), FTA updated the agency's headquarters address for accuracy. FTA also removed language requiring rulemaking petitions for reconsideration to be submitted in duplicate. This aligns the regulation with FTA's existing practice and will have no effect on the status quo. FTA

made other minor clarifying edits to this section for clarity.

601.36 Procedures for Direct Final Rulemaking

FTA did not amend this section.

Subpart D—Emergency Procedures for Public Transportation Systems

FTA amended two authority references for accuracy. FTA also added a citation to 49 U.S.C. 5324, which references FTA's Public Transportation Emergency Relief Program.

601.40 Applicability

FTA did not amend this section.

601.41 Petitions for Relief

FTA did not amend this section.

601.42 Emergency Relief Docket

FTA revised paragraph (a) to update the location of FTA's emergency relief docket. FTA also removed the URL for the agency's website in paragraph (c) because this information need not be codified in the CFR.

601.43 Opening the Docket

FTA made a minor, non-substantive edit in paragraph (b) for clarity. In paragraph (c), FTA updated the address of the agency's headquarters office for accuracy.

601.44 Posting to the Docket

FTA revised paragraph (b) to update the location of FTA's emergency relief docket and the address of the Department of Transportation Docket Management Facility.

601.45 Required Information

FTA did not amend this section.

601.46 Processing of Petitions

FTA did not amend this section.

601.47 Review Procedures

FTA made minor, non-substantive edits to paragraphs (a) and (b) for clarity.

III. Good Cause for Dispensing With Notice and Comment and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)), an agency may dispense with notice and comment if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. Additionally, 5 U.S.C. 553(d) provides that an agency may waive the 30-day delayed effective date upon finding of good cause. This rule revises part 601 to remove outdated information regarding FTA's organizational structure, the location of available information, and

procedures for rulemaking and emergency relief petitions. These changes have no substantive impact on the status quo and merely bring the regulation up to date since it was last updated nearly twenty years ago (e.g., updating addresses for accuracy). As a result, FTA would not be able to make any substantive changes in response to comments received on these provisions. For the same reasons, FTA finds that the delayed effective date is unnecessary. Accordingly, FTA finds good cause under 5 U.S.C. 553(b)(B) and (d)(3) to waive notice and opportunity for comment and the delayed effective date.

IV. Regulatory Analyses and Notices*Executive Orders 12866 and 13563 (Regulatory Review)*

E.O. 12866 ("Regulatory Planning and Review"), as supplemented by E.O. 13563 ("Improving Regulation and Regulatory Review"), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. It also directs the Office of Management and Budget (OMB) to review significant regulatory actions, including regulations with annual economic effects of \$100 million or more. OMB has determined the final rule is not significant within the meaning of E.O. 12866 and has not reviewed the rule under that order.

The rule removes outdated references about FTA's organizational structure, removes outdated information on rulemaking procedures, and removes duplicative rulemaking procedures. Although the changes do not affect requirements for regulated entities, improving the clarity and accuracy of the provisions will reduce the time needed for regulated entities to understand FTA's rulemaking procedures, resulting in minor and unquantified cost savings.

Executive Order 14192 (Deregulatory Action)

E.O. 14192 ("Unleashing Prosperity Through Deregulation") requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination." Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M-25-20, March 25, 2025) defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero." This proposed rule, if finalized, is expected to have total costs less than zero, and therefore is expected to be an E.O. 14192 deregulatory action.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

FTA has determined that the final rule will not have a significant effect on a substantial number of small entities. The rule removes outdated information from FTA's regulations regarding the agency's organization, functions, and procedures but does not change requirements for regulated entities.

Unfunded Mandates Reform Act of 1995

FTA has determined that this final rule does not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, March 22, 1995). This final rule does not include a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in 1995 dollars (adjusted for inflation) in any one year.

Executive Order 13132 (Federalism Assessment)

E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132, dated August 4, 1999, and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Paperwork Reduction Act

FTA has analyzed this rule under the Paperwork Reduction Act and it does not impose additional information collection requirements for the purposes of the Act above and beyond existing

information collection clearances from OMB.

National Environmental Policy Act

Federal agencies are required to adopt implementing procedures for the National Environmental Policy Act (NEPA) that establish specific criteria for, and identification of, three classes of actions: (1) Those that normally require preparation of an Environmental Impact Statement, (2) those that normally require preparation of an Environmental Assessment, and (3) those that are categorically excluded from further NEPA review (40 CFR 1507.3(b)). This rule qualifies for categorical exclusions under 23 CFR 771.118(c)(4) (planning and administrative activities that do not involve or lead directly to construction). FTA has evaluated whether the final rule will involve unusual or extraordinary circumstances and has determined it will not.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 ("Consultation and Coordination with Indian Tribal Governments"), and it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** at 65 FR 19477 (April 11, 2000).

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information

Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this final rule with the Unified Agenda.

List of Subjects in 49 CFR Part 601

Administrative practice and procedure, Organization and functions (Government agencies), Freedom of Information.

■ In consideration of the foregoing, and under the authority of 49 U.S.C. 5334, and the delegation of authority at 49 CFR 1.91, the Federal Transit Administration revises and republishes 49 CFR part 601 to read as follows:

PART 601—ORGANIZATION, FUNCTIONS, AND PROCEDURES**Subpart A—General Provisions**

Sec.	
601.1	Purpose.
601.2	Organization of FTA.
601.3	General responsibilities.
601.4	Responsibilities of the Administrator.

Subpart B—Public Availability of Information

601.10	Sources of information.

Subpart C—Rulemaking Procedures

601.20	Applicability.
601.21	[Reserved].
601.22	General.
601.23	Initiation of rulemaking.
601.24	Contents of notices of proposed rulemaking.
601.25	Participation by interested persons.
601.26	Petitions for extension of time to comment.
601.27	Contents of written comments.
601.28	Consideration of comments received.
601.29	Additional rulemaking proceedings.
601.30	Hearings.
601.31	Adoption of final rules.
601.32	Petitions for rulemaking or exemptions.
601.33	Processing of petitions.
601.34	Petitions for reconsideration.
601.35	Proceedings on petitions for reconsideration.
601.36	Procedures for direct final rulemaking.

Subpart D—Emergency Procedures for Public Transportation Systems

601.40	Applicability.
601.41	Petitions for relief.
601.42	Emergency relief docket.
601.43	Opening the docket.
601.44	Posting to the docket.
601.45	Required information.
601.46	Processing of petitions.
601.47	Review procedures.

Authority: 5 U.S.C. 552; 49 U.S.C. 5301 and 5334; 49 CFR 1.91.

Subpart D also issued under 42 U.S.C. 5141.

Subpart A—General Provisions

§ 601.1 Purpose.

This part describes the organization of the Federal Transit Administration (“FTA”), an operating administration within the U.S. Department of Transportation. This part also describes general responsibilities of the various offices of which FTA is comprised. In addition, this part describes the sources and locations of available FTA program information and provides information regarding FTA’s rulemaking procedures.

§ 601.2 Organization of FTA.

(a) The headquarters organization of FTA is comprised of ten principal offices which function under the overall direction of the Federal Transit Administrator (Administrator) and Deputy Administrator. These offices are:

- (1) Office of Administration.
 - (2) Office of Budget and Policy.
 - (3) Office of Chief Counsel.
 - (4) Office of Civil Rights.
 - (5) Office of Communications and Congressional Affairs.
 - (6) Office of Planning and Environment.
 - (7) Office of Program Management.
 - (8) Office of Research, Demonstration and Innovation.
 - (9) Office of Transit Safety and Oversight
 - (10) Office of Regional Services
- (b) FTA has ten regional offices, each of which function under the overall direction of the Administrator and Deputy Administrator, and under the general direction of a Regional Administrator.

Region/States

- I. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
- II. New York, New Jersey
- III. Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia
- IV. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands
- V. Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin
- VI. Arkansas, Louisiana, New Mexico, Oklahoma, and Texas
- VII. Iowa, Kansas, Missouri, and Nebraska
- VIII. Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming
- IX. Arizona, California, Hawaii, Nevada, Guam, American Samoa, and Northern Mariana Islands
- X. Alaska, Idaho, Oregon, and Washington

§ 601.3 General responsibilities.

The general responsibilities of each of the offices which comprise the headquarters organization of FTA are:

(a) *Office of Administration.* Directed by an Associate Administrator for Administration, this office develops and administers comprehensive programs to meet FTA’s resource management and administrative support requirements in the following areas: Organization and management planning, information resources management, human resources, contracting and procurement, and administrative services.

(b) *Office of Budget and Policy.* Directed by an Associate Administrator for Budget and Policy, this office is responsible for policy development and performance measurement, strategic and program planning, program evaluation, budgeting, and accounting. The office provides policy direction on legislative proposals and coordinates the development of regulations. The office formulates and justifies FTA budgets within the Department of Transportation, to the Office of Management and Budget, and Congress. The office establishes apportionments and allotments for program and administrative funds, ensures that all funds are expended in accordance with Administration and congressional intent, and prepares and coordinates statutory reports to Congress. The office coordinates with and supports the Department of Transportation Chief Financial Officer on all FTA accounting and financial management matters. This office also serves as the audit liaison in responding to the Office of the Inspector General and the Government Accountability Office.

(c) *Office of Chief Counsel.* Directed by a Chief Counsel, this office provides legal advice and support to the Administrator and FTA management. The office is responsible for reviewing development and management of FTA-sponsored projects; representing the Administration before civil courts and administrative agencies; drafting and reviewing legislation and regulations to implement the Administration’s programs; and working to ensure that the agency upholds the highest ethical standards. The office coordinates with and supports the U.S. Department of Transportation’s General Counsel on FTA legal matters.

(d) *Office of Civil Rights.* Directed by an Associate Administrator for Civil Rights, this office ensures full implementation of civil rights and equal opportunity initiatives by all recipients of FTA assistance, and ensures nondiscrimination in the receipt of FTA benefits, employment, and business

opportunities. The office advises and assists the Administrator and other FTA officials in ensuring compliance with applicable civil rights regulations, statutes and directives, including but not limited to the Americans with Disabilities Act of 1990 (ADA), the Civil Rights Act of 1964, Disadvantaged Business Enterprise (DBE) participation, and Equal Employment Opportunity, within FTA and in the conduct of federally assisted public transportation projects and programs. The office monitors the implementation of and compliance with civil rights requirements, investigates complaints, conducts compliance reviews, and provides technical assistance to recipients of FTA assistance and members of the public.

(e) *Office of Communications and Congressional Affairs.* Directed by an Associate Administrator for Communications and Congressional Affairs, this office is the agency’s lead office for media relations, public affairs, and Congressional relations, providing quick response support to the agency, the public, and Members of Congress on a daily basis. The office distributes information about FTA programs and policies to the public, the transit industry, and other interested parties through a variety of media. This office also coordinates the Administrator’s public appearances and is responsible for managing correspondence and other information directed to and issued by the Administrator and Deputy Administrator.

(f) *Office of Planning and Environment.* Directed by an Associate Administrator for Planning and Environment, this office administers a national program of planning assistance that provides funding, guidance, and technical support to State and local transportation agencies. In partnership with the Federal Highway Administration (FHWA), this office oversees a national program of planning assistance and certification of metropolitan and statewide planning organizations, implemented by FTA Regional Offices and FHWA Divisional Offices. The office provides national guidance and technical support in emphasis areas including planning capacity building, financial planning, transit-oriented development, joint development, project cost estimation, travel demand forecasting, and other technical areas. This office also oversees the Federal environmental review process as it applies to transit projects throughout the country, including implementation of the National Environmental Policy Act (NEPA), the Clean Air Act, and related laws and

regulations. The office provides national guidance and oversight of planning and project development for proposed major transit capital fixed guideway projects, commonly referred to as the Capital Investment Grants (CIG) program. In addition, this office is responsible for the evaluation and rating of proposed projects based on a set of statutory criteria, and applies these ratings as input to the Annual CIG Report and funding recommendations submitted to Congress, as well as for FTA approval required for CIG projects to advance into preliminary engineering, final design, and full funding grant agreements.

(g) *Office of Program Management.* Directed by an Associate Administrator for Program Management, this office administers a national program of capital and operating assistance by managing financial and technical resources and by directing program implementation. The office coordinates all grantee directed guidance, in the form of circulars and other communications, develops and distributes procedures and program guidance to assist the field staff in grant program administration and fosters responsible stewardship of Federal transit resources by facilitating and assuring consistent grant development and implementation nationwide (Statutory, Formula, Discretionary and Earmarks). This office manages the oversight program for agency formula grant programs and provides national expertise and direction in the areas of capital construction, rolling stock, and risk assessment techniques.

(h) *Office of Research, Demonstration, and Innovation.* Directed by an Associate Administrator for Research, Demonstration and Innovation, this office provides transit industry leadership in delivery of solutions that improve public transportation. The office undertakes research, development, and demonstration projects that help to increase ridership; improve capital and operating efficiencies; enhance safety and emergency preparedness; and better protect the environment and promote energy independence. The office leads FTA programmatic efforts under the National Research Programs (49 U.S.C. 5314).

(i) *Office of Transit Safety and Oversight.* Directed by an Associate Administrator for Transit Safety and Oversight, this office administers a national transit safety program and program compliance oversight process to advance the provision of safe, reliable, and equitable transit service through adherence to legislative, policy

and regulatory requirements as established by FTA.

(j) *Office of Regional Services.* Directed by an Associate Administrator for Regional Services, this office promotes successful and accountable program delivery, national consistency, and effective communication and collaboration with the FTA Regional Offices, leveraging their expertise and experience to improve FTA's administration of programs. The Associate Administrator for Regional Services supports the regional teams responsible for effectively administering the national federal transit program by ensuring program stewardship and oversight; advancing consistent corporate business practices in the areas of performance management and risk management; increasing the use of data and information for decision making; and improving operational efficiency.

§ 601.4 Responsibilities of the Administrator.

The Administrator is responsible for the planning, direction and control of the activities of FTA and has authority to approve Federal transit grants, loans, and contracts. The Deputy Administrator is the "first assistant" for purposes of the Federal Vacancies Reform Act of 1998 (Pub. L. 105-277) and shall, in the event of the absence or disability of the Administrator, serve as the Acting Administrator, subject to the limitations in that Act. In the event of the absence or disability of both the Administrator and the Deputy Administrator, officials designated by the agency's internal order on succession shall serve as Acting Deputy Administrator and shall perform the duties of the Administrator, except for any non-delegable statutory or regulatory duties.

Subpart B—Public Availability of Information

§ 601.10 Sources of information.

(a) *FTA guidance documents.* (1) Circulars and other guidance/policy information are available on FTA's website.

(2) Single copies of any guidance document may be obtained without charge by calling FTA's Administrative Services Help Desk, at (202) 366-4865.

(3) Single copies of any guidance document may also be obtained without charge upon written request to the Associate Administrator for Administration, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC, 20590.

(b) *DOT Docket Management System.* Unless a particular document says

otherwise, the following rulemaking documents in proceedings started after February 1, 1997, are available for public review at the Department of Transportation's Docket Management Facility, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590, or for review at <https://www.regulations.gov>:

(1) Advance notices of proposed rulemaking;

(2) Notices of proposed rulemaking;

(3) Comments received in response to notices;

(4) Petitions for rulemaking and reconsideration;

(5) Denials of petitions for rulemaking and reconsideration; and

(6) Final rules.

(c) Any person may examine docketed material, at any time during regular business hours after the docket is established, and may obtain a copy of such material upon payment of a fee, except material ordered withheld from the public under 5 U.S.C. 552(b).

(d) Any person seeking documents not described above may submit a request under the Freedom of Information Act (FOIA) by following the procedures in part 7 of this title.

Subpart C—Rulemaking Procedures

§ 601.20 Applicability.

This part prescribes rulemaking procedures that apply to the issuance, amendment, and revocation of rules by FTA.

§ 601.21 [Reserved]

§ 601.22 General.

(a) Unless the Administrator, for good cause, finds a notice is impractical, unnecessary, or contrary to the public interest, and incorporates such a finding and a brief statement of the reasons for it in the rule, a notice of proposed rulemaking must be issued, and interested persons are invited to participate in the rulemaking proceedings involving rules under an Act.

(b) For rules for which the Administrator determines that notice is unnecessary because no adverse public comment is anticipated, the direct final rulemaking procedure described in § 601.36 may be followed.

§ 601.23 Initiation of rulemaking.

The Administrator initiates rulemaking on his/her own motion. However, in so doing, he/she may, in his/her discretion, consider the recommendations of his/her staff or other agencies of the United States or of other interested persons.

§ 601.24 Contents of notices of proposed rulemaking.

(a) Each notice of proposed rulemaking is published in the **Federal Register**, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the **Federal Register** or personally served, includes:

(1) A statement of the time, place, and nature of the proposed rulemaking proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 601.25 Participation by interested persons.

(a) Any interested person may participate in rulemaking proceedings by submitting comments in writing containing information, views, or arguments.

(b) In his/her discretion, the Administrator may invite any interested person to participate in the rulemaking procedures described in § 601.29.

§ 601.26 Petitions for extension of time to comment.

A petition for extension of the time to submit comments must be received not later than three (3) days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments. Such a petition is granted only if the petitioner shows good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted, it is granted to all persons, and it is published in the **Federal Register**.

§ 601.27 Contents of written comments.

All written comments must be in English. Any interested person must submit as part of his/her written comments all material that he/she considers relevant to any statement of fact made by him/her. Incorporation of material by reference is to be avoided. However, if such incorporation is necessary, the incorporated material shall be identified with respect to document and page.

§ 601.28 Consideration of comments received.

All timely comments are considered before final action is taken on a

rulemaking proposal. Late filed comments may be considered if practicable.

§ 601.29 Additional rulemaking proceedings.

The Administrator may initiate further rulemaking proceedings. For example, interested persons may be invited to make oral arguments, to participate in conferences between the Administrator or his/her representative at which minutes of the conference are kept, to appear at informal hearings presided over by officials designated by the Administrator at which a transcript or minutes are kept, or participate in any other proceeding to assure informed administrative action and to protect the public interest.

§ 601.30 Hearings.

(a) Sections 556 and 557 of title 5, United States Code, do not apply to hearings held under this part. Unless otherwise specified, hearings held under this part are informal, non-adversary, fact-finding procedures at which there are no formal pleadings or adverse parties. Any rule issued in a case in which an informal hearing is held is not necessarily based exclusively on the record of the hearing.

(b) The Administrator may designate a representative to conduct any hearing held under this part, and the Chief Counsel may designate a member of his/her staff to serve as legal officer at the hearing.

§ 601.31 Adoption of final rules.

Final rules are published in the **Federal Register**, unless all persons subject to it are named and are personally served a copy of it.

§ 601.32 Petitions for rulemaking or exemptions.

(a) Any interested person may petition the Administrator to establish, amend, or repeal a rule, or for a permanent or temporary exemption from FTA rules as allowed by law.

(b) Each petition filed under this section must:

(1) Be submitted to the Administrator, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590;

(2) State the name, street and mailing addresses, and telephone number of the petitioner; if the petitioner is not an individual, state the name, street and mailing addresses and telephone number of an individual designated as an agent of the petitioner for all purposes related to the petition;

(3) Set forth the text or substance of the rule or amendment proposed, or of the rule from which the exemption is

sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(4) Explain the interest of the petitioner in the action requested, including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of the persons to be covered by the exemption;

(5) Contain any information and arguments available to the petitioner to support the action sought; and

(6) In the case of a petition for exemption, except in cases in which good cause is shown, the petition must be submitted at least 120 days before the requested effective date of the exemption.

§ 601.33 Processing of petitions.

(a) *In general.* Each petition received under § 601.32 is referred to the head of the office responsible for the subject matter of that petition. Unless the Administrator otherwise specifies, no public hearing, argument or other proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Administrator determines the petition contains adequate justification, he/she initiates rulemaking action under subpart C of this part or grants the exemption, as applicable.

(c) *Denials.* If the Administrator determines the petition does not justify rulemaking or granting the exemption, he/she denies the petition.

(d) *Notification.* Whenever the Administrator determines that a petition should be granted or denied, the office concerned and the Office of Chief Counsel prepare a notice of that grant or denial for issuance to the petitioner, and the Administrator issues it to the petitioner.

§ 601.34 Petitions for reconsideration.

(a) Any interested person may petition the Administrator for reconsideration of a final rule issued under this part. The petition must be in English and submitted to the Administrator, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, and received not later than thirty (30) days after publication of the final rule in the **Federal Register**. Petitions filed after that time will be considered as petitions filed under § 601.32. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the final rule is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests the consideration of additional facts, he/she must state the reason the facts were not

presented to the Administrator within the prescribed comment period of the rulemaking.

(c) The Administrator will not consider repetitious petitions.

(d) Unless the Administrator otherwise provides, the filing of a petition under this section does not stay the effective date of the final rule.

§ 601.35 Proceedings on petitions for reconsideration.

The Administrator may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he/she determines to reconsider any rule, he/she may issue a final decision on reconsideration without further proceedings, or he/she may provide such opportunity to submit comment or information and data as he/she deems appropriate. Whenever the Administrator determines that a petition should be granted or denied, he/she prepares a notice of the grant or denial of a petition for reconsideration and issues it to the petitioner. The Administrator may consolidate petitions relating to the same rule.

§ 601.36 Procedures for direct final rulemaking.

(a) Rules the Administrator judges to be non-controversial and unlikely to result in adverse public comment may be published as direct final rules. These include non-controversial rules that:

(1) Affect internal procedures of FTA, such as filing requirements and rules governing inspection and copying of documents;

(2) Are non-substantive clarifications or corrections to existing rules;

(3) Update existing forms;

(4) Make minor changes in the substantive rule regarding statistics and reporting requirements;

(5) Make changes to the rule implementing the Privacy Act; and

(6) Adopt technical standards set by outside organizations.

(b) The **Federal Register** document will state that any adverse comment must be received in writing by FTA within the specified time after the date of publication and that, if no written adverse comment is received, the rule will become effective a specified number of days after the date of publication.

(c) If no written adverse comment is received by FTA within the specified time of publication in the **Federal Register**, FTA will publish a notice in the **Federal Register** indicating that no adverse comment was received and confirming that the rule will become effective on the date that was indicated in the direct final rule.

(d) If FTA receives any written adverse comment within the specified time of publication in the **Federal Register**, FTA will either publish a document withdrawing the direct final rule before it becomes effective and may issue an NPRM, or proceed by any other means permitted under the Administrative Procedure Act.

(e) An “adverse” comment for the purpose of this subpart means any comment that FTA determines is critical of the rule, suggests that the rule should not be adopted, or suggests a change that should be made in the rule. A comment suggesting that the policy or requirements of the rule should or should not also be extended to other Departmental programs outside the scope of the rule is not adverse.

Subpart D—Emergency Procedures for Public Transportation Systems

§ 601.40 Applicability.

This part prescribes procedures that apply to FTA grantees and subgrantees when the President has declared a national or regional emergency, when a State Governor has declared a state of emergency, when the Mayor of the District of Columbia has declared a state of emergency, or in anticipation of such declarations.

§ 601.41 Petitions for relief.

In the case of a national or regional emergency or disaster, or in anticipation of such a disaster, any FTA grantee or subgrantee may petition the Administrator for temporary relief from the provisions of any policy statement, circular, guidance document or rule.

§ 601.42 Emergency relief docket.

(a) By January 31st of each year, FTA shall establish an Emergency Relief Docket in <https://www.regulations.gov>.

(b) FTA shall publish a notice in the **Federal Register** identifying, by docket number, the Emergency Relief Docket for that calendar year. A notice shall also be published in the previous year’s Emergency Relief Docket identifying the new docket number.

(c) If the Administrator, or his/her designee, determines that an emergency event has occurred, or in anticipation of such an event, FTA shall place a message on its web page indicating the Emergency Relief Docket has been opened and including the docket number.

§ 601.43 Opening the docket.

(a) The Emergency Relief Docket shall be opened within two business days of an emergency or disaster declaration in which it appears FTA grantees or subgrantees are or will be impacted.

(b) In cases in which emergencies can be anticipated, such as hurricanes, FTA shall open the docket and place the message on the FTA website in advance of the event.

(c) In the event a grantee or subgrantee believes the Emergency Relief Docket should be opened and it has not been opened, that grantee or subgrantee may submit a petition in duplicate to the Administrator, via U.S. mail, to: Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; via telephone, at: (202) 366–4043; or via fax, at (202) 366–3472, requesting opening of the Docket for that emergency and including the information in § 601.45. The Administrator in his or her sole discretion shall determine the need for opening the Emergency Relief Docket.

§ 601.44 Posting to the docket.

(a) All petitions for relief must be posted in the docket in order to receive consideration by FTA.

(b) The docket is publicly accessible and can be accessed 24 hours a day, seven days a week, via the internet at <https://www.regulations.gov>. Petitions may also be submitted by U.S. mail or by hand delivery to the DOT Docket Management Facility, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590.

(c) In the event a grantee or subgrantee needs to request immediate relief and does not have access to electronic means to request that relief, the grantee or subgrantee may contact any FTA regional office or FTA headquarters and request that FTA staff submit the petition on their behalf.

(d) Any grantee or subgrantee submitting petitions for relief or comments to the docket must include the agency name (Federal Transit Administration) and that calendar year’s docket number. Grantees and subgrantees making submissions by mail or hand delivery should submit two copies.

§ 601.45 Required information.

A petition for relief under this section shall:

(a) Identify the grantee or subgrantee and its geographic location;

(b) Specifically address how an FTA requirement in a policy statement, circular, or agency guidance will limit a grantee’s or subgrantee’s ability to respond to an emergency or disaster;

(c) Identify the policy statement, circular, guidance document and/or rule from which the grantee or subgrantee seeks relief; and

(d) Specify if the petition for relief is one-time or ongoing, and if ongoing identify the time period for which the relief is requested. The time period may not exceed three months; however, additional time may be requested through a second petition for relief.

§ 601.46 Processing of petitions.

(a) A petition for relief will be conditionally granted for a period of three (3) business days from the date it is submitted to the Emergency Relief Docket.

(b) FTA will review the petition after the expiration of the three business days and review any comments submitted thereto. FTA may contact the grantee or subgrantee that submitted the request for relief, or any party that submits comments to the docket, to obtain more information prior to making a decision.

(c) FTA shall then post a decision to the Emergency Relief Docket. FTA's decision will be based on whether the petition meets the criteria for use of these emergency procedures, the substance of the request, and the comments submitted regarding the petition.

(d) If FTA fails to post a response to the request for relief to the docket within three business days, the grantee or subgrantee may assume its petition is granted until and unless FTA states otherwise.

§ 601.47 Review Procedures.

(a) FTA reserves the right to reopen any docket and reconsider any decision made pursuant to these emergency procedures based upon its own initiative, on information or comments received subsequent to the three-business day comment period, or at the request of a grantee or subgrantee upon denial of a request for relief. FTA shall notify the grantee or subgrantee if it plans to reconsider a decision.

(b) FTA decision letters granting or denying a petition shall be posted in the appropriate Emergency Relief Docket and shall reference the document number of the petition to which it relates.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

[FR Doc. 2025–12139 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 604

[Docket No. FTA–2024–0017]

RIN 2132–AB38

Charter Service

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FTA is amending the regulations that govern the provision of charter service by recipients of Federal financial assistance. This final rule removes the Federal financial assistance programs listed in an appendix and the guidance in additional appendices and makes non-substantive technical edits throughout to remove outdated citations and provide clarity.

DATES: The effective date of this rule is July 31, 2025.

FOR FURTHER INFORMATION CONTACT: For program matters, Danielle Nelson, Office of Program Management, (202) 366–2160 or danielle.nelson@dot.gov. For legal matters, contact Mark Montgomery, Office of Chief Counsel, (202) 366–1017 or mark.montgomery@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

A. Purpose and Summary of Regulatory Action

This final rule amends regulations governing the provision of charter service by recipients of Federal financial assistance. The charter service regulation protects private charter operators from unauthorized competition from FTA grant recipients. Under the charter rules, with limited exceptions, local transit agencies are restricted from operating chartered service. One of those exceptions applies to charter service provided to a qualified human service organization (QHSO) for the purpose of serving persons with

mobility limitations related to advanced age, disability, or low income. Under the current rule, QHSOs receiving funding from one of the Federal programs under Appendix A are exempt from the charter registration requirements of the regulation. This appendix, created in 2008, is outdated. Through this rulemaking, FTA removes appendix A and will keep the list of qualifying Federal programs for the QHSO exception current on its website, which will reduce the administrative burden of charter registration for many QHSOs.

B. Statutory Authority

FTA has a statutory mandate to prohibit charter service under 49 U.S.C. 5323(d). These revisions do not make substantive changes to the existing regulations implementing this statutory provision.

C. Summary of Key Provisions

This final rule removes the outdated list of Federal programs in Appendix A. Under the current regulation, QHSOs receiving funding from one of the Federal programs under Appendix A are exempt from the charter registration requirements of § 604.15. Appendix A is based on a list of programs from the Coordinating Council on Access and Mobility (CCAM), which is a Federal interagency council that works to coordinate funding and provide expertise on human services transportation for people with disabilities, older adults, and individuals with low income. CCAM established the CCAM Program Inventory, which identifies 130 Federal programs that provide funding for human services transportation for these targeted populations. In 2018 and 2019, CCAM agency representatives determined which programs to include in the CCAM Program Inventory through internal agency program validation efforts and the CCAM Program Analysis Working Sessions. CCAM continually updates this inventory to include new Federal funding sources.

D. Benefits and Costs

The final rule makes non-substantive conforming edits to the Charter Service regulation and removes supplemental appendices about Federal financial assistance programs and frequently asked questions. Maintaining a continuously updated online list of Federal programs that qualify for the QHSO exception instead of using an appendix will reduce the number of future QHSOs subject to charter registration requirements. Accordingly,

the final rule will result in unquantified cost savings for regulated entities. The rule does not change other requirements for regulated entities and therefore has no other expected economic effects. FTA has also determined the final rule will not have a significant effect on a substantial number of small entities.

II. Notice of Proposed Rulemaking and Response to Comments

FTA issued an NPRM for Charter Service on January 8, 2025 (90 FR 1406), and the public comment period for the NPRM closed on March 10, 2025. FTA received one comment submitted to the rulemaking docket. The commenter, an individual, supported FTA's proposal and provided suggested edits to the regulatory text for clarity. Accordingly, FTA has made non-substantive amendments throughout the rule to make the regulatory text more plain language. FTA appreciates the thoughtful and thorough comment.

III. Section-by-Section Analysis

Subpart A—General Provisions

Section 604.1 Purpose

FTA made non-substantive amendments to the regulatory text for clarity. These amendments do not impact existing requirements.

Section 604.2 Applicability

FTA updated the applicability section of the regulation to remove programs repealed by statute. Specifically, FTA removed references to the Over the Road Bus Accessibility Program, the Job Access and Reverse Commute Program, and the New Freedom Grant Program, which were repealed under the Moving Ahead for Progress in the 21st Century (MAP-21), Public Law 112-141, on October 1, 2012.

Section 604.3 Definitions

FTA removed a reference to a provision repealed by statute and amended a statutory citation. Throughout the regulation, FTA has replaced the outdated term “website” with the term “website.” In addition, FTA revised the definition of “program purposes” for clarity. FTA also revised the definition of “qualified human service organization” to more closely align with the definition of “transportation-disadvantaged” under E.O. 13330, Human Service Transportation Coordination (February 24, 2004), which is the E.O. that created CCAM. These amendments do not impact existing requirements.

Section 604.4 Charter service agreement

FTA did not amend this section.

Subpart B—Exceptions

Section 604.5 Purpose

FTA removed the undefined term “community-based” from this section for clarity. The term “charter service” is defined in section 604.3 and does not need that qualifier. FTA also made non-substantive amendments to the regulatory text for clarity. These amendments do not impact existing requirements.

Section 604.6 Government Officials on Official Government Business

FTA made non-substantive amendments to the regulatory text for clarity. These amendments do not impact existing requirements.

Section 604.7 Qualified Human Service Organizations

FTA removed the outdated list of Federal programs in appendix A and clarified in this section that QHSOs receiving funding under one or more of the programs in the CCAM Program Inventory are not required to register on the FTA charter service website to receive charter service from a recipient. FTA also made non-substantive amendments to the regulatory text for clarity.

Section 604.8 Leasing FTA Funded Equipment and Drivers

FTA did not amend this section.

Section 604.9 When No Registered Charter Provider Responds to Notice From a Recipient

FTA made non-substantive amendments to the regulatory text for clarity. These amendments do not impact existing requirements.

Section 604.10 Agreement With Registered Charter Providers

FTA made non-substantive amendments to the regulatory text for clarity. These amendments do not impact existing requirements.

Section 604.11 Petitions to the Administrator

FTA added clarifying language to this section that does not impact existing requirements.

Section 604.12 Reporting Requirements for All Exceptions

FTA removed an outdated reference that does not impact existing requirements.

Subpart C—Procedures for Registration and Notification

Section 604.13 Registration of Private Charter Operators

FTA added clarifying language and removed an outdated web address. These amendments do not impact existing requirements.

Section 604.14 Recipient's Notification to Registered Charter Providers

FTA removed an outdated web address. FTA also made non-substantive amendments to the regulatory text for clarity. These amendments do not impact existing requirements.

Subpart D—Registration of Qualified Human Service Organizations and Duties for Recipients With Respect to Charter Registration Website

Section 604.15 Registration of Qualified Human Service Organizations

FTA added language clarifying that only QHSOs that do not receive funding from one of the programs in the CCAM Program Inventory are required to register on the FTA charter service website. This amendment maintains the existing eligibility for QHSOs to receive charter service from an FTA recipient.

Section 604.16 Duties for Recipients With Respect to Charter Registration Website

FTA did not amend this section.

Subpart E—Advisory Opinions and Cease and Desist Orders

Section 604.17 Purpose

FTA did not amend this section.

Section 604.18 Request for an Advisory Opinion

FTA made non-substantive amendments to the regulatory text for clarity. These amendments do not impact existing requirements.

Section 604.19 Processing of Advisory Opinions

FTA made a grammatical change that does not impact existing requirements.

Section 604.20 Effect of an Advisory Opinion

FTA did not amend this section.

Section 604.21 Special Considerations for Advisory Opinions

FTA did not amend this section.

Section 604.22 Request for a Cease and Desist Order

FTA amended a typographical error that does not impact existing requirements.

Section 604.23 Decisions by the Chief Counsel Regarding Cease and Desist Orders

FTA reordered existing sections 604.23 and 604.24 for clarity.

Section 604.24 Effect of a Cease and Desist Order

FTA removed paragraph (b) of existing section 604.23 as duplicative of paragraph (b) of existing § 604.24.

Subpart F—Complaints

Section 604.25 Purpose

FTA did not amend this section.

Section 604.26 Complaints and Decisions Regarding Removal of Private Charter Operators or Qualified Human Service Organizations From Registration List

FTA did not amend this section.

Section 604.27 Complaints, Answers, Replies, and Other Documents

FTA combined paragraphs (f) and (h) of this section for clarity. The amendment does not impact existing requirements.

Section 604.28 Dismissals

FTA did not amend this section.

Section 604.29 Incomplete Complaints

FTA did not amend this section.

Section 604.30 Filing Complaints

FTA did not amend this section.

Section 604.31 Service

FTA did not amend this section.

Subpart G—Investigations

Section 604.32 Investigation of Complaint

FTA made non-substantive amendments to the regulatory text for clarity. These amendments do not impact existing requirements.

Section 604.33 Agency Initiation of Investigation

FTA did not amend this section.

Subpart H—Decisions by FTA and Appointment of a Presiding Official (PO)

Section 604.34 Chief Counsel Decisions and Appointment of a PO

FTA made a clarifying edit that does not impact existing requirements.

Section 604.35 Separation of Functions

FTA did not amend this section.

Subpart I—Hearings

FTA did not amend this subpart.

Subpart J—Appeal to Administrator and Final Agency Orders

Section 604.48 Appeal From Chief Counsel Decision

FTA did not amend this section.

Section 604.49 Administrator's Discretionary Review of the Chief Counsel's Decision

FTA made non-substantive edits to this section. The amendments do not impact existing requirements.

Subpart K—Judicial Review

FTA did not amend this subpart.

Appendix A—Listing of Human Service Financial Assistance Programs

FTA removed this appendix.

Appendix B—Reasons for Removal

FTA removed this appendix.

Appendix C—Frequently Asked Questions

FTA removed this appendix.

Appendix D—Table of Potential Remedies

FTA removed this appendix.

IV. Regulatory Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

E.O. 12866 (“Regulatory Planning and Review”), as supplemented by E.O. 13563 (“Improving Regulation and Regulatory Review”), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. It also directs the Office of Management and Budget (OMB) to review significant regulatory actions, including regulations with annual economic effects of \$100 million or more. OMB has determined the final rule is not significant within the meaning of E.O. 12866 and has not reviewed the rule under that order.

The final rule makes non-substantive conforming edits to the Charter Service regulation and removes appendices with supplemental information about Federal financial assistance programs and frequently asked questions. Maintaining a continuously updated online list of Federal programs that qualify for the QHSO exception instead of using an appendix will reduce the number of future QHSOs subject to charter registration requirements. Accordingly, the final rule will result in unquantified cost savings for regulated entities. The rule does not change other requirements

for regulated entities and therefore has no other expected economic effects.

Executive Order 14192 (Deregulatory Action)

E.O. 14192 (“Unleashing Prosperity Through Deregulation”) requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”

Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 25, 2025) defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This final rule, which reduces the regulatory burden for certain QHSOs, has total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

The rule makes non-substantive conforming edits to the Charter Service regulation and removes supplemental information but does not change requirements for regulated entities. FTA certifies that the final rule will not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

FTA has determined that this final rule does not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995). This final rule does not include a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in 1995 dollars (adjusted for inflation) in any one year. Additionally, the definition of “Federal mandate” in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal Transit Act permits this type of flexibility.

Executive Order 13132 (Federalism Assessment)

E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a

substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132, dated August 4, 1999, and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372
(Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this rulemaking.

Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), and OMB implementing regulation at 5 CFR 1320.8(d), this proposed rule is associated with an existing approved information collection under OMB control number 2132–0543. FTA anticipates that the proposed changes may result in a de minimis or unquantified reduction in burden for certain qualified human service organizations. If finalized and a burden reduction is confirmed, FTA will revise the affected information collection accordingly in compliance with the Paperwork Reduction Act.

National Environmental Policy Act

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this final rule under E.O. 13175, dated November 6, 2000, and it will not have substantial direct effects on one or more Indian Tribes; will not impose substantial

direct compliance costs on Indian Tribal governments; and will not preempt tribal laws. Therefore, a Tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** at 65 FR 19477 (April 11, 2000).

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this final rule with the Unified Agenda.

List of Subjects in 49 CFR Part 604

Administrative practice and procedure, Buses, Grant programs—transportation, Mass transportation, Reporting and recordkeeping requirements.

In consideration of the foregoing, and under the authority of 49 U.S.C. 5323(d), and the delegation of authority at 49 CFR 1.91, the Federal Transit Administration revises and republishes 49 CFR part 604 to read as follows:

PART 604—CHARTER SERVICE

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- 604.2 Applicability.
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604.50 Judicial review of a final decision and order.

Authority: 49 U.S.C. 5323(d); 49 CFR 1.91.

Subpart A—General Provisions**§ 604.1 Purpose.**

(a) The purpose of this part is to implement 49 U.S.C. 5323(d), which protects private charter operators from unauthorized competition from recipients of Federal financial assistance under the Federal Transit Laws.

(b) This subpart outlines the entities required to comply with the regulations in this part, defines relevant terms, explains exemption procedures, and details the contents of a charter service agreement.

§ 604.2 Applicability.

(a) The requirements of this part apply to recipients of Federal financial assistance under the Federal Transit Laws, except as specified in paragraphs (b) through (g) of this section.

(b) The requirements of this part do not apply to a recipient transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials, and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for oversight functions such as inspection, evaluation, or review.

(c) The requirements of this part do not apply to the non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under 49 U.S.C. 5307, 49 U.S.C. 5309, 49 U.S.C. 5310, or 49 U.S.C. 5311.

(d) The requirements of this part do not apply to a recipient transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.

(e) The requirements of this part do not apply to a recipient that uses Federal financial assistance from FTA, for program purposes only, under 49 U.S.C. 5310 or 49 U.S.C. 5311.

(f) The requirements of this part do not apply to a recipient, for actions directly responding to an emergency declared by the President, governor, or

mayor or in an emergency requiring immediate action prior to a formal declaration. If the emergency lasts more than 45 days, the recipient shall follow the procedures set out in part 601, subpart D, of this chapter.

(g) The requirements of this part do not apply to a recipient in a non-urbanized area transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

§ 604.3 Definitions.

All terms defined in 49 U.S.C. 5301 *et seq.* are used in their statutory meaning in this part. Other terms used in this part are defined as follows:

Administrator means the Administrator of the Federal Transit Administration or his or her designee.

Charter service means, but does not include demand response service to individuals:

(1) Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:

(i) A third party pays the transit provider a negotiated price for the group;

(ii) Any fares charged to individual members of the group are collected by a third party;

(iii) The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time; or

(iv) A third party determines the origin and destination of the trip as well as scheduling; or

(2) Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:

(i) A premium fare is charged that is greater than the usual or customary fixed route fare; or

(ii) The service is paid for in whole or in part by a third party.

Charter service hours means total hours operated by buses or vans while in charter service including:

(1) Hours operated while carrying passengers for hire; plus

(2) Associated deadhead hours.

Chief Counsel means the Chief Counsel of FTA and his or her designated employees.

Days means calendar days. The last day of a time period is included in the computation of time unless the last day is a Saturday, Sunday, or legal holiday, in which case, the time period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Demand response means any non-fixed route system of transporting individuals that requires advanced scheduling by the customer, including services provided by public entities, nonprofits, and private providers.

Exclusive means service that a reasonable person would conclude is intended to exclude members of the public.

Federal Transit Laws means 49 U.S.C. 5301 *et seq.* and includes 23 U.S.C. 142(a) and 142(c), when used to provide assistance to public transit agencies for purchasing buses and vans.

FTA means the Federal Transit Administration.

Geographic service area means the entire area in which a recipient is authorized to provide public transportation service under appropriate local, State, and Federal law.

Government official means an individual elected or appointed at the local, State, or Federal level.

Interested party means an individual, partnership, corporation, association, or other organization that has a financial interest that is affected by the actions of a recipient providing charter service under the Federal Transit Laws. This term includes States, counties, cities, and their subdivisions, and Tribal Nations.

Pattern of violations means more than one finding of unauthorized charter service under this part by FTA beginning with the most recent finding of unauthorized charter service and looking back over a period not to exceed 72 months.

Presiding Official means an official or agency representative who conducts a hearing at the request of the Chief Counsel and who has had no previous contact with the parties concerning the issue in the proceeding.

Program purposes means transportation that serves the needs of either qualified human service organizations or targeted populations (elderly, individuals with disabilities, and or low-income individuals); this does not include exclusive service for other groups formed for purposes unrelated to the special needs of the targeted populations identified in this definition.

Public transportation has the meaning set forth in 49 U.S.C. 5302(15).

Qualified human service organization means an organization that serves persons who qualify for federally conducted or federally assisted transportation-related programs or services due to disability, income, or advanced age. This term is consistent with the President's Executive Order

(E.O.) on Human Service Transportation Coordination (E.O. 13330).

Recipient means an agency or entity that receives Federal financial assistance, either directly or indirectly, including subrecipients, under the Federal Transit Laws. This term does not include third-party contractors who use non-FTA funded vehicles.

Registered charter provider means a private charter operator that wants to receive notice of charter service requests directed to recipients and has registered on FTA's charter registration website.

Registration list means the current list of registered charter providers and qualified human service organizations maintained on FTA's charter registration website.

Special transportation means demand response or paratransit service that is regular and continuous and is a type of "public transportation."

Violation means a finding by FTA of a failure to comply with one of the requirements of this part.

§ 604.4 Charter service agreement.

(a) A recipient seeking Federal assistance under the Federal Transit Laws to acquire or operate any public transportation equipment or facilities shall enter into a "Charter Service Agreement" as set out in paragraph (b) of this section.

(b) A recipient shall enter into a Charter Service Agreement if it receives Federal funds for equipment or facilities under the Federal Transit Laws. The terms of the Charter Service Agreement are as follows: "The recipient agrees that it, and each of its sub-recipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR part 604, the terms and conditions of which are adopted herein by reference."

(c) The Charter Service Agreement is contained in the Certifications and Assurances published annually by FTA for applicants for Federal financial assistance. Once a recipient receives Federal funds, the Certifications and Assurances become part of its Grant Agreement or Cooperative Agreement for Federal financial assistance.

Subpart B—Exceptions

§ 604.5 Purpose.

This subpart identifies the limited exceptions that allow recipients to provide charter services.

§ 604.6 Government officials on official government business.

(a) A recipient may provide charter services to government officials (Federal, State, and local) for official government business, including non-transit related purposes, if the recipient:

(1) Provides the service in its geographic service area;

(2) Does not generate revenue from the charter service, except as required by law; and

(3) After providing such service, records the following:

(i) The government organization's name, address, phone number, and email address;

(ii) The date and time of service;

(iii) The number of passengers (specifically noting the number of government officials on the trip);

(iv) The origin, destination, and trip length (miles and hours);

(v) The fee collected, if any; and

(vi) The vehicle number for the vehicle used to provide the service.

(b) A recipient that provides charter service under this section shall be limited annually to 80 charter service hours for providing trips to government officials for official government business.

(c) A recipient may petition the Administrator for additional charter service hours only if the petition contains the following information:

(1) Date and description of the official government event and the number of charter service hours requested;

(2) Explanation of why registered charter providers in the geographic service area cannot perform the service (e.g., equipment, time constraints, or other extenuating circumstances); and

(3) Evidence that the recipient has sent the request for additional hours to registered charter providers in its geographic service area.

(d) FTA shall post the request for additional charter service hours under this section in the Government Officials Exception docket, docket number FTA-2007-0020 at <https://www.regulations.gov>. Interested parties may review the contents of this docket and bring questions or concerns to the attention of the Ombudsman for Charter Services. The written decision of the Administrator regarding the request for additional charter service hours shall be posted in the Government Officials Exception docket and sent to the recipient.

§ 604.7 Qualified human service organizations.

(a) A recipient may provide charter service to a qualified human service organization (QHSO) for the purpose of serving persons:

(1) With mobility limitations related to advanced age;

(2) With disabilities; or

(3) With low income.

(b) If an organization serving persons described in paragraph (a) of this section receives funding, directly or indirectly, from any of the human services Federal financial assistance programs listed in the Program Inventory of the Coordinated Council on Access and Mobility (CCAM) located on FTA's charter service website, the QHSO shall not be required to register on the FTA charter registration website.

(c) If a QHSO serving persons described in paragraph (a) of this section does not receive funding from any of the programs listed in the CCAM Program Inventory, the QHSO shall register on the FTA charter registration website in accordance with § 604.15.

(d) A recipient providing charter service under this section must record the following information after providing such service, regardless of whether the QHSO receives funding from any of the programs listed in the CCAM Program Inventory:

(1) The QHSO's name, address, phone number, and email address;

(2) The date and time of service;

(3) The number of passengers;

(4) The origin, destination, and trip length (miles and hours);

(5) The fee collected, if any; and

(6) The vehicle number for the vehicle used to provide the service.

§ 604.8 Leasing FTA funded equipment and drivers.

(a) A recipient may lease its FTA-funded equipment and drivers to registered charter providers for charter service only if the following conditions exist:

(1) The private charter operator is registered on the FTA charter registration website;

(2) The registered charter provider owns and operates buses or vans in a charter service business;

(3) The registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated by the registered charter provider or the number of accessible vehicles operated by the registered charter provider; and

(4) The registered charter provider has exhausted all of the available vehicles of all registered charter providers in the recipient's geographic service area.

(b) A recipient leasing vehicles and drivers to a registered charter provider under this section shall record:

(1) The registered charter provider's name, address, telephone number, and email address;

(2) The number of vehicles leased, types of vehicles leased, and vehicle identification numbers; and

(3) The documentation presented by the registered charter provider in support of paragraphs (a)(1) through (4) of this section.

(c) In accordance with § 604.26, if a registered charter provider seeking to lease vehicles has filed a complaint requesting that another registered charter provider be removed from the FTA charter registration website, then the registered charter provider seeking to lease vehicles is not required to exhaust the vehicles from that registered charter provider while the complaint is pending before leasing vehicles from a recipient.

§ 604.9 When no registered charter provider responds to notice from a recipient.

(a) A recipient may provide charter service, on its own initiative or at the request of a third party, if no registered charter provider responds to the notice issued in § 604.14:

(1) Within 72 hours for charter service requested to be provided in less than 30 days; or

(2) Within 14 calendar days for charter service requested to be provided in 30 days or more.

(b) A recipient shall not provide charter service under this section if a registered charter provider indicates an interest in providing the charter service set out in the notice issued pursuant to § 604.14 and the registered charter provider has informed the recipient of its interest in providing the service.

(c) After providing the service, a recipient shall record:

(1) The group's name, address, phone number, and email address;

(2) The date and time of service;

(3) The number of passengers;

(4) The origin, destination, and trip length (miles and hours);

(5) The fee collected, if any; and

(6) The vehicle number for the vehicle used to provide the service.

§ 604.10 Agreement with registered charter providers.

(a) A recipient may provide charter service directly to a customer if there is an agreement with all registered charter providers in the recipient's geographic service area.

(b) If a new charter provider registers in the geographic service area subsequent to the initial agreement, the recipient may continue to provide charter service under the previous agreement with the other charter providers up to 90 days without an agreement with the newly registered charter provider.

(c) Any of the parties to an agreement may cancel the agreement at any time after providing the recipient a 90-day notice.

§ 604.11 Petitions to the Administrator.

(a) A recipient may petition the Administrator for an exception to the regulations in this part to provide charter service directly to a customer for:

(1) Events of regional or national significance;

(2) Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population); or

(3) Unique and time sensitive events (e.g., funerals of local, regional, or national significance) that are in the public's interest.

(b) The petition to the Administrator shall include the following information:

(1)(i) The date and description of the event;

(ii) The type of service requested and the type of equipment;

(iii) The anticipated number of charter service hours needed for the event; and

(iv) The anticipated number of vehicles and duration of the event; and

(2) For an event of regional or national significance, the petition shall include a description of how registered charter providers were consulted, how registered charter providers will be utilized in providing the charter service, a certification that the recipient has exhausted all of the registered charter providers in its geographic service area, and submit the petition at least 90 days before the first day of the event described in paragraph (b)(1)(i) of this section;

(3) For a hardship request, a petition is only available if the registered charter provider that has indicated an interest in providing the charter service set out in the notice issued pursuant to § 604.14 has a deadhead time that exceeds total trip time from initial pickup to final drop-off, including wait time. The petition shall describe how the registered charter provider's minimum duration would create a hardship on the group requesting the charter service; or

(4) For unique and time sensitive events, the petition shall describe why the event is unique or time sensitive and how providing the charter service would be in the public's interest.

(c) When a petition meeting the requirements of paragraph (b) is received, the Administrator will review the materials and issue a written decision either granting or denying the request, in whole or in part. In making this decision, the Administrator may seek such additional information as the

Administrator deems necessary. The Administrator's decision shall be filed in the Petitions to the Administrator docket, number FTA-2007-0022 at <https://www.regulations.gov> and sent to the recipient.

(d) Any exception granted by the Administrator under this section shall be effective only for the event identified in paragraph (b)(1)(i) of this section.

(e) A recipient shall send its petition to the Administrator by email to ombudsman.charterservice@dot.gov.

(f) A recipient shall retain a copy of the Administrator's approval for a period of at least three years and shall include it in the recipient's quarterly report posted on the charter registration website.

§ 604.12 Reporting requirements for all exceptions.

(a) A recipient that provides charter service in accordance with one or more of the exceptions contained in this subpart shall maintain the required notice and records in an electronic format for a period of at least three years from the date of the service or lease. A recipient may maintain the required records in other formats in addition to the electronic format.

(b) In addition to the requirements identified in paragraph (a) of this section, the records required under this subpart shall include a clear statement identifying which exception the recipient relied upon when it provided the charter service.

(c) A recipient providing charter service under the exceptions in this subpart shall post the records required under this subpart on the FTA charter registration website 30 days after the end of each calendar quarter (i.e., January 30th, April 30th, July 30th, and October 30th). A single document or charter log may include all charter service trips provided during the quarter.

(d) A recipient may exclude specific origin and destination information for safety and security reasons. If a recipient excludes such information, the record of the service shall describe the reason why such information was excluded and provide generalized information instead of providing specific origin and destination information.

Subpart C—Procedures for Registration and Notification

§ 604.13 Registration of private charter operators.

(a) To be considered a registered charter provider, private charter operators shall register on FTA's charter

registration website by providing the following information:

(1) Company name, address, phone number, email address, and facsimile number;

(2) Federal and, if available, State motor carrier identifying number;

(3) The geographic service areas of public transit agencies, as identified by the transit agency's zip code, in which the private charter operator intends to provide charter service;

(4) The number of buses or vans the private charter operator owns;

(5) A certification that the private charter operator has valid insurance; and

(6) Whether the private charter operator is willing to provide free or reduced rate charter services to registered qualified human service organizations.

(b) A private charter operator that provides valid information in this subpart is a "registered charter provider" for purposes of this part and shall have standing to file a complaint consistent with subpart F of this part.

(c) A recipient, a registered charter provider, or their duly authorized representative may challenge a registered charter provider's registration and request removal of the private charter operator from FTA's charter registration website by filing a complaint consistent with subpart F of this part.

(d) FTA may refuse to post a private charter operator's information if the private charter operator fails to provide all of the required information required by paragraph (a) of this section.

(e) A registered charter provider shall provide current and accurate information on FTA's charter registration website and shall update that information no less frequently than every two years.

§ 604.14 Recipient's notification to registered charter providers.

(a) Upon receiving a request for charter service, a recipient may:

(1) Decline to provide the service, with or without referring the requestor to FTA's charter registration website;

(2) Provide the service under an exception provided in subpart B of this part; or

(3) Provide notice to registered charter providers as provided in this section and provide the service pursuant to § 604.9.

(b) If a recipient intends to provide charter service under the exception in § 604.9, it must provide email notice to registered charter providers in its geographic service area upon receiving a request for charter service, as follows:

(1) Email notice of the request must be sent by the close of business on the day the recipient receives the request unless the recipient received the request after 2 p.m., in which case the recipient must send the notice by the close of business the next business day;

(2) Email notice sent to the list of registered charter providers shall include:

(i) Customer name, address, phone number, and email address (if available);

(ii) Requested date of service;

(iii) Approximate number of passengers;

(iv) Whether the type of equipment requested is (are) bus(es) or van(s); and

(v) Trip itinerary and approximate duration; and

(3) If the recipient intends to provide service that meets paragraph (2) of the definition of charter service under § 604.3, the email notice must include the fare the recipient intends to charge for the service.

(c) A recipient shall retain an electronic copy of the email notice and the list of registered charter providers that were sent email notice of the requested charter service for a period of at least three years from the date the email notice was sent.

(d) If a recipient receives an "undeliverable" notice in response to its email notice, the recipient shall send the notice via facsimile. The recipient shall maintain the record of the undeliverable email notice and the facsimile sent confirmation for a period of three years.

Subpart D—Registration of Qualified Human Service Organizations and Duties for Recipients With Respect to Charter Registration Website

§ 604.15 Registration of qualified human service organizations.

(a) Qualified human service organizations (QHSO) that seek free or reduced rate services from recipients, and do not receive funds from human services Federal financial assistance programs listed in the CCAM Program Inventory located on FTA's charter service website, but serve individuals described in § 604.7 (*i.e.*, individuals with low income, advanced age, or with disabilities), shall register on FTA's charter registration website by submitting the following information:

(1) Name of organization, address, phone number, email address, and facsimile number;

(2) The geographic service area of the recipient in which the qualified human service organization resides;

(3) Basic financial information regarding the qualified human service

organization and whether the qualified human service organization is exempt from taxation under section 501(c) (1), (3), (4), or (19) of the Internal Revenue Code, and whether it is a unit of Federal, State, or local government;

(4) Whether the qualified human service organization receives funds directly or indirectly from a State or local program, and if so, which program(s); and

(5) A narrative statement describing the types of charter service trips the qualified human service organization may request from a recipient and how that service is consistent with the mission of the qualified human service organization.

(b) A qualified human service organization is eligible to receive charter services from a recipient if it:

(1) Receives funds from at least one of the human services Federal financial assistance programs listed in the CCAM Program Inventory; or

(2) Registers on the FTA website in accordance with paragraph (a) of this section at least 60 days before the date of the requested charter service and verifies FTA's receipt of its registration by viewing its information on the FTA charter registration website.

(c) A registered charter provider may challenge a QHSO's eligibility under paragraph (b)(2) of this section to receive charter services from a recipient by requesting removal of the QHSO from FTA's charter registration website by filing a complaint consistent with subpart F of this part.

(d) A QHSO eligible under paragraph (b)(2) of this section to receive charter services from a recipient shall provide current and accurate information on FTA's charter registration website and shall update that information no less frequently than every two years.

§ 604.16 Duties for recipients with respect to charter registration website.

Each recipient shall ensure that its affected employees and contractors have the necessary competency to effectively use the FTA charter registration website.

Subpart E—Advisory Opinions and Cease and Desist Orders

§ 604.17 Purpose.

The purpose of this subpart is to set out the requirements for requesting an advisory opinion from the Chief Counsel's Office. An advisory opinion may also request that the Chief Counsel issue a cease and desist order, which would be an order to refrain from doing an act which, if done, would be a violation of this part.

§ 604.18 Request for an advisory opinion.

(a) An interested party may request an advisory opinion from the Chief Counsel only on matters involving specific factual events.

(b) A request for an advisory opinion shall be submitted in the following form:

[Date]

Chief Counsel, Federal Transit

Administration, 1200 New Jersey Ave. SE,

Room E55–302, Washington, DC 20590

Re: Request for Advisory Opinion

The undersigned submits this request for an advisory opinion from the FTA Chief Counsel with respect to [the general nature of the matter involved].

A. A full statement of all facts and legal points relevant to the request.

B. An affirmation that the undersigned swears, to the best of his/her knowledge and belief, this request includes all data, information, and views relevant to the matter, whether favorable or unfavorable to the position of the undersigned, which is the subject of the request.

C. The following certification: “I hereby certify that I have this day served the foregoing [name of document] on the following interested party(ies) at the following addresses and email or facsimile numbers (if also served by email or facsimile) by [specify method of service]:

[list persons, addresses, and email or facsimile numbers]”

Dated this xx day of xx, 20xx.

[Signature]

[Printed name]

[Title of person making request]

[Mailing address]

[Telephone number]

[email address]

(c) The Chief Counsel may request additional information, as necessary, from the party submitting the request for an advisory opinion.

(d) A request for an advisory opinion may be denied if:

(1) The request contains incomplete information on which to base an informed advisory opinion;

(2) The Chief Counsel concludes that an advisory opinion cannot reasonably be given on the matter involved;

(3) The matter is adequately covered by a prior advisory opinion or a regulation; and

(4) The Chief Counsel otherwise concludes that an advisory opinion would not be in the public interest.

§ 604.19 Processing of advisory opinions.

(a) A request for an advisory opinion shall be sent to the Chief Counsel at ombudsman.charterservice@dot.gov and filed electronically in the Charter Service Advisory Opinion/Cease and Desist Order docket number FTA–2007–0023 at <https://www.regulations.gov> or sent to the dockets office located at 1200 New Jersey Ave. SE, West Building

Ground Floor, Room W12–140, Washington, DC 20590, for submission to that docket.

(b) The Chief Counsel shall make every effort to respond to a request for an advisory opinion within ten days of receipt of a request that complies with § 604.18(b). The Chief Counsel shall send his or her decision to the interested party, the docket, and the recipient, if appropriate.

§ 604.20 Effect of an advisory opinion.

(a) An advisory opinion represents the formal position of FTA on a matter, and except as provided in § 604.25, obligates the agency to follow it until it is amended or revoked.

(b) An advisory opinion may be used in administrative or court proceedings to illustrate acceptable and unacceptable procedures or standards, but not as a legal requirement and is limited to the factual circumstances described in the request for an advisory opinion. The Chief Counsel’s advisory opinion shall not be binding upon a Presiding Official conducting a proceeding under subpart I of this part.

(c) A statement made or advice provided by an FTA employee constitutes an advisory opinion only if it is issued in writing under this section. A statement or advice given by an FTA employee orally, or given in writing, but not under this section, is an informal communication that represents the best judgment of that employee at the time but does not constitute an advisory opinion, does not necessarily represent the formal position of FTA, and does not bind or otherwise obligate or commit the agency to the views expressed.

§ 604.21 Special considerations for advisory opinions.

Based on new facts involving significant financial considerations, the Chief Counsel may take appropriate enforcement action contrary to an advisory opinion before amending or revoking the opinion. This action shall be taken only with the approval of the Administrator.

§ 604.22 Request for a cease and desist order.

(a) An interested party may also request a cease and desist order as part of its request for an advisory opinion. A request for a cease and desist order shall contain the following information in addition to the information required for an advisory opinion:

(1) A description of the need for the cease and desist order, a detailed description of the lost business opportunity the interested party is likely

to suffer if the recipient performs the charter service in question, and how the public interest will be served by avoiding or ameliorating the lost business opportunity. A registered charter provider must distinguish its loss from that of other registered charter providers in the geographic service area.

(2) A detailed description of the efforts made to notify the recipient of the potential violation of the regulations in this part. Include names, titles, phone numbers or email addresses of persons contacted, date and times contact was made, and the response received, if any.

(b) A request for a cease and desist order may be denied if:

(1) The request contains incomplete information on which to base an informed decision on a cease and desist order;

(2) The Chief Counsel concludes that a cease and desist order cannot reasonably be given on the matter involved;

(3) The matter is adequately covered by a prior a cease and desist order; or

(4) The Chief Counsel otherwise concludes that a cease and desist order would not be in the public interest.

(c) A recipient who is the subject of a request for a cease and desist order shall have three business days to respond to the request. The response shall include a point-by-point rebuttal to the information included in the request for a cease and desist order.

(d) The time period for a response by the recipient begins once a registered charter provider files a request in the Advisory Opinions/Cease and Desist Orders docket (FTA–2007–0023 at <https://www.regulations.gov>) or with the FTA Chief Counsel’s Office, whichever date is sooner.

§ 604.23 Decisions by the Chief Counsel regarding cease and desist orders.

(a) The Chief Counsel may grant a request for a cease and desist order if the interested party demonstrates, by a preponderance of the evidence, that the planned provision of charter service by a recipient would violate this part.

(b) In determining whether to grant the request for a cease and desist order, the Chief Counsel shall consider the specific facts shown in the signed, sworn request for a cease and desist order, applicable statutes, regulations, agreements, and any other information that is relevant to the request.

§ 604.24 Effect of a cease and desist order.

Issuance of a cease and desist order against a recipient shall be considered as an aggravating factor in determining the remedy to impose against the recipient in future findings of

noncompliance with this part, if the recipient provides the service described in the cease and desist order issued by the Chief Counsel.

Subpart F—Complaints

§ 604.25 Purpose.

This subpart describes the requirements for filing a complaint challenging the registration of a private charter operator or qualified human service organization on the FTA charter registration website and filing a complaint regarding the provision of charter service by a recipient. *Note:* To save time and expense for all concerned, FTA expects all parties to attempt to resolve matters informally before beginning the official complaint process.

§ 604.26 Complaints and decisions regarding removal of private charter operators or qualified human service organizations from registration list.

(a) A recipient, a registered charter provider, or its duly authorized representative, may challenge the listing of a registered charter provider or qualified human service organization on FTA's charter registration website by filing a complaint that meets the following:

- (1) States the name and address of each entity who is the subject of the complaint;
- (2) Provides a concise but complete statement of the facts relied upon to substantiate the reason why the private charter operator or qualified human service organization should not be listed on the FTA charter registration website;
- (3) Files electronically by submitting it to the Charter Service Removal Complaints docket number FTA–2007–0024 at <https://www.regulations.gov>;
- (4) Serves by email or facsimile if no email address is available, or by overnight mail service with receipt confirmation, and attaches documents offered in support of the complaint, upon all entities named in the complaint;

- (5) Files within 90 days of discovering facts that merit removal of the registered charter provider or qualified human service organization from the FTA Charter Registration website; and
- (6) Contains the following certification:

I hereby certify that I have this day served the foregoing [name of document] on the following persons at the following addresses and email or facsimile numbers (if also served by email or facsimile) by [specify method of service]:

[list persons, addresses, and email or facsimile numbers]

Dated this xx day of xxxx, 20xx.
[signature], for [party].

(b) The registered charter provider or qualified human service organization shall have 15 days to answer the complaint and shall file such answer, and all supporting documentation, in the Charter Service Removal Complaint docket number FTA–2007–0024 at <https://www.regulations.gov> and email such answer to ombudsman.charterservice@dot.gov.

(c) A recipient, qualified human service organization, or a registered charter provider, or its duly authorized representative, shall not file a reply to the answer.

(d) FTA shall determine whether to remove the registered charter provider or qualified human service organization from the FTA charter registration website based on a preponderance of the evidence of one or more of the following:

- (1) Bad faith;
- (2) Fraud;
- (3) Lapse of insurance;
- (4) Lapse of other documentation; or
- (5) The filing of more than one

complaint, which on its face, does not state a claim that warrants an investigation or further action by FTA.

(e) FTA's determination whether or not to remove a registered charter provider or qualified human service organization from the registration list shall be sent to the parties within 30 days of the date of the response required in paragraph (b) of this section and shall state:

- (1) Reasons for allowing the continued listing or removal of the registered charter provider or qualified human service organization from the registration list;
- (2) If removal is ordered, the length of time (not to exceed three years) the private charter operator or qualified human service organization shall be barred from the registration list; and
- (3) The date by which the private charter operator or qualified human service organization may re-apply for registration on the FTA charter registration website.

§ 604.27 Complaints, answers, replies, and other documents.

(a) A registered charter provider, or its duly authorized representative ("complainant"), affected by an alleged noncompliance of this part may file a complaint with the Office of the Chief Counsel.

(b) Complaints filed under this subpart shall:

- (1) Be titled "Notice of Charter Service Complaint";
- (2) State the name and address of each recipient that is the subject of the complaint and, with respect to each

recipient, the specific provisions of this part that the complainant believes were violated;

(3) Be served in accordance with § 604.31, along with all documents then available in the exercise of reasonable diligence, offered in support of the complaint, upon all recipients named in the complaint as being responsible for the alleged action(s) or omission(s) upon which the complaint is based;

(4) Provide a concise but complete statement of the facts relied upon to substantiate each allegation (complainant must show by a preponderance of the evidence that the recipient provided charter service and that such service did not fall within one of the exemptions or exceptions set out in this part);

(5) Describe how the complainant was directly and substantially affected by the things done or omitted by the recipients;

(6) Identify each registered charter provider associated with the complaint; and

(7) Be filed within 90 days after the alleged event giving rise to the complaint occurred.

(c) Unless the complaint is dismissed pursuant to § 604.28 or § 604.29, FTA shall notify the complainant, respondent, and State recipient, if applicable, within 30 days after the date FTA receives the complaint that the complaint has been docketed. Respondent shall have 30 days from the date of service of the FTA notification to file an answer.

(d) The complainant may file a reply within 20 days of the date of service of the respondent's answer.

(e) The respondent may file a rebuttal within 10 days of the date of service of the reply.

(f) The answer, reply, and rebuttal shall, like the complaint, contain a concise but complete statement of the facts relied upon to substantiate the answers, admissions, denials, or averments made and be accompanied by the supporting documentation upon which the submitter relies.

(g) The answer shall deny or admit the allegations made in the complaint or state that the entity filing the document is without sufficient knowledge or information to admit or deny an allegation and shall assert any affirmative defense.

(h) The respondent's answer may include a motion to dismiss the complaint, or any portion thereof, with a supporting memorandum of points and authorities.

(i) The complainant may withdraw a complaint at any time after filing by serving a "Notification of Withdrawal"

on the Chief Counsel and the respondent.

§ 604.28 Dismissals.

Within 20 days after the receipt of a complaint described in § 604.27, the Office of the Chief Counsel shall provide reasons for dismissing a complaint, or any claim in the complaint, with prejudice, under this section if:

(a) It appears on its face to be outside the jurisdiction of FTA under the Federal Transit Laws;

(b) On its face it does not state a claim that warrants an investigation or further action by FTA; or

(c) The complainant lacks standing to file a complaint under subpart B, C, or D of this part.

§ 604.29 Incomplete complaints.

If a complaint is not dismissed under § 604.28, but is deficient as to one or more of the requirements set forth in § 604.27, the Office of the Chief Counsel may dismiss the complaint within 20 days after receiving it. Dismissal shall be without prejudice and the complainant may re-file after amendment to correct the deficiency. The Chief Counsel's dismissal shall include the reasons for the dismissal without prejudice.

§ 604.30 Filing complaints.

(a) *Filing address.* Unless provided otherwise, the complainant shall file the complaint with the Office of the Chief Counsel, 1200 New Jersey Ave. SE, Room E55–302, Washington, DC 20590 and file it electronically in the Charter Service Complaint docket number FTA–2007–0025 at <https://www.regulations.gov> or mail it to the docket by sending the complaint to 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590.

(b) *Date and method of filing.* Filing of any document shall be by personal delivery, U.S. mail, or overnight delivery with receipt confirmation. Unless the date is shown to be inaccurate, documents to be filed with FTA shall be deemed filed on the earliest of:

- (1) The date of personal delivery;
- (2) The mailing date shown on the certificate of service;
- (3) The date shown on the postmark if there is no certificate of service; or
- (4) The mailing date shown by other evidence if there is no certificate of service and no postmark.

(c) *Electronic service.* A document sent by email shall not constitute service as described in § 604.31.

(d) *Number of copies.* Unless otherwise specified, an executed original shall be filed with FTA.

(e) *Form.* Documents filed with FTA shall be typewritten or legibly printed. In the case of docketed proceedings, the document shall include a title and the docket number, as established by the Chief Counsel or Presiding Official, of the proceeding on the front page.

(f) *Signing of documents and other papers.* The original of every document filed shall be signed by the person filing it or the person's duly authorized representative. Subject to the enforcement provisions contained in this subpart, the signature shall serve as a certification that the signer has read the document and, based on reasonable inquiry, to the best of the signer's knowledge, information, and belief, the document is:

- (1) Consistent with this part;
- (2) Warranted by existing law or that a good faith argument exists for extension, modification, or reversal of existing law; and
- (3) Not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the administrative process.

§ 604.31 Service.

(a) *Designation of person to receive service.* The initial document filed by the complainant shall state on the first page of the document for all parties to be served:

- (1) The title of the document;
- (2) The name, post office address, telephone number; and
- (3) The facsimile number, if any, and email address(es), if any.

(4) If any of the items in paragraphs (a)(1) through (3) of this section change during the proceeding, the person shall promptly file notice of the change with FTA and the Presiding Official, if appropriate, and shall serve the notice on all other parties to the proceeding.

(b) *Docket numbers.* Each submission identified as a complaint under this part by the submitting party shall be filed in the Charter Service Complaint docket FTA–2007–0025.

(c) *Who must be served.* Copies of all documents filed with FTA shall be served by the entity filing them on all parties to the proceeding. A certificate of service shall accompany all documents when they are tendered for filing and shall certify concurrent service on FTA and all parties. Certificates of service shall be in substantially the following form:

I hereby certify that I have this day served the foregoing [name of document] on the following persons at the following addresses and email or facsimile numbers (if also

served by email or facsimile) by [specify method of service]:

[list persons, addresses, and email or facsimile numbers]

Dated this xx day of xxxx, 20xx.

[signature], for [party]

(d) *Method of service.* Except as otherwise provided in § 604.26, or agreed by the parties and the Presiding Official, as appropriate, the method of service is personal delivery or U.S. mail.

(e) *Presumption of service.* There shall be a presumption of lawful service:

(1) When acknowledgment of receipt is by a person who customarily or in the ordinary course of business receives mail at the address of the party or of the person designated under this section; or

(2) When a properly addressed envelope, sent to the last known address has been returned as undeliverable, unclaimed, or refused.

Subpart G—Investigations

§ 604.32 Investigation of complaint.

(a) If the pleadings suggest a reasonable basis for investigation, FTA will investigate the subject matter of the complaint.

(b) The investigation may include a review of written submissions or pleadings of the parties, as supplemented by any informal investigation FTA considers necessary and by additional information furnished by the parties at FTA request. Each party shall file documents that it considers sufficient to present all relevant facts and argument necessary for FTA to determine whether the recipient is in compliance.

(c) The Chief Counsel shall send a notice to complainant(s) and respondent(s) once an investigation is complete, but not later than 90 days after receipt of the last pleading specified in § 604.27 was due to FTA.

§ 604.33 Agency initiation of investigation.

(a) Notwithstanding any other provision under this part, FTA may initiate its own investigation of any matter within the applicability of this part without having received a complaint. The investigation may include, without limitation, any of the actions described in § 604.32.

(b) Following the initiation of an investigation under this section, FTA sends a notice to the entities subject to investigation. The notice will set forth the areas of FTA's concern and the reasons; request a response to the notice within 30 days of the date of service; and inform the respondent that FTA will, in its discretion, invite good faith efforts to resolve the matter.

(c) If the matters addressed in the FTA notice are not resolved informally, the

Chief Counsel may refer the matter to a Presiding Official.

Subpart H—Decisions by FTA and Appointment of a Presiding Official (PO)

§ 604.34 Chief Counsel decisions and appointment of a PO.

(a) After receiving a complaint consistent with § 604.27, and conducting an investigation, the Chief Counsel may:

(1) Issue a decision based on the pleadings filed to date;

(2) Appoint a PO to review the matter; or

(3) Dismiss the complaint pursuant to § 604.28.

(b) If the Chief Counsel appoints a PO to review the matter, the Chief Counsel shall send out a hearing order that sets forth the following:

(1) The allegations in the complaint, or notice of investigation, and the chronology and results of the investigation preliminary to the hearing conducted in accordance with subpart I of this part;

(2) The relevant statutory, judicial, regulatory, and other authorities;

(3) The issues to be decided;

(4) Such rules of procedure as may be necessary to supplement the provisions of this part;

(5) The name and address of the PO, and the assignment of authority to the PO to conduct the hearing in accordance with the procedures set forth in this part; and

(6) The date by which the PO is directed to issue a recommended decision.

§ 604.35 Separation of functions.

(a) Proceedings under this part shall be handled by an FTA attorney, except that the Chief Counsel may appoint a PO, who may not be an FTA attorney.

(b) After issuance of an initial decision by the Chief Counsel, the FTA employee or contractor engaged in the performance of investigative or prosecutorial functions in a proceeding under this part shall not, in that case or a factually related case, participate or give advice in a final decision by the Administrator or his or her designee on written appeal, and shall not, except as counsel or as witness in the public proceedings, engage in any substantive communication regarding that case or a related case with the Administrator on written appeal.

Subpart I—Hearings

§ 604.36 Powers of a PO.

A PO may:

(a) Give notice of, and hold, pre-hearing conferences and hearings;

(b) Administer oaths and affirmations;

(c) Issue notices of deposition requested by the parties;

(d) Limit the frequency and extent of discovery;

(e) Rule on offers of proof;

(f) Receive relevant and material evidence;

(g) Regulate the course of the hearing in accordance with the rules of this part to avoid unnecessary and duplicative proceedings in the interest of prompt and fair resolution of the matters at issue;

(h) Hold conferences to settle or to simplify the issues by consent of the parties;

(i) Dispose of procedural motions and requests;

(j) Examine witnesses; and

(k) Make findings of fact and conclusions of law and issue a recommended decision.

§ 604.37 Appearances, parties, and rights of parties.

(a) Any party to the hearing may appear and be heard in person and any party to the hearing may be accompanied, represented, or advised by an attorney licensed by a State, the District of Columbia, or a territory of the United States to practice law or appear before the courts of that State or territory, or by another duly authorized representative. An attorney, or other duly authorized representative, who represents a party shall file according to the filing and service procedures contained in §§ 604.30 and 604.31.

(b) The parties to the hearing are the respondent(s) named in the hearing order, the complainant(s), and FTA, as represented by the PO.

(c) The parties to the hearing may agree to extend for a reasonable period of time the time for filing a document under this part. If the parties agree, the PO shall grant one extension of time to each party. The party seeking the extension of time shall submit a draft order to the PO to be signed by the PO and filed with the hearing docket. The PO may grant additional oral requests for an extension of time where the parties agree to the extension.

(d) An extension of time granted by the PO for any reason extends the due date for the PO's recommended decision and for the final agency decision by the length of time in the PO's extension.

§ 604.38 Discovery.

(a) Permissible forms of discovery shall be within the discretion of the PO.

(b) The PO shall limit the frequency and extent of discovery permitted by this section if a party shows that:

(1) The information requested is cumulative or repetitious;

(2) The information requested may be obtained from another less burdensome and more convenient source;

(3) The party requesting the information has had ample opportunity to obtain the information through other discovery methods permitted under this section; or

(4) The method or scope of discovery requested by the party is unduly burdensome or expensive.

§ 604.39 Depositions.

(a) For good cause shown, the PO may order that the testimony of a witness may be taken by deposition and that the witness produce documentary evidence in connection with such testimony.

Generally, an order to take the deposition of a witness is entered only if:

(1) The person whose deposition is to be taken would be unavailable at the hearing;

(2) The deposition is deemed necessary to perpetuate the testimony of the witness; or

(3) The taking of the deposition is necessary to prevent undue and excessive expense to a party and will not result in undue burden to other parties or in undue delay.

(b) Any party to the hearing desiring to take the deposition of a witness according to the terms set out in this subpart, shall file a motion with the PO, with a copy of the motion served on each party. The motion shall include:

(1) The name and residence of the witness;

(2) The time and place for the taking of the proposed deposition;

(3) The reasons why such deposition should be taken; and

(4) A general description of the matters concerning which the witness will be asked to testify.

(c) If good cause is shown in the motion, the PO in his or her discretion may issue an order authorizing the deposition and specifying the name of the witness to be deposed, the location and time of the deposition, and the general scope and subject matter of the testimony to be taken.

(d) Witnesses whose testimony is taken by deposition shall be sworn or shall affirm before any questions are put to them. Each question propounded shall be recorded and the answers of the witness transcribed verbatim. The written transcript shall be subscribed by the witness, unless the parties by stipulation waive the signing, or the witness is ill, cannot be found, or refuses to sign. The reporter shall note the reason for failure to sign.

§ 604.40 Public disclosure of evidence.

(a) Except as provided in this section, the hearing shall be open to the public.

(b) The PO may order that any information contained in the record be withheld from public disclosure. Any person may object to disclosure of information in the record by filing a written motion to withhold specific information with the PO. The person shall state specific grounds for nondisclosure in the motion.

(c) The PO shall grant the motion to withhold information from public disclosure if the PO determines that disclosure would be in violation of the Privacy Act, would reveal trade secrets or privileged or confidential commercial or financial information, or is otherwise prohibited by law.

§ 604.41 Standard of proof.

The PO shall issue a recommended decision or shall rule in a party's favor only if the decision or ruling is supported by a preponderance of the evidence.

§ 604.42 Burden of proof.

(a) The burden of proof of noncompliance with this part, determination, or agreement issued under the authority of the Federal Transit Laws is on the registered charter provider.

(b) Except as otherwise provided by statute or rule, the proponent of a motion, request, or order has the burden of proof.

§ 604.43 Offer of proof.

A party whose evidence has been excluded by a ruling of the PO, during a hearing in which the respondent had an opportunity to respond to the offer of proof, may offer the evidence on the record when filing an appeal.

§ 604.44 Record.

(a) The transcript of all testimony in the hearing, all exhibits received into evidence, all motions, applications requests and rulings, and all documents included in the hearing record shall constitute the exclusive record for decision in the proceedings and the basis for the issuance of any orders.

(b) Any interested person may examine the record by entering the docket number at <https://www.regulations.gov> or after payment of reasonable costs for search and reproduction of the record.

§ 604.45 Waiver of procedures.

(a) The PO shall waive such procedural steps as all parties to the hearing agree to waive before issuance of an initial decision.

(b) Consent to a waiver of any procedural step bars the raising of this issue on appeal.

(c) The parties may not by consent waive the obligation of the PO to enter a recommended decision on the record.

§ 604.46 Recommended decision by a PO.

(a) The PO shall issue a recommended decision based on the record developed during the proceeding and shall send the recommended decision to the Chief Counsel for ratification or modification not later than 110 days after the referral from the Chief Counsel.

(b) The Chief Counsel shall ratify or modify the PO's recommended decision within 30 days of receiving the recommended decision. The Chief Counsel shall serve his or her decision, which is capable of being appealed to the Administrator, on all parties to the proceeding.

§ 604.47 Remedies.

(a) If the Chief Counsel determines that a violation of this part occurred, he or she may take one or more of the following actions:

(1) Bar the recipient from receiving future Federal financial assistance from FTA;

(2) Order the withholding of a reasonable percentage of available Federal financial assistance; or

(3) Pursue suspension and debarment of the recipient, its employees, or its contractors.

(b) In determining the type and amount of remedy, the Chief Counsel shall consider the following factors:

(1) The nature and circumstances of the violation;

(2) The extent and gravity of the violation ("extent of deviation from regulatory requirements");

(3) The revenue earned ("economic benefit") by providing the charter service;

(4) The operating budget of the recipient;

(5) Such other matters as justice may require; and

(6) Whether a recipient provided service described in a cease and desist order after issuance of such order by the Chief Counsel.

(c) The Chief Counsel office may mitigate the remedy when the recipient can document corrective action of alleged violation. The Chief Counsel's decision to mitigate a remedy shall be determined on the basis of how much corrective action was taken by the recipient and when it was taken. Systemic action to prevent future violations will be given greater consideration than action simply to remedy violations identified during

FTA's inspection or identified in a complaint.

(d) In the event the Chief Counsel finds a pattern of violations, the remedy ordered shall bar a recipient from receiving Federal transit assistance in an amount that the Chief Counsel considers appropriate.

(e) The Chief Counsel may make a decision to withhold Federal financial assistance in a lump sum or over a period of time not to exceed five years.

Subpart J—Appeal To Administrator and Final Agency Orders**§ 604.48 Appeal from Chief Counsel decision.**

(a) Each party adversely affected by the Chief Counsel's office decision may file an appeal with the Administrator within 21 days of the date of the Chief Counsel's issued his or her decision. Each party may file a reply to an appeal within 21 days after it is served on the party. Filing and service of appeals and replies shall be by personal delivery consistent with §§ 604.30 and 604.31.

(b) If an appeal is filed, the Administrator reviews the entire record and issues a final agency decision based on the record that either accepts, rejects, or modifies the Chief Counsel's decision within 30 days of the due date of the reply. If no appeal is filed, the Administrator may take review of the case on his or her own motion. If the Administrator finds that the respondent is not in compliance with this part, the final agency order shall include a statement of corrective action, if appropriate, and identify remedies.

(c) If no appeal is filed, and the Administrator does not take review of the decision by the office on the Administrator's own motion, the Chief Counsel's decision shall take effect as the final agency decision and order on the twenty-first day after the actual date the Chief Counsel's decision was issued.

(d) The failure to file an appeal is deemed a waiver of any rights to seek judicial review of the Chief Counsel's decision that becomes a final agency decision by operation of paragraph (c) of this section.

§ 604.49 Administrator's discretionary review of the Chief Counsel's decision.

(a) If the Administrator takes review on the Administrator's own motion, the Administrator shall issue a notice of review by the twenty-first day after the actual date of the Chief Counsel's decision that contains the specific findings of fact and conclusions of law in the decision subject to review by the Administrator.

(b) Parties may file one brief on review to the Administrator or rely on

their post-hearing briefs to the Chief Counsel's office. Briefs on review shall be filed not later than 10 days after service of the notice of review. Filing and service of briefs on review shall be by personal delivery consistent with §§ 604.30 and 604.31.

(c) The Administrator shall issue a final agency decision and order within 30 days of the due date of the briefs on review. If the Administrator finds that the respondent is not in compliance with this part, the final agency order shall include a statement of corrective action, if appropriate, and identify remedies.

(d) If the Administrator takes review on the Administrator's own motion, the decision of the Chief Counsel is stayed pending a final decision by the Administrator.

Subpart K—Judicial Review

§ 604.50 Judicial review of a final decision and order.

(a) A person may seek judicial review in an appropriate United States District Court of a final decision and order of the Administrator as provided in 5 U.S.C. 701–706. A party seeking judicial review of a final decision and order shall file a petition for review with the Court not later than 60 days after a final decision and order is effective.

(b) The following do not constitute final decisions and orders subject to judicial review:

(1) FTA's decision to dismiss a complaint as set forth in § 604.29;

(2) A recommended decision issued by a PO at the conclusion of a hearing; or

(3) A Chief Counsel decision that becomes the final decision of the Administrator because it was not appealed within the stated timeframes.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

[FR Doc. 2025–12141 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 605

[Docket No. FTA–2025–0004]

RIN 2132–AB53

School Bus Operations

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The Federal Transit Administration (FTA) is revising its regulations governing school bus operations to update outdated information and harmonize the regulation with current statutory language and existing practice.

DATES: This final rule is effective on July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Heather Ueyama, Office of Chief Counsel, (202) 366–7374 or heather.ueyama@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Purpose and Summary of Regulatory Action

This final rule amends FTA's regulations regarding school bus operations at 49 CFR part 605. On April 1, 1976, FTA (then the Urban Mass Transportation Administration) initially adopted the regulations at part 605 (41 FR 14127). The regulations implemented section 109(a) of the National Mass Transportation Assistance Act of 1974 (NMTAA) (Pub. L. 93–503) and section 164(b) of the Federal-Aid Highway Act of 1973 (Pub. L. 93–87). These provisions directed an applicant for Federal financial assistance for the construction or operation of facilities and equipment for use in providing public mass transportation service must agree not to engage in school bus operations, exclusively for the transportation of students and school personnel, in competition with private school bus operators, unless certain exceptions were met.

Since the regulations were first codified in 1976, the statute governing the prohibition on school bus service has been superseded by 49 U.S.C. 5323(f). However, FTA has not updated part 605 since it was initially adopted. Accordingly, FTA is revising part 605 to remove outdated provisions and bring the regulation into alignment with current statutes. These revisions will increase clarity for the public by removing obsolete language from the Code of Federal Regulations and reflect FTA's existing practice.

II. Section-by-Section Analysis

Authority Citations

FTA has revised the authority citations to reflect that the statute regarding school bus operations has been superseded by 49 U.S.C. 5323(f). FTA also revised other authority citations for accuracy.

Subpart A—General

Section 605.1 Purpose

FTA revised this section to remove and replace obsolete language. This section provided a lengthy discussion of section 109(a) of NMTAA and section 164(b) of the Federal Aid Highway Act of 1973, which have been superseded by 49 U.S.C. 5323(f). FTA replaced this with current statutory language at 49 U.S.C. 5323(f).

Section 605.2 Scope

FTA revised this section to align with the current governing statute at 49 U.S.C. 5323(f). The section now states that the regulations apply to all recipients of Federal financial assistance under 49 U.S.C. chapter 53 for a capital project, or to operate public transportation equipment or a public transportation facility.

605.3 Definitions

FTA has revised this section throughout to reflect that the Federal Mass Transit Act of 1964 been superseded by 49 U.S.C. chapter 53. FTA made minor, non-substantive revisions throughout the section for clarity.

In addition, FTA revised “mass transportation” and “mass transit” to “public transportation” throughout this section to remove outdated terminology. Similarly, it revised the term “grantee” to “recipient,” and replaced the term “applicant,” with “recipient” throughout the regulation. These are non-substantive changes that reflect existing law and FTA's existing practice. FTA made corresponding revisions throughout part 605 to reflect these terminology changes.

FTA removed several definitions from this section. It removed the definition for the term “Act,” as FTA has replaced all instances of this term throughout part 605 with relevant citations. It removed the terms “Grant contract,” and “Government,” as these terms are no longer used in the regulations and therefore are unnecessary. It removed the term “Agreement” because the meaning of this term is self-evident. It removed the term “urban area” because it is no longer used in 49 U.S.C. 5323(f).

FTA updated the definition of “incidental” to remove the reference to the Opinion of the Comptroller General from December 7, 1966. FTA included this reference as contextual information to explain how it adopted the definition pursuant to the opinion letter. However, the definition of “incidental” is found in numerous FTA Circulars, and readers can understand its meaning without referencing the letter. Furthermore, this

letter references outdated terminology that FTA seeks to revise in this action, such as “mass transportation,” and relies on the now-superseded Federal Mass Transit Act of 1964. It therefore is unnecessary and superfluous to cite this letter in the definition. FTA updated the term “reasonable rates” to clarify and simplify the definition.

605.4 Public Hearing Requirement

FTA is removing and reserving this section. This section reflected the requirement in section 3(d) of the Federal Mass Transit Act of 1964 that imposed a public hearing requirement on recipients to take public comment, for every application for federal assistance, on the economic, social, or environmental effects of their requested Federal financial assistance. This hearing requirement is obsolete and has been superseded by procedures under the National Environmental Policy Act (NEPA) and FTA’s planning requirements.

Subpart B—School Bus Agreements

605.10 Purpose

FTA is removing and reserving this section. The purpose of the subpart is self-evident, and it is unnecessary to include this section in the regulation.

605.11 Exemptions

FTA revised this section to align the list of exemptions with current statutory language in 49 U.S.C. 5323(f). It also deleted paragraph (c), as these grandfathering provisions are obsolete.

605.12 Use of Project Equipment

FTA made minor, non-substantive edits in this section for clarity and to update outdated terminology.

605.13 Tripper Service

FTA revised this section to cross-reference section 605.12. This edit will not change any existing requirements and will increase clarity for readers.

605.14 Agreement

FTA updated this section to reflect FTA’s current practice. The agreement FTA makes with recipients regarding school bus operations is executed via FTA’s annual Certifications and Assurances for Grants and Cooperative Agreements (Certifications and Assurances). Specifically, recipients must certify to Category 4 (Private Sector Protections) in the Certifications and Assurances. This change has no substantive impact on the status quo and merely conforms the regulation to existing requirements.

605.15 Content of Agreement

FTA is removing and reserving this section. As discussed above, FTA’s existing practice is to execute agreements with recipients regarding school bus operations through the annual Certifications and Assurances. The provisions in 605.15, which discuss requirements for agreements, are obsolete and do not reflect existing requirements. FTA does not rely on them and removing them from the regulation will have no substantive impact on the status quo.

605.16 Notice

FTA amended this section to remove outdated information and reflect existing practice. As noted above, FTA’s practice is for recipients to certify compliance with the school bus requirements through the annual Certifications and Assurances. They do not submit this information in their applications. Accordingly, FTA has removed the reference to the recipient’s application from this section and revised the term “statement” to “certification.” FTA also removed the word “urban” because this term is no longer used in the statute.

FTA has removed paragraph (a)(2) and (b)(3), as the requirement to publish a statement in a newspaper of general circulation originated in section 3(d) of the Federal Mass Transit Act of 1964, which is obsolete and no longer in effect. FTA made other minor revisions for clarity and to reflect the revised numbering structure of the section.

FTA added paragraph (a)(4), which states the required notice must include a statement that private school bus operators may file written comments on a recipient’s proposed or existing school bus operations. This reflects existing requirements and is not a change to the status quo.

605.17 Certification In Lieu of Notice

FTA edited this section to update outdated terminology and remove a reference to the recipient’s application. As discussed above, these edits conform the regulation to FTA’s existing practice, which is for recipients to make an agreement with FTA regarding school bus operations through the annual Certifications and Assurances. FTA also removed language regarding publishing notice in a newspaper of general circulation, as this reflects an obsolete provision from the Federal Mass Transit Act of 1964, which is no longer in effect. These edits do not impact existing requirements and merely harmonize the regulation with the status quo.

605.18 Comments by Private School Bus Operators

FTA is removing and reserving this section. FTA has moved the requirements regarding comments by private school bus operators to section 605.16. This aligns the regulation with current practice. Under current FTA practice, a recipient must inform school bus operators that they may file written comments on the recipient’s proposed or existing school bus operations via the notice required in section 605.16.

605.19 Approval of School Bus Operations

FTA is removing and reserving this section, as it is outdated and no longer reflects FTA’s existing practice.

Subpart C—Modification of Prior Agreements and Amendment of Applications for Assistance

Subpart C is removed and reserved due to sections 605.20 and 605.21 being removed.

605.20 Modification of Prior Agreements

FTA is removing this section, which discusses agreements that were in effect prior to the initial adoption of part 605 in 1976. These agreements are now handled through FTA’s Certification and Assurances. It therefore is unnecessary to retain this section in the regulation.

605.21 Amendment of Applications for Assistance

FTA is removing this section, which discussed applications upon which public hearings have been held pursuant to section 3(d) if the Federal Mass Transit Act of 1964. This statutory provision is obsolete and no longer in effect. Accordingly, FTA is deleting this section as outdated.

Subpart D—Complaint Procedures and Remedies

605.30 Filing a Complaint

FTA revised this section to reflect that the current governing statute is 49 U.S.C. 5323(f). It also made minor, non-substantive revisions for clarity.

605.31 Notification to the Respondent

FTA made minor, non-substantive revisions to this section for clarity and to update outdated terminology.

605.32 Accumulation of Evidentiary Material

FTA made minor, non-substantive revisions to this section for clarity.

605.33 Adjudication

FTA made minor, non-substantive edits to paragraph (b) for clarity.

605.34 Remedy Where There Has Been a Violation of the Agreement

FTA revised this section to reflect that the current governing statute is 49 U.S.C. 5323(f). It also made minor, non-substantive revisions for clarity and to update outdated terminology.

605.35 Judicial Review

FTA made minor, non-substantive revisions to this section to update outdated terminology.

Appendix A to Part 605

FTA is removing Appendix A to part 605 in its entirety. The appendix contained an Opinion of the Comptroller General from December 7, 1966. FTA included this document as contextual information to explain its reasoning for adopting the definition of “incidental” in section 605.3. The definition of “incidental” is provided in several recent FTA Circulars, and it is not necessary to include the opinion in the regulation for a reader to understand the definition. The opinion letter also is publicly available through the Government Accountability Office’s website, so it is unnecessary to reproduce it in part 605. Furthermore, this letter references outdated terminology that FTA seeks to revise in this action, such as “mass transportation,” and relies on the now-superseded Federal Mass Transit Act of 1964. Accordingly, FTA is removing the letter from the regulation as superfluous and unnecessary.

III. Good Cause for Dispensing With Notice and Comment and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)), an agency may dispense with notice and comment if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. Additionally, 5 U.S.C. 553(d) provides that an agency may waive the 30-day delayed effective date upon finding of good cause. This rule revises part 605 to remove outdated information regarding FTA’s requirements regarding school bus operations. These changes have no substantive impact on the status quo and merely bring the regulation up to date since it was last updated nearly fifty years ago. Furthermore, the statutory references underlying part 605 have been superseded by 49 U.S.C. 5323(f). Seeking comment on obsolete provisions is unnecessary, and FTA would not be able to make any

substantive changes in response to comments received on these provisions. For the same reasons, FTA finds that a delayed effective date is unnecessary. Accordingly, FTA finds good cause under 5 U.S.C. 553(b)(B) and (d)(3) to waive notice and opportunity for comment and a delayed effective date.

IV. Regulatory Analyses and Notices***Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)***

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”), as supplemented by E.O. 13563 (“Improving Regulation and Regulatory Review”), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. It also directs the Office of Management and Budget (OMB) to review significant regulatory actions, including regulations with annual economic effects of \$100 million or more. OMB has determined the rule is not significant within the meaning of E.O. 12866 and has not reviewed the rule under that order.

The rule removes outdated statutory references from FTA school bus operations regulations. Although the changes do not affect requirements for regulated entities, improving the accuracy of the references may reduce the time needed for regulated entities to understand the statutory requirements, resulting in minor cost savings.

Executive Order 14192 (Deregulatory Action)

E.O. 14192 (“Unleashing Prosperity Through Deregulation”) requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.” Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 25, 2025) defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This proposed rule, if finalized, is expected to have total costs less than zero, and therefore is expected to be an E.O. 14192 deregulatory action.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

FTA has determined that the rule will not have a significant effect on a substantial number of small entities. The rule removes outdated statutory references but does not change requirements for regulated entities.

Unfunded Mandates Reform Act of 1995

FTA has determined that this final rule does not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This final rule does not include a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in 1995 dollars (adjusted for inflation) in any one year.

Executive Order 13132 (Federalism Assessment)

E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132 and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States’ ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Paperwork Reduction Act

FTA has analyzed this rule under the Paperwork Reduction Act and it does not impose additional information collection requirements for the purposes of the Act above and beyond existing information collection clearances from OMB.

National Environmental Policy Act

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and

administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”), and it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** at 65 FR 19477 (April 11, 2000).

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this final rule with the Unified Agenda.

List of Subjects in 49 CFR Part 605

Administrative practice and procedure, Buses, Mass transportation.

■ In consideration of the foregoing, and under the authority of 49 U.S.C. 5323(f) and 5334, and the delegation of authority at 49 CFR 1.91, the Federal Transit Administration revises and

republishes 49 CFR part 605 to read as follows:

PART 605—SCHOOL BUS OPERATIONS

Subpart A—General

Sec.

605.1 Purpose.

605.2 Scope.

605.3 Definitions.

605.4 [Reserved]

Subpart B—School Bus Agreements

605.10 [Reserved]

605.11 Exemptions.

605.12 Use of project equipment.

605.13 Tripper service.

605.14 Agreement.

605.15 [Reserved]

605.16 Notice.

605.17 Certification in lieu of notice.

605.18–605.19 [Reserved]

Subpart C—[Reserved]

Subpart D—Complaint Procedures and Remedies

605.30 Filing a complaint.

605.31 Notification to the respondent.

605.32 Accumulation of evidentiary material.

605.33 Adjudication.

605.34 Remedy where there has been a violation of the agreement.

605.35 Judicial review.

Subpart E—Reporting and Records

605.40 Reports and information.

Authority: 49 U.S.C. 5323(f); 49 U.S.C. 5334; and 49 CFR 1.91.

Subpart A—General

§ 605.1 Purpose.

The purpose of this part is to prescribe policies and procedures to implement the prohibition in 49 U.S.C. 5323(f) regarding the provision of school bus transportation service that exclusively transports students and school personnel in competition with a private school bus operator.

§ 605.2 Scope.

These regulations apply to all recipients of Federal financial assistance under 49 U.S.C. chapter 53 for a capital project, or to operate public transportation equipment or a public transportation facility.

§ 605.3 Definitions.

(a) Except as otherwise provided, terms defined in 49 U.S.C. chapter 53 are used in this part as so defined.

(b) For purposes of this part—

Administrator means the Federal Transit Administrator or his or her designee.

Adequate transportation means transportation for students and school personnel which the Administrator

determines conforms to applicable safety laws; is on time; poses a minimum of discipline problems; is not subject to fluctuating rates; and is operated efficiently and in harmony with state educational goals and programs.

Assistance means Federal financial assistance for the purchase of buses and the construction or operation of facilities and equipment for use in providing public transportation services under 49 U.S.C. chapter 53, but does not include research, development and demonstration projects.

Incidental means the transportation of school students, personnel and equipment in charter bus operations during off peak hours which does not interfere with regularly scheduled service to the public.

Interested party means an individual, partnership, corporation, association, or public or private organization that has a financial interest which is adversely affected by the act or acts of a recipient with respect to school bus operations.

Reasonable Rates means rates found by the Administrator to be fair and equitable taking into consideration the conditions in the local surrounding area.

Recipient means a recipient of assistance under 49 U.S.C. chapter 53.

School bus operations means transportation by bus exclusively for school students, personnel and equipment in Type I and Type II school vehicles as defined in Highway Safety Program Guideline No. 17.

Tripper service means regularly scheduled public transportation service which is open to the public, and which is designed or modified to accommodate the needs of school students and personnel, using various fare collections or subsidy systems. Buses used in tripper service must be clearly marked as open to the public and may not carry designations such as “school bus” or “school special.” These buses may stop only at a recipient or operator’s regular service stop. All routes traveled by tripper buses must be within a recipient’s or operator’s regular route service as indicated in their published route schedules.

§ 605.4 [Reserved]

Subpart B—School Bus Agreements

§ 605.10 [Reserved]

§ 605.11 Exemptions.

A recipient may not engage in school bus operations in competition with private school bus operators unless it demonstrates to the satisfaction of the Administrator that:

(a) It operates a school system in the area to be served and also operates a separate and exclusive school bus program for that school system; and

(b) Private school bus operators are unable to provide adequate transportation that complies with applicable safety standards at reasonable rates.

§ 605.12 Use of project equipment.

No recipient or operator of project equipment shall engage in school bus operations using buses, facilities or equipment funded under 49 U.S.C. chapter 53. A recipient or operator may, however, use such buses, facilities and equipment for the transportation of school students, personnel and equipment in incidental charter bus operations. Such use of project equipment is subject to part 604 of this title.

§ 605.13 Tripper service.

The prohibition in § 605.12 shall not apply to tripper service.

§ 605.14 Agreement.

Except as provided in § 605.11, no assistance shall be provided under 49 U.S.C. chapter 53 unless the recipient has executed the Private Sector Protections category of the current annual Certifications and Assurances confirming that the recipient will not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators.

§ 605.15 [Reserved]

§ 605.16 Notice.

(a) Each recipient who engages or wishes to engage in school bus operations shall include a certification that it has provided written notice to all private school bus operators operating in the area to be served of its application for assistance and its proposed or existing school bus operations.

(b) The notice required by paragraph (a) of this section shall include the following information:

(1) A description of the area to be served by the recipient.

(2) An estimation of the number of each type of bus which will be employed on the proposed school bus operations, and the number of weekdays those buses will be available for school bus operations.

(3) A statement setting forth reasons the recipient feels it should be allowed to engage in school bus operations under § 605.11.

(4) A statement that private school bus operators may file written

comments on a recipient's proposed or existing school bus operations.

(c) Copies of the application for assistance and notice required by paragraph (a) shall be available for inspection during the regular business hours at the office of the recipient.

§ 605.17 Certification in lieu of notice.

If there are no private school bus operators operating in the recipient's service area, the recipient may so certify in lieu of meeting the requirements of § 605.16.

§ § 605.18–605.19 [Reserved]

Subpart C—[Reserved]

Subpart D—Complaint Procedures and Remedies

§ 605.30 Filing a complaint.

Any interested party may file a complaint with the Administrator alleging a violation of 49 U.S.C. 5323(f) or the terms of an agreement under § 605.14 (“Complaint”). A complaint must be in writing, must specify in detail the action claimed to violate the agreement, and must be accompanied by sufficient evidence to enable the Administrator to make a preliminary determination as to whether there is probable cause that a violation has taken place.

§ 605.31 Notification to the respondent.

On receipt of any complaint under § 605.30, or on the Administrator's own motion if at any time he or she shall have reason to believe that a violation may have occurred, the Administrator will provide written notification to the recipient (“Respondent”) that a violation has probably occurred. The Administrator will inform the respondent of the conduct which constitutes a probable violation of the agreement.

§ 605.32 Accumulation of evidentiary material.

The Administrator will allow the respondent not more than 30 days to show cause, by submission of evidence, why no violation occurred. A like period shall be allowed to the complainant, if any, during which the complainant may submit evidence to rebut the evidence offered by the respondent. The Administrator may undertake such further investigation, as deemed necessary, including the holding of an evidentiary hearing or hearings.

§ 605.33 Adjudication.

(a) After reviewing the results of such investigation, including hearing

transcripts, if any, and all evidence submitted by the parties, the Administrator will make a written determination as to whether the respondent has engaged in school bus operations in violation of the terms of the agreement.

(b) If the Administrator determines that there has been a violation of the agreement, the Administrator will order remedial measures as deemed appropriate.

(c) The determination by the Administrator will include an analysis and explanation of his or her findings.

§ 605.34 Remedy where there has been a violation of the agreement.

If the Administrator determines, pursuant to this subpart, that there has been a violation of the terms of the agreement or 49 U.S.C. 5323(f)(2), he or she may bar a recipient or operator from the receipt of further financial assistance for public transportation.

§ 605.35 Judicial review.

The determination of the Administrator pursuant to this subpart shall be final and conclusive on all parties, but shall be subject to judicial review pursuant to 5 U.S.C. 701–706.

Subpart E—Reporting and Records

§ 605.40 Reports and information.

The Administrator may order any recipient or operator for the recipient, to file special or separate reports setting forth information relating to any transportation service rendered by such recipient or operator, in addition to any other reports required by this part.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

[FR Doc. 2025–12142 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 609

[Docket No. FTA–2025–0005]

RIN 2132–AB54

Transportation for Elderly and Handicapped Persons

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rulemaking rescinds the FTA regulation on Transportation for

Elderly and Handicapped Persons, as FTA finds that the regulation is obsolete and unnecessary.

DATES: This final rule is effective on July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Heather Ueyama, Office of Chief Counsel, (202) 366-7374 or heather.ueyama@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion of the Changes

FTA initially adopted part 609 in 1976 to establish regulatory requirements for transportation for the elderly and persons with disabilities (41 FR 18239). This regulation implemented section 5(m) of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503). It included various requirements regarding transportation planning in urbanized areas, transportation planning in nonurbanized areas, accessible transportation facilities, and accessible vehicles.

In 1996, FTA amended Part 609 to remove most of the regulation's substantive provisions. These provisions were superseded by the Department of Transportation's regulations implementing the Americans with Disabilities Act of 1990 (49 CFR parts 37 and 38) and the joint Federal Highway Administration/FTA Statewide and Metropolitan Planning regulations (49 CFR part 613 and 23 CFR part 450). As a result of the 1996 rulemaking, the only substantive requirement remaining in part 609 was to direct recipients of FTA funding under 49 U.S.C. 5307 to certify that they will ensure a reduced fare is charged for seniors and individuals with disabilities (§ 609.23). This requirement is codified in statute at 49 U.S.C. 5307(c)(1)(D) and is self-executing. It therefore is unnecessary for FTA to codify the requirement in the Code of Federal Regulations (CFR).

Moreover, several reauthorizations have amended FTA's authorizing statute since the 1996 rulemaking, rendering much of the language in part 609 obsolete. Notably, the statute no longer uses the term "elderly and handicapped persons," which is the only defined term in the regulation's definitions section. Similarly, this renders the corresponding guidance in Appendix A regarding the term "elderly and handicapped persons" obsolete. Appendix A reproduced several Questions and Answers from FTA Circular 9060.1 (April 20, 1978), which

has since been rescinded and is longer in effect.

Given that the regulation is largely obsolete, and the reduced fare provision is the regulation's only substantive requirement, FTA finds that the regulation no longer has any utility and should be rescinded. This action will reduce regulatory burden by eliminating outdated and unnecessary provisions from the CFR.

II. Good Cause for Dispensing With Notice and Comment and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)), an agency may waive the normal notice and comment procedure if it finds, for good cause, that it is impracticable, unnecessary, or contrary to the public interest. Additionally, 5 U.S.C. 553(d) provides that an agency may waive the 30-day delayed effective date upon finding of good cause. As noted above, the only substantive provision in part 609 sets forth the requirement for certain FTA recipients to certify that they will ensure a reduced fare is charged for seniors and individuals with disabilities. This requirement already is codified in 49 U.S.C. 5307(c)(1)(D), which is a self-effectuating statutory provision. It therefore is unnecessary for FTA to codify this provision in the CFR. Furthermore, the language in the regulation, including Appendix A, is outdated. Rescinding the regulation will have no substantive legal effect or impact on the status quo.

Accordingly, FTA finds good cause that notice and comment for this rule is unnecessary due to the nature of the revisions (*i.e.*, the rule will have no substantive impact on FTA requirements or eligibility for FTA funding). For the same reasons, FTA finds that the delayed effective date is unnecessary. Accordingly, FTA finds good cause under 5 U.S.C. 553(b)(3)(B) and (d)(3) to waive notice and opportunity for comment and the delayed effective date.

III. Regulatory Analyses and Notices

A. Executive Orders 12866 and 13563 (Regulatory Review)

E.O. 12866 ("Regulatory Planning and Review"), as supplemented by E.O. 13563 ("Improving Regulation and Regulatory Review"), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible, and to consider economic, environmental, and distributional effects. This action does not meet the criteria of a "significant

regulatory action." Therefore, the Office of Management and Budget (OMB) has not reviewed this action.

This final rule would remove obsolete and unnecessary language from the CFR. FTA does not expect that any regulated entities will change their behavior as a result of this rule, and therefore the rule is not likely to result in any impacts to regulated entities other than removing language from the CFR. It could result in some cost savings by reducing the amount of time to become familiar with FTA's regulations. FTA assumes any realized cost savings will be de minimis. FTA does not have data to estimate the reduction in costs that will result from this final rule.

B. Executive Order 14192 (Deregulatory Action)

E.O. 14192 ("Unleashing Prosperity Through Deregulation") requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination." Implementation guidance for E.O. 14192, issued by the Office of Management and Budget (OMB) (Memorandum M-25-20, March 26, 2025), defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero." This final rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, 110 Stat. 857), FTA is not required to prepare a regulatory flexibility analysis under 5 U.S.C. 604(a) for this final rule because FTA is not required to issue a notice of proposed rulemaking prior to this action.

D. Unfunded Mandates Reform Act of 1995

FTA has determined that this rule would not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule does not include a Federal mandate that may result in expenditures of \$100 million or more in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector.

E. Executive Order 13132 (Federalism Assessment)

E.O. 13132 ("Federalism") requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory

policies that may have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132, and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

*F. Executive Order 12372
(Intergovernmental Review)*

The regulations implementing E.O. 12372 ("Intergovernmental Review of Federal Programs") regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

G. Paperwork Reduction Act

FTA has analyzed this rule under the Paperwork Reduction Act and it does not impose additional information collection requirements for the purposes of the Act above and beyond existing information collection clearances from OMB.

H. National Environmental Policy Act

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), "[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives." This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

I. Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 ("Consultation and Coordination with Indian Tribal Governments"), and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

J. Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"). FTA has determined that this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

K. Regulation Identifier Number (RIN)

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this rule with the Unified Agenda.

List of Subjects in 49 CFR Part 609

Aged, Buses, Civil rights, Individuals with disabilities, Mass transportation.

PART 609—[REMOVED AND RESERVED]

■ In consideration of the foregoing, FTA removes and reserves 49 CFR part 609.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 611

[Docket No. FTA–2025–0006]

RIN 2132–AB55

Major Capital Investment Projects

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rulemaking revises FTA's major capital investment projects regulation to remove Appendix A, which provided outdated descriptions of the measures used for the evaluation of Capital Investment Grant (CIG) projects. This rulemaking also adopts minor conforming changes to reflect the removal of the Appendix.

DATES: This final rule is effective on July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background and Discussion of the Changes

Section 5309 of title 49, United States Code, outlines a multi-year, multi-step process for projects to be eligible for and receive discretionary CIG funding. FTA implements the CIG project evaluation and rating process through both 49 CFR part 611 (pursuant to 49 U.S.C. 5309(g)(6)) and the CIG Policy Guidance (pursuant to 49 U.S.C. 5309(g)(5)). Notably, Appendix A to 49 CFR part 611 and the CIG Policy Guidance both include detailed descriptions of the project justification and local financial commitment measures FTA uses for the evaluation and rating of CIG projects.

In accordance with 49 U.S.C. 5309(g)(5), FTA must update the CIG Policy Guidance each time it makes significant changes to the CIG process and criteria, but not less frequently than once every two years. FTA follows notice and comment rulemaking procedures pursuant to 49 U.S.C. 5334(k) when an update to the CIG Policy Guidance imposes a "binding obligation," as defined by 49 U.S.C. 5334(k)(2). Interested parties therefore have an opportunity to comment when FTA makes such changes to CIG Policy Guidance.

As a result, FTA updates the CIG Policy Guidance much more frequently than it updates 49 CFR part 611. Most recently, FTA updated part 611 in January 2013 (78 FR 2031) and the CIG Policy Guidance in December 2024 (89 FR 102248). This quickly renders the descriptions of the evaluation measures in Appendix A out of date.

Accordingly, FTA has determined it is appropriate to remove Appendix A from the regulation. The regulation contemplates the CIG Policy Guidance, not the Appendix, will serve as the most up-to-date source of information about the evaluation measures by noting that FTA may update the measures in the future through the CIG Policy Guidance (See, e.g., 49 CFR 601.203(a)(2) and 601.205(g)). FTA and project sponsors therefore rely on the CIG Policy Guidance for the definitive description of CIG project evaluation measures. The Appendix is superfluous and contains obsolete information, which risks causing confusion for project sponsors and the public. Removing it will conform the regulation to FTA's current practice and will have no substantive

effect on FTA's evaluation and rating of CIG projects.

This rulemaking also adopts minor conforming changes to the regulation to reflect the removal of Appendix A. The Definitions section has been revised at 49 CFR 611.105 to remove the following terms that are no longer used in the regulation: "Current year," "Horizon year," "Locally preferred alternative," "Major capital transit investment," "Secretary," and "Small Starts project development." In addition, FTA has removed references to Appendix A from 49 CFR 611.203(a)(2) and 611.303(a)(2). These changes are non-substantive.

FTA has also removed outdated cross references from 49 CFR 611.201(a)(2) and 611.301(a)(2). FTA notes there have been multiple reauthorizations that amended 49 U.S.C. 5309 since FTA last updated 49 CFR part 611 in 2013. FTA intends to update part 611 in the future to incorporate these statutory changes.

II. Good Cause for Dispensing With Notice and Comment and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)), an agency may dispense with notice and comment if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. Additionally, 5 U.S.C. 553(d) provides that an agency may waive the 30-day delayed effective date upon finding of good cause. As noted above, removal of Appendix A will have no substantive effect on FTA's evaluation and rating of CIG projects. The CIG Policy Guidance is the definitive document FTA and regulated entities consult for a detailed description of the CIG evaluation measures. Removal of the Appendix therefore will have no impact on FTA's current practice or on CIG projects. Moreover, removal of the references to Appendix A and related definitions in 49 CFR part 611 are non-substantive conforming changes.

Accordingly, FTA finds good cause that notice and comment for this rule is unnecessary due to the nature of the revisions (*i.e.*, the rule will have no substantive impact on FTA's evaluation and rating of CIG projects). For the same reasons, FTA finds that the delayed effective date is unnecessary. Accordingly, FTA finds good cause under 5 U.S.C. 553(b)(B) and (d)(3) to waive notice and opportunity for comment and the delayed effective date.

III. Regulatory Analyses and Notices

A. Executive Order 12866 and 13563 (Regulatory Review)

E.O. 12866 ("Regulatory Planning and Review"), as supplemented by E.O. 13563 ("Improving Regulation and Regulatory Review"), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. It also directs the Office of Management and Budget (OMB) to review significant regulatory actions, including regulations with annual economic effects of \$100 million or more. OMB has determined the rule is not significant within the meaning of Executive Order 12866 and has not reviewed the rule under that order.

The rule removes an appendix from the Major Capital Investment Projects regulation that has outdated information. Although the change does not affect requirements for regulated entities, improving the clarity and accuracy of the regulation could reduce the time needed for regulated entities to understand the requirements of the regulation. Accordingly, this rule will have cost savings that are small and not quantifiable or de minimis.

B. Executive Order 14192 (Deregulatory Action)

E.O. 14192 ("Unleashing Prosperity Through Deregulation") requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."

Implementation guidance for E.O. 14192, issued by the Office of Management and Budget (OMB) (Memorandum M-25-20, March 26, 2025), defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero." This final rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

FTA has determined the rule will not have a significant effect on a substantial number of small entities. The rule removes an outdated appendix from the Major Capital Investment Projects regulation but does not change requirements for regulated entities. The rule may result in minor and

unquantified time and cost savings for small entities by improving the accuracy of the information provided and reducing the time needed to understand the regulation.

D. Unfunded Mandates Reform Act of 1995

FTA has determined this rule would not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule does not include a Federal mandate that may result in expenditures of \$100 million or more in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector. Furthermore, the definition of "Federal mandate" in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal government. The Federal Transit Act permits this type of flexibility.

E. Executive Order 13132 (Federalism Assessment)

E.O. 13132 ("Federalism") requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132 dated August 4, 1999, and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

F. Executive Order 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 ("Intergovernmental Review of Federal Programs") regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

G. Paperwork Reduction Act

Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. FTA has

analyzed this rule under the Paperwork Reduction Act and believes it does not impose additional information collection requirements for the purposes of the Act above and beyond existing information collection clearances from OMB.

H. National Environmental Policy Act

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

I. Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”), and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

J. Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”). FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

K. Regulation Identifier Number (RIN)

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this rule with the Unified Agenda.

List of Subjects in 49 CFR Part 611

Government contracts, Grant programs—transportation, Mass transportation.

■ In consideration of the foregoing, and under the authority of 49 U.S.C. 5309(g)(6) and 5334(a)(11), and the delegations of authority at 49 CFR 1.91, the Federal Transit Administration revises and republishes part 611 to read as follows:

PART 611—MAJOR CAPITAL INVESTMENT PROJECTS

Subpart A General Provisions

Sec.

- 611.101 Purpose and contents.
- 611.103 Applicability.
- 611.105 Definitions.
- 611.107 Relation to the planning processes.

Subpart B New Starts

- 611.201 New Starts eligibility.
- 611.203 New Starts project justification criteria.
- 611.205 New Starts local financial commitment criteria.
- 611.207 Overall New Starts project ratings.
- 611.209 [Reserved]
- 611.211 New Starts Before and After study.

Subpart C Small Starts

- 611.301 Small Starts eligibility.
- 611.303 Small Starts project justification criteria.
- 611.305 Small Starts local financial commitment criteria.
- 611.307 Overall Small Starts project ratings.
- 611.309 [Reserved]

Authority: 49 U.S.C. 5309(g)(6) and 5334(a)(11); 49 CFR 1.91.

Subpart A—General Provisions

§ 611.101 Purpose and contents.

(a) This part prescribes the process that applicants must follow to be considered eligible for fixed guideway capital investment grants for a new fixed guideway, an extension to a fixed guideway, or a corridor-based bus rapid transit system (known as New Starts and Small Starts). Also, this part prescribes the procedures used by FTA to evaluate and rate proposed New Starts projects as required by 49 U.S.C. 5309(d) and Small Starts projects as required by 49 U.S.C. 5309(h).

(b) This part defines how the results of the evaluation described in paragraph (a) of this section will be used to:

- (1) Rate projects as “high,” “medium-high,” “medium,” “medium-low” or “low” as required by 49 U.S.C. 5309(g)(2)(A) and 49 U.S.C. 5309(h)(6);
- (2) Assign individual ratings for each of the project justification criteria specified in 49 U.S.C. 5309(d)(2)(B) and 49 U.S.C. 5309(h)(6);

(3) Determine project eligibility for Federal funding commitments, in the form of full funding grant agreements (FFGA) for New Starts projects and expedited grant agreements (EGA) for Small Starts projects; and

(4) Support funding recommendations for the New Starts and Small Starts programs for the President’s annual budget request.

(c) The information collected and ratings developed under this part will form the basis for the *Annual Report on Funding Recommendations*, required by 49 U.S.C. 5309(o)(1).

§ 611.103 Applicability.

(a) This part applies to all proposals for Federal major capital investment funds under 49 U.S.C. 5309 for new fixed guideways, extensions to fixed guideways, and corridor-based bus rapid transit systems.

(b) This part does not apply to projects for which an FFGA or PCGA has already been executed, or to projects that have been approved into final design or project development unless the project sponsor requests to be covered by this part. The regulations in existence prior to the effective date of this rule will continue to apply to projects for which an FFGA or PCGA has already been executed and to projects approved into final design or project development unless a project sponsor requests to be covered by this part. New Starts projects approved for entry into final design shall be considered to be in the engineering phase of the New Starts process.

(c) A New Starts project which has been approved for entry into preliminary engineering under the regulations in existence prior to the effective date of this rule shall be considered to be in the engineering phase of the New Starts process. For the purpose of completing engineering, the regulations in existence prior to the effective date of this rule will continue to apply to a New Starts project approved into preliminary engineering until such time as the sponsor requests an FFGA unless the project sponsor requests to be covered by this part prior to an FFGA.

§ 611.105 Definitions.

The definitions established by titles 12 and 49 of the United States Code, the Council on Environmental Quality’s regulation at 40 CFR parts 1500 through 1508, and FHWA–FTA regulations at 23 CFR parts 450 and 771 are applicable. In addition, the following definitions apply:

Corridor-based bus rapid transit project means a bus capital project

where the project represents a substantial investment in a defined corridor as demonstrated by features such as park-and-ride lots, transit stations, bus arrival and departure signage, intelligent transportation systems technology, traffic signal priority, off-board fare collection, advanced bus technology, and other features that support the long-term corridor investment.

Early system work agreement means a contract, pursuant to the requirements in 49 U.S.C. 5309(k)(3), that allows some construction work and other clearly defined elements of a project to proceed prior to execution of a full funding grant agreement (FFGA). It typically includes a limited scope of work that is less than the full project scope of work and specifies the amount of New Starts funds that will be provided for the defined scope of work included in the agreement.

EGA means an expedited grant agreement.

Engineering is a phase of development for New Starts projects during which the scope of the proposed project is finalized; estimates of project cost, benefits, and impacts are refined; project management plans and fleet management plans are developed; and final construction plans (including final construction management plans), detailed specifications, final construction cost estimates, and bid documents are prepared. During engineering, project sponsors must obtain commitments of all non-New Starts funding.

ESWA means early system work agreement.

Extension to fixed guideway means a project to extend an existing fixed guideway or planned fixed guideway.

FFGA means a full funding grant agreement.

Fixed guideway means a public transportation facility that uses and occupies a separate right-of-way or rail line for the exclusive use of public transportation and other high occupancy vehicles, or uses a fixed catenary system and a right of way usable by other forms of transportation. This includes, but is not limited to, rapid rail, light rail, commuter rail, automated guideway transit, people movers, ferry boat service, and fixed-guideway facilities for buses (such as bus rapid transit) and other high occupancy vehicles. A new fixed guideway means a newly-constructed fixed guideway in a corridor or alignment where no such guideway exists.

FTA means the Federal Transit Administration.

Full funding grant agreement means a contract that defines the scope of a New Starts project, the amount of New Starts funds that will be contributed, and other terms and conditions.

Long-range transportation plan means a financially constrained long-range plan, developed pursuant to 23 CFR part 450, that includes sufficient financial information for demonstrating that projects can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the Federally supported transportation system is being adequately operated and maintained. For metropolitan planning areas, this would be the metropolitan transportation plan and for other areas, this would be the long-range statewide transportation plan. In areas classified by the Environmental Protection Agency as “nonattainment” or “maintenance” of air quality standards, the long-range transportation plan must have been found by DOT to be in conformity with the applicable State Implementation Plan.

NEPA process means those procedures necessary to meet the requirements of the National Environmental Policy Act of 1969 (NEPA), as amended, at 23 CFR part 771; the NEPA process is completed when the project receives a categorical exclusion, a Finding of No Significant Impact (FONSI) or a Record of Decision (ROD).

New Starts means a new fixed guideway project, or a project that is an extension to an existing fixed guideway, that has a total capital cost of \$250,000,000 or more for which the project sponsor is requesting \$75,000,000 or more in New Starts funding.

New Starts funds mean funds granted by FTA for a New Starts project pursuant to 49 U.S.C. 5309(d).

No-build alternative means an alternative that includes only the current transportation system as well as the transportation investments committed in the Transportation Improvement Plan (TIP) (when the horizon year is 10 years in the future) or the fiscally constrained long-range transportation plan (when the horizon year is 20 years in the future) required by 23 CFR part 450.

Small Starts means a new fixed guideway project, a project that is an extension to an existing fixed guideway, or a corridor-based bus rapid transit system project, with a total capital cost of less than \$250,000,000 and for which the project sponsor is requesting less than \$75,000,000 in Small Starts funding.

Small Starts funds mean funds granted by FTA for a Small Starts project pursuant to 49 U.S.C. 5309(h).

§ 611.107 Relation to the planning processes.

All New Starts and Small Starts projects proposed for funding assistance under this part must emerge from the metropolitan and Statewide planning process, consistent with 23 CFR part 450, and be included in the fiscally constrained long-range transportation plan required under 23 CFR part 450.

Subpart B—New Starts

§ 611.201 New Starts eligibility.

(a) To be eligible for an engineering grant under this part for a new fixed guideway or an extension to a fixed guideway, a project must:

(1) Be a New Starts project as defined in § 611.105; and

(2) Be approved into engineering by FTA.

(b) To be eligible for a construction grant under 49 U.S.C. 5309 for a new fixed guideway or extension to a fixed guideway, a project must:

(1) Be a New Starts project as defined in § 611.105;

(2) Have completed engineering;

(3) Receive a “medium” or better rating on project justification pursuant to § 611.203;

(4) Receive a “medium” or better rating on local financial commitment pursuant to § 611.205; and

(5) Meet the other requirements of 49 U.S.C. 5309.

§ 611.203 New Starts project justification criteria.

(a) To perform the statutorily required evaluations and assign ratings for project justification, FTA will evaluate information developed locally through the planning and NEPA processes.

(1) The method used by FTA to evaluate and rate projects will be a multiple measure approach by which the merits of candidate projects will be evaluated in terms of each of the criteria specified by this section.

(2) The measures for these criteria are specified in policy guidance. This policy guidance, which is subject to a public comment period, is issued periodically by FTA whenever significant changes to the process are proposed, but not less frequently than every two years, as required by 49 U.S.C. 5309(g)(5).

(3) The measures will be applied to projects defined by project sponsors that are proposed to FTA for New Starts funding.

(4) The ratings for each of the criteria in § 611.203(b)(1) through (6) will be

expressed in terms of descriptive indicators, as follows: “high,” “medium-high,” “medium,” “medium-low,” or “low.”

(b) The project justification criteria are as follows:

- (1) Mobility improvements.
- (2) Environmental benefits.
- (3) Congestion relief.
- (4) Economic development effects.
- (5) Cost-effectiveness, as measured by cost per rider.

(6) Existing land use.

(c) In evaluating proposed New Starts projects under these project justification criteria:

(1) As a candidate project proceeds through engineering, a greater level of commitment will be expected with respect to transit supportive plans and policies evaluated under the economic development criterion and the project sponsor's technical capacity to implement the project.

(2) For any criteria under paragraph (b) of this section that use incremental measures, the point for comparison will be the no-build alternative.

(d) FTA may amend the measures for these project justification criteria. Any such amendment will be included in policy guidance and subject to a public comment process.

(e) From time to time FTA may publish through policy guidance standards based on characteristics of projects and/or corridors to be served. If a proposed project can meet the established standards, FTA may assign an automatic rating on one or more of the project justification criteria outlined in this section.

(f) The individual ratings for each of the criteria described in this section will be combined into a summary project justification rating of “high,” “medium-high,” “medium,” “medium-low,” or “low,” through a process that gives comparable, but not necessarily equal, weight to each criterion. The process by which the project justification rating will be developed, including the assigned weights, will be described in policy guidance.

§ 611.205 New Starts local financial commitment criteria.

In order to approve a grant under 49 U.S.C. 5309 for a New Starts project, FTA must find that the proposed project is supported by an acceptable degree of local financial commitment, as required by 49 U.S.C. 5309(d)(4)(iv). The local financial commitment to a proposed project will be evaluated according to the following measures:

(a) The proposed share of the project's capital costs to be funded from sources other than New Starts funds, including

both the non-New Starts match required by Federal law and any additional state, local or other Federal capital funding (also known as “overmatch”);

(b) The current capital and operating financial condition of the project sponsor;

(c) The commitment of capital and operating funds for the project and the entire transit system including consideration of private contributions; and

(d) The accuracy and reliability of the capital and operating costs and revenue estimates and the financial capacity of the project sponsor.

(e) From time to time FTA may publish through policy guidance standards based on characteristics of projects and/or corridors to be served. If a proposed project can meet the established standards, FTA may assign an automatic rating on one or more of the local financial commitment criteria outlined in this section.

(f) As a candidate project proceeds through engineering, a greater level of local financial commitment will be expected.

(g) FTA may amend the measures for these local financial commitment criteria. Any such amendment will be included in policy guidance and subject to a public comment process.

(h) For each proposed project, ratings for paragraphs (a) through (d) of this section will be reported in terms of descriptive indicators, as follows: “high,” “medium-high,” “medium,” “medium-low,” or “low.” For paragraph (a) of this section, the percentage of New Starts funding sought from 49 U.S.C. 5309 will be rated and used to develop the summary local financial commitment rating, but only if it improves the rating and not if it worsens the rating.

(i) The ratings for each measure described in this section will be combined into a summary local financial commitment rating of “high,” “medium-high,” “medium,” “medium-low,” or “low.” The process by which the summary local financial commitment rating will be developed, including the assigned weights to each of the measures, will be described in policy guidance.

§ 611.207 Overall New Starts project ratings.

(a) [Reserved]

(b) FTA will assign overall project ratings to each proposed project of “high,” “medium-high,” “medium,” “medium-low,” or “low” as required by 49 U.S.C. 5309(g)(2)(A).

(1) These ratings will indicate the overall merit of a proposed New Starts project at the time of evaluation.

(2) Ratings for individual projects will be developed upon entry into engineering and prior to an FFCA. Additionally, ratings may be updated while a project is in engineering if the project scope and cost have changed materially since the most recent rating was assigned.

(c) These ratings will be used to:

(1) Approve or deny advancement of a proposed project into engineering;

(2) Approve or deny projects for ESWAs and FFCA; and

(3) Support annual funding recommendations to Congress in the *Annual Report on Funding Recommendations* required by 49 U.S.C. 5309(o)(1).

(d) [Reserved]

§ 611.209 [Reserved]

§ 611.211 New Starts Before and After study.

(a) During engineering, project sponsors shall submit to FTA a plan for collection and analysis of information to identify the characteristics, costs, and impacts of the New Starts project and the accuracy of the forecasts prepared during development of the project.

(1) The Before and After study plan shall consider:

(i) Characteristics including the physical scope of the project, the service provided by the project, any other changes in service provided by the transit system, and the schedule of transit fares;

(ii) Costs including the capital costs of the project and the operating and maintenance costs of the transit system in appropriate detail; and

(iii) Impacts including changes in transit service quality, ridership, and fare levels.

(2) The plan shall provide for:

(i) Documentation and preservation of the predicted scope, service levels, capital costs, operating costs, and ridership of the project;

(ii) Collection of “before” data on the transit service levels and ridership patterns of the current transit system including origins and destinations, access modes, trip purposes, and rider characteristics;

(iii) Documentation of the actual capital costs of the as-built project;

(iv) Collection of “after” data two years after opening of the project, including the analogous information on transit service levels and ridership patterns, plus information on operating costs of the transit system in appropriate detail;

(v) Analysis of the costs and impacts of the project; and

(vi) Analysis of the consistency of the predicted and actual characteristics, costs, and impacts of the project and identification of the sources of any differences.

(vii) Preparation of a final report within three years of project opening to present the actual characteristics, costs, and impacts of the project and an assessment of the accuracy of the predictions of these outcomes.

(3) For funding purposes, preparation of the plan for collection and analysis of data is an eligible part of the proposed project.

(b) The FFGA will require implementation of the plan prepared in accordance with paragraph (a) of this section.

(1) Satisfactory progress on implementation of the plan required under paragraph (a) of this section shall be a prerequisite to approval of an FFGA.

(2) For funding purposes, collection of the “before” data, collection of the “after” data, and the development and reporting of findings are eligible parts of the proposed project.

(3) FTA may condition receipt of funding provided for the project in the FFGA upon satisfactory submission of the report required under this section.

Subpart C—Small Starts

§ 611.301 Small Starts eligibility.

(a) To be eligible for a project development grant under this part for a new fixed guideway, an extension to a fixed guideway, or a corridor-based bus rapid transit system, a project must:

(1) Be a Small Starts project as defined in § 611.105; and

(2) Be approved into project development by FTA.

(b) To be eligible for a construction grant under this part for a new fixed guideway, an extension to a fixed guideway, or a corridor-based bus rapid transit system, a project must:

(1) Be a Small Starts project as defined in § 611.105;

(2) Receive a “medium” or better rating on project justification pursuant to § 611.303;

(3) Receive a “medium” or better rating on local financial commitment pursuant to Sec. 611.305; and

(4) Meet the other requirements of 49 U.S.C. 5309.

§ 611.303 Small Starts project justification criteria.

(a) To perform the statutorily required evaluations and assign ratings for project justification, FTA will evaluate

information developed locally through the planning, NEPA and project development processes.

(1) The method used by FTA to evaluate and rate projects will be a multiple measure approach by which the merits of candidate projects will be evaluated in terms of each of the criteria specified by this section.

(2) The measures for these criteria are specified in policy guidance. This policy guidance, which is subject to a public comment period, is issued periodically by FTA whenever significant changes are proposed, but not less frequently than every two years, as required by 49 U.S.C. 5309(g)(5).

(3) The measures will be applied to projects defined by project sponsors that are proposed to FTA for Small Starts funding.

(4) The ratings for each of the criteria in § 611.303(b)(1) through (6) will be expressed in terms of descriptive indicators, as follows: “high,” “medium-high,” “medium,” “medium-low,” or “low.”

(b) The project justification criteria are as follows:

(1) Cost-effectiveness, as measured by cost per rider.

(2) Economic development effects.

(3) Existing land use.

(4) Mobility improvements.

(5) Environmental benefits.

(6) Congestion relief.

(c) In evaluating proposed Small Starts projects under these criteria:

(1) As a candidate project proceeds through project development, a greater level of commitment will be expected with respect to transit supportive land use plans and policies and the project sponsor’s technical capacity to implement the project.

(2) For any criteria under paragraph (b) of this section that use incremental measures, the point for comparison will be the no-build alternative.

(d) FTA may amend the measures for these project justification criteria. Any such amendment will be included in policy guidance and subject to a public comment process.

(e) From time to time FTA may publish through policy guidance standards based on characteristics of projects and/or corridors to be served. If a proposed project can meet the established standards, FTA may assign an automatic rating on one or more of the project justification criteria outlined in this section.

(f) The individual ratings for each of the criteria described in this section will be combined into a summary project justification rating of “high,” “medium-high,” “medium,” “medium-low,” or “low” through a process that gives

comparable, but not necessarily equal, weight to each criterion. The process by which the project justification rating will be developed, including the assigned weights, will be described in policy guidance.

§ 611.305 Small Starts local financial commitment criteria.

In order to approve a grant under 49 U.S.C. 5309 for a Small Starts project, FTA must find that the proposed project is supported by an acceptable degree of local financial commitment, as required by 49 U.S.C. 5309(h)(3)(c). The local financial commitment to a proposed project will be evaluated according to the following measures:

(a) The proposed share of the project’s capital costs to be funded from sources other than Small Starts funds, including both the non-Small Starts match required by Federal law and any additional state, local, or other Federal capital funding (known as “overmatch”);

(b) The current capital and operating financial condition of the project sponsor;

(c) The commitment of capital and operating funds for the project and the entire transit system including consideration of private contributions; and

(d) The accuracy and reliability of the capital and operating costs and revenue estimates and the financial capacity of the project sponsor.

(e) From time to time FTA may publish through policy guidance standards based on characteristics of projects and/or the corridors to be served. If a proposed project can meet the established standards, FTA may assign an automatic rating on one or more of the local financial commitment criteria outlined in this section.

(f) FTA may amend the measures for these local financial commitment criteria. Any such amendment will be included in policy guidance and subject to a public comment process.

(g) As a candidate project proceeds through project development, a greater level of local financial commitment will be expected.

(h) For each proposed project, ratings for paragraphs (a) through (d) of this section will be reported in terms of descriptive indicators, as follows: “high,” “medium-high,” “medium,” “medium-low,” or “low.” For paragraph (a) of this section, the percentage of Small Starts funding sought from 49 U.S.C. 5309 will be rated and used to develop the summary local financial commitment rating, but only if it improves the rating and not if it worsens the rating.

(i) The ratings for each measure described in this section will be combined into a summary local financial commitment rating of “high,” “medium-high,” “medium,” “medium-low,” or “low.” The process by which the summary local financial commitment rating will be developed, including the assigned weights to each of the measures, will be described in policy guidance.

§ 611.307 Overall Small Starts project ratings.

(a) The summary ratings developed for project justification and local financial commitment (§§ 611.303(f) and 611.305(i)) will form the basis for the overall rating for each project.

(b) FTA will assign overall project ratings to each proposed project of “high,” “medium-high,” “medium,” “medium-low,” or “low,” as required by 49 U.S.C. 5309(e)(8).

(1) These ratings will indicate the overall merit of a proposed Small Starts project at the time of evaluation.

(2) Ratings for individual projects will be developed prior to an EGA.

(c) These ratings will be used to:

(1) Approve or deny projects for EGAs; and

(2) Support annual funding recommendations to Congress in the *Annual Report on Funding Recommendations* required by 49 U.S.C. 5309(k)(1).

(d) FTA will assign overall ratings for proposed Small Starts projects by averaging the summary ratings for project justification and local financial commitment. When the average of these ratings is unclear (e.g., summary project justification rating of “medium-high” and summary local financial commitment rating of “medium”), FTA will round up the overall rating to the higher rating except in the following circumstances:

(1) A “medium” overall rating requires a rating of at least “medium” on both project justification and local financial commitment.

(2) If a project receives a “low” rating on either project justification or local financial commitment, the overall rating will be “low.”

§ 611.309 [Reserved]

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,
Acting Administrator.

[FR Doc. 2025–12154 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 625

[Docket No. FTA–2025–0007]

RIN 2132–AB56

Transit Asset Management

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rulemaking revises FTA’s Transit Asset Management (TAM) regulation to remove the initial TAM Plan implementation deadline, as this deadline has passed.

DATES: This final rule is effective on July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Heather Ueyama, Office of Chief Counsel, (202) 366–7374 or heather.ueyama@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Congress directed FTA to establish a national TAM system in section 20019 of the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141 (2012), codified at 49 U.S.C. 5326. On July 26, 2016, FTA issued a final rule that added part 625, “Transit Asset Management” to title 49 of the Code of Federal Regulations (81 FR 48962). Part 625 requires public transportation providers to develop and implement TAM plans to improve the state of good repair of their capital assets. The regulation also defines the term “state of good repair” and establishes related standards and performance measures.

II. Discussion of the Changes

In this action, FTA is removing section 625.31 from the TAM regulation. This section established an implementation deadline for transit providers to complete their initial TAM plan. Pursuant to section 625.31(a), a transit provider’s initial TAM plan must have been completed no later than two years after October 1, 2016. Section 625.31(b) allowed providers to submit to FTA a written request to extend this initial implementation deadline. Given that the deadline passed nearly seven years ago, FTA has determined that this provision is no longer necessary and that it is appropriate for FTA to remove it from the regulation. This action will reduce regulatory burden by eliminating

an outdated and unnecessary provision from the TAM regulation.

III. Good Cause for Dispensing With Notice and Comment and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)), an agency may waive the normal notice and comment procedure if it finds, for good cause, that it is impracticable, unnecessary, or contrary to the public interest. Additionally, 5 U.S.C. 553(d) provides that an agency may waive the 30-day delayed effective date upon finding of good cause. As noted above, the initial TAM plan implementation deadline passed on October 1, 2018. This provision therefore is outdated and unnecessary. Removing it will have no substantive legal effect or impact on the status quo.

Accordingly, FTA finds good cause that notice and comment for this rule is unnecessary due to the nature of the revisions (i.e., the rule will have no substantive impact on FTA requirements). For the same reasons, FTA finds that the delayed effective date is unnecessary. Accordingly, FTA finds good cause under 5 U.S.C. 553(b)(B) and (d)(3) to waive notice and opportunity for comment and the delayed effective date.

IV. Regulatory Analyses and Notices

A. Executive Orders 12866 and 13563 (Regulatory Review)

E.O. 12866 (“Regulatory Planning and Review”), as supplemented by E.O. 13563 (“Improving Regulation and Regulatory Review”), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. OMB has determined the rule is not significant within the meaning of E.O. 12866 and has not reviewed the rule under that order.

The rule removes an outdated reference to the initial Transit Asset Management (TAM) plan implementation deadline. Although the change does not affect current requirements for regulated entities, improving the clarity of the provisions could reduce the time needed for regulated entities to understand TAM plan timelines and procedures, resulting in minor and unquantified cost savings.

B. Executive Order 14192 (Deregulatory Action)

E.O. 14192 (“Unleashing Prosperity Through Deregulation”) requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for

elimination.” Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 25, 2025) defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This proposed rule, if finalized, is expected to have total costs less than zero, and therefore is expected to be an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities. The rule removes an outdated reference to the initial TAM plan implementation deadline but does not change current requirements for regulated entities. Therefore, FTA certifies that the rule will not have a significant effect on a substantial number of small entities.

D. Unfunded Mandates Reform Act of 1995

FTA has determined this rule would not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule does not include a Federal mandate that may result in expenditures of \$100 million or more in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector.

E. Executive Order 13132 (Federalism Assessment)

E.O. 13132 (“Federalism”) requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O.

13132 dated August 4, 1999, and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States’ ability to discharge traditional State governmental functions.

F. Paperwork Reduction Act

Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. FTA has analyzed this rule under the Paperwork Reduction Act and believes it does not impose additional information collection requirements for the purposes of the Act above and beyond existing information collection clearances from OMB.

G. National Environmental Policy Act

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

H. Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”), and it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

I. Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”). FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

J. Regulation Identifier Number (RIN)

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this rule with the Unified Agenda.

List of Subjects in 49 CFR Part 625

Mass transportation, Reporting and recordkeeping requirements, Safety.

In consideration of the foregoing, and under the authority of 49 U.S.C. 5326 and 5334, and the delegation of authority at 49 CFR 1.91, the Federal Transit Administration amends 49 CFR part 625 as follows:

PART 625—TRANSIT ASSET MANAGEMENT

- 1. The authority citation for part 625 continues to read as follows:

Authority: Sec. 20019 of Pub. L. 112–141, 126 Stat. 707, 49 U.S.C. 5326; Sec. 20025(a) of Pub. L. 112–141, 126 Stat. 718; 49 CFR 1.91.

§ 625.31 [Removed and reserved]

- 2. Remove and reserve § 625.31.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,
Acting Administrator.

[FR Doc. 2025–12140 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–57–P

Proposed Rules

Federal Register

Vol. 90, No. 124

Tuesday, July 1, 2025

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-1348; Project Identifier MCAI-2025-00159-R]

RIN 2120-AA64

Airworthiness Directives; Leonardo S.p.a.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede airworthiness directive (AD) 2024-09-02, which applies to all Leonardo S.p.a. Model AW169 helicopters. AD 2024-09-02 requires replacing certain aft float assemblies or, as an alternative, deactivating the emergency flotation system (EFS). AD 2024-09-02 also prohibits the installation of certain forward and aft float assemblies. Since the FAA issued AD 2024-09-02, the FAA has determined that replacing additional forward float and aft float life raft assemblies (also referred to as forward and aft float assemblies) is necessary. This proposed AD would retain all actions of AD 2024-09-02 and would also require replacing certain forward and aft float assemblies within 24 months or during the next accomplishment of a maintenance task. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by August 15, 2025.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-1348; 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 NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu; internet easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-1348.

FOR FURTHER INFORMATION CONTACT:

Yves Petiotte, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (202) 975-4867; email yves.petiotte@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-1348; Project Identifier MCAI-2025-00159-R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the

following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Yves Petiotte, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2024-09-02, Amendment 39-22744 (89 FR 44547, May 21, 2024), (AD 2024-09-02), for all Leonardo S.p.a. Model AW169 helicopters. AD 2024-09-02 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued Emergency AD 2023-0188-E, dated October 30, 2023, (EASA AD 2023-0188-E) to correct manufacturing defects in certain DART Aerospace forward and aft float assemblies. According to DART Aerospace, non-conforming girth bars were used in some forward and aft float assemblies, and the belt loops in some aft float assemblies were incorrectly positioned.

AD 2024-09-02 requires replacing certain aft float assemblies or, as an alternative, deactivating the EFS. AD 2024-09-02 also prohibits the

installation of certain forward and aft float assemblies. The FAA issued AD 2024–09–02 to address non-conforming float assemblies. The unsafe condition, if not addressed, could result in failure of a float assembly during an emergency landing on water and could prevent a timely egress from the helicopter, which could result in injury to helicopter occupants.

Actions Since AD 2024–09–02 Was Issued

Since the FAA issued AD 2024–09–02, the FAA has determined that replacing certain forward and aft float assemblies within 24 months or during the next accomplishment of maintenance task 95–24 or 95–25 of the Leonardo air vehicle maintenance planning information 69–B–05–21–00–00A–028A–A is necessary to address the unsafe condition. Accordingly, the FAA has included this long-term requirement in this proposed AD. The preamble to AD 2024–09–02 explains that the FAA considers the requirements “interim action” and was considering further rulemaking. The FAA has now determined that further rulemaking is indeed necessary, and this proposed AD follows from that determination.

AD 2024–09–02 did not include the cost of deactivating the EFS, whereas this proposed AD revises the Cost of Compliance paragraph to include this cost. In addition, the Cost of Compliance paragraph reflects an increase in the number of affected helicopters from 15 to 23, updates the part cost for the aft float assembly, and adds the part cost of the forward float assembly.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2025–1348.

Material Incorporated by Reference Under 1 CFR Part 51

This proposed AD would require EASA AD 2023–0188–E, which the Director of the Federal Register approved for incorporation by reference as of June 5, 2024 (89 FR 44547, May 21, 2024). EASA AD 2023–0188–E requires removing each affected float assembly and sending it to Leonardo and replacing it with a serviceable float assembly. As an alternative, EASA AD 2023–0188–E allows deactivating the EFS by locking the float auto breaker in EDCU [enhanced display control unit] 1 or 2; pulling, locking, and tagging the breaker from the overhead circuit breaker panel; and installing a decal in clear view of the pilot. EASA AD 2023–0188–E also prohibits installing an affected float assembly on a helicopter.

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 the **ADDRESSES** section.

FAA’s Determination

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would retain all requirements of AD 2024–09–02 and would also require accomplishing actions for Group 2 helicopters specified in EASA AD 2023–0188–E described previously, as proposed to be incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2023–0188–E by reference in the FAA final rule. The proposed AD, therefore, would require compliance with EASA AD 2023–0188–E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Using common terms that are the same as the heading of a particular section in EASA AD 2023–0188–E does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2023–0188–E. Service information referenced in EASA AD 2023–0188–E for compliance will be available at regulations.gov under Docket No. FAA–2025–1348 after this final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 23 helicopters of U.S. registry. Labor rates are estimated at \$85 per hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing an affected float assembly would take 2 work-hours and parts cost up to \$38,000 for an aft float assembly and up to \$19,000 for a forward float assembly, for an estimated cost of up to \$114,170 per helicopter (up to two aft and up to two forward float assemblies) and \$2,625,910 for the U.S. fleet.

Deactivating the EFS would take about 1 work-hour, for an estimated cost of \$85 per helicopter and \$1,955 for the U.S. fleet.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2024–09–02, Amendment 39–22744 (89 FR 44547, May 21, 2024); and

■ b. Adding the following new airworthiness directive:

Leonardo S.p.a.: Docket No. FAA–2025–1348; Project Identifier MCAI–2025–00159–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 15, 2025.

(b) Affected ADs

This AD replaces AD 2024–09–02, Amendment 39–22744 (89 FR 44547, May 21, 2024).

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW169 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2560, Emergency Equipment; and 2564, Life Raft.

(e) Unsafe Condition

This AD was prompted by manufacturing defects in certain forward and aft float assemblies. The FAA is issuing this AD to address non-conforming float assemblies. The unsafe condition, if not addressed, could result in failure of a float assembly during an emergency landing on water and could prevent a timely egress from the helicopter, which could result in injury to helicopter occupants.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) Emergency AD 2023–0188–E, dated October 30, 2023 (EASA AD 2023–0188–E).

(h) Exceptions to EASA AD 2023–0188–E

(1) Where EASA AD 2023–0188–E requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2023–0188–E refers to its effective date, this AD requires using the effective date of this AD, except for Group 1 helicopters.

(3) Where Table 1 of EASA AD 2023–0188–E refers to its effective date, for Group 1 helicopters, this AD requires using the effective date of June 5, 2024 (the effective date of AD 2024–09–02).

(4) Where Table 1 of EASA AD 2023–0188–E refers to “Leonardo Aircraft Maintenance Manual Data Module (DM) 69–A–05–21–00–00A–028A–A”, this AD requires replacing that text with “Leonardo air vehicle maintenance planning information 69–B–05–21–00–00A–028A–A”.

(5) Where the service information referenced in paragraph (1) of EASA AD 2023–0188–E specifies sending a removed float assembly to Leonardo, this AD does not require that action.

(6) This AD does not adopt the “Remarks” section of EASA AD 2023–0188–E.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2023–0188–E specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, 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 Yves Petiotte, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (202) 975–4867; email yves.petiotte@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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.

(3) The following material was approved for IBR on June 5, 2024 (89 FR 44547, May 21, 2024).

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2023–0188–E, dated October 30, 2023.

(ii) [Reserved]

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

(5) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(6) 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-locationsoremailfr.inspection@nara.gov.

Issued on June 25, 2025.

Steven W. Thompson,

Acting Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2025–12137 Filed 6–30–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 652

[Docket ETA–2025–0005]

RIN 1205–AC22

Wagner-Peyser Act Employment Service Staffing

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule; request for comment.

SUMMARY: The Department of Labor (Department) is proposing to remove the requirement that States use State merit staff to provide Wagner-Peyser Employment Service (ES) services. This deregulatory action would allow States to use the staffing model that provides the required services with the most efficient model for their State. This summary can be found at www.regulations.gov by searching by the RIN: 1205–AC22.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may send comments, identified by Docket No. ETA–2025–

0005 and Regulatory Identification Number (RIN) 1205–AC22, by the following method:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Search for the above-referenced RIN, open the proposed rule, and follow the on-screen instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking or “RIN 1205–AC22.”

Please be advised that the Department will post comments received that relate to this proposed rule to <https://www.regulations.gov>, including any personal information provided. The <https://www.regulations.gov> website is the Federal e-Rulemaking Portal and all comments posted there are available and accessible to the public. Please do not submit comments containing trade secrets, confidential or proprietary commercial or financial information, personal health information, sensitive personally identifiable information (for example, social security numbers, driver’s license or state identification numbers, passport numbers, or financial account numbers), or other information that you do not want to be made available to the public. Should the agency become aware of such information, the agency reserves the right to redact or refrain from posting sensitive information, libelous, or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; or that contain hate speech. Please note that depending on how information is submitted, the agency may not be able to redact the information, and instead reserves the right to refrain from posting the information or comment in such situations.

Docket: For access to the docket to read background documents, a plain-language summary of the proposed rule of not more than 100 words, or comments received, go to <https://www.regulations.gov> (search using RIN 1205–AC22 or Docket No. ETA–2025–0005). If you need assistance to review the comments, contact the Office of Policy Development and Research at 202–693–3700 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Kimberly Vitelli, Administrator, Office of Workforce Investment, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room C–4526, Washington, DC 20210, Email: vitelli.kimberly@dol.gov, Telephone:

(202) 693–3980 (voice) (this is not a toll-free number). For persons with a hearing or speech disability who need assistance to use the telephone system, please dial 711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

The Wagner-Peyser Act of 1933¹ established the ES program, which is a nationwide program of labor-exchange services. The ES program seeks to improve the functioning of the nation’s labor markets by matching job seekers with employers that are seeking workers. Section 3(a) of the Wagner-Peyser Act directs the Secretary of Labor (Secretary) to assist States in coordinating the State public service employment offices throughout the country by developing and prescribing minimum standards of efficiency and promoting uniformity in the operation of the system of public employment offices. The Department has historically relied on the Secretary’s authority in section 3(a) and 5(b) to require States to provide labor exchange services with State “merit staff,” meaning government employees hired and managed under a merit-based personnel system described in 5 CFR 900, subpart F.

Beginning in the early 1990s, the Department provided Colorado and Massachusetts with limited flexibility to set their own staffing requirements for the provision of ES services. In 1998, the Department permitted Michigan to use State and local merit staff to deliver ES services, pursuant to a settlement agreement arising out of *Michigan v. Herman*.²

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA)³ to modernize the nation’s workforce development system. WIOA did not include an ES merit-staffing requirement. Regulations implementing WIOA were published in the **Federal Register**⁴ on August 19, 2016, and were effective on October 18, 2016. Among the provisions codified in the 2016 WIOA regulations was § 652.215, which continued to require the use of State merit-staffing for the delivery of ES services, except for the three States that were previously granted exemptions: Colorado, Massachusetts, and Michigan.

Through rulemaking effective February 5, 2020, the Department removed the requirement that ES

services be provided only by State merit staff,⁵ hereafter referred to as the 2020 Final Rule. In the preamble to the 2020 Final Rule, the Department explained that it sought to allow States maximum flexibility in staffing arrangements to allow them to better align WIOA and ES staffing. Following the 2020 Final Rule, several States were approved to use a variety of staffing models to provide their ES services, as described in their approved WIOA State plans.

In 2023, the Department again changed the requirements in § 652.215 through notice-and-comment rulemaking to reinstate the requirement that States use State merit staff to deliver ES services and reinstated the exemptions for Massachusetts, Michigan, and Colorado. These regulations were published in the **Federal Register** on November 24, 2023,⁶ and became effective on January 23, 2024. The Department also provided 24 months for States to comply with the State merit-staffing requirements in § 652.215. This meant that States would have to comply with the provisions in § 652.215 by January 22, 2026.

II. Discussion

The Department is proposing to remove the requirement that ES services must be delivered by State merit staff, and reestablish the flexibility permitted under the 2020 Final Rule, because the best reading of the Wagner-Peyser Act is that there is no statutory basis for the Department to require States to deliver ES services using only State merit staff. Instead, sec. 3(a) of the Wagner-Peyser Act requires the Department to assist in coordinating State ES offices in developing and prescribing “minimum standards of efficiency” in the provision of ES programs but notably does not explicitly require the use of State merit staff. While the Department has previously suggested that sec. 5(b) also supports a State merit-staffing requirement, that section does not impose such a requirement, but rather simply requires the Department to make certifications to the Department of the Treasury regarding the coordination of ES and Unemployment Insurance (UI).

Under *Chevron, U.S.A. v. Natural Resources Defense Council*,⁷ courts previously deferred to permissible agency interpretations of statutes that were silent or ambiguous with respect to a specific issue; however, in 2024, the U.S. Supreme Court decided *Loper Bright Enterprises v. Raimondo*,⁸ which

¹ 29 U.S.C. 49 *et seq.*

² 81 F. Supp. 2d 840 (W.D. Mich. 1998).

³ Public Law 113–128

⁴ Workforce Innovation and Opportunity Act, Department of Labor, Final Rule 81 FR 56072 (Aug. 19, 2016).

⁵ Wagner-Peyser Staffing Flexibility, 85 FR 592.

⁶ Wagner-Peyser Act Staffing, 88 FR 82658.

⁷ 467 U.S. 837 (1984).

⁸ 603 U.S. 369 (2024).

overruled *Chevron*. Recognizing that for all statutes there is a single, best reading, the Court in *Loper Bright* held that under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, courts must exercise independent judgment to determine if an agency has acted within its statutory authority and may not defer to the agency's interpretation simply because a statute is ambiguous. In light of the *Loper Bright* decision, the Department has tentatively reassessed the State merit-staffing requirement in the ES program and has determined that the State merit-staffing requirement does not comport with the best reading of the statute. The best reading of the Wagner-Peyser Act is that the Department does not have authority to impose a State merit-staffing requirement for all State staff in the ES. Section 3(a) of the Act only authorizes the Department to establish "minimum standards of efficiency"—it strains this limited statutory authorization beyond its breaking point to read into it the authority to mandate the use of State merit staff, especially when it is compared with section 303(a)(1) of the Social Security Act which was enacted contemporaneously with the Wagner-Peyser Act and explicitly requires State merit-staffing.

The Department is therefore proposing to remove this requirement, consistent with the directives in Executive Order 14129, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," dated February 19, 2025, the Presidential Memorandum titled "Directing the Repeal of Unlawful Regulations," dated April 9, 2025, and OMB Memorandum M-25-28, "Guidance Implementing the President's Memorandum Directing the Repeal of Unlawful Regulations," dated May 7, 2025.

In the notice of proposed rulemaking (NPRM) for the 2020 Final Rule, the Department received comments suggesting that there was a statutory requirement for ES services to be provided by State merit staff. Commenters claimed that the Intergovernmental Personnel Act (IPA)⁹ named the Wagner-Peyser Act as one of the two acts administered by the Department that had a statutory requirement to provide services through merit-staffing. The Department disagreed with this claim and refuted the existence of statutory requirement for merit-staffing ES services. The Office of Personnel Management (OPM) regulations implementing the IPA

provided a list of programs with a statutory or regulatory requirement for merit staff. The Wagner-Peyser Act is listed as having a statutory requirement for merit staff.¹⁰ However, there is no indication that Congress, in including the Wagner-Peyser Act in sec. 208 of the IPA, intended to impose a merit-staffing requirement not found in the Act itself, or to impliedly amend the Act itself to include such a requirement. Rather, this appears to reflect the existing merit-system functions being carried out by the Department at that time. Additionally, the question of Congress' intent in enacting the IPA was considered by the court in *Michigan v. Herman*. After reviewing the text and legislative history of the Wagner-Peyser Act and the IPA, the court concluded that the Wagner-Peyser Act "does not explicitly require merit-staffing."¹¹

Currently, Appendix A of OMB's regulations at 5 CFR 900 continues to describe a statutory requirement for the ES, citing sec. 5(b) of the Wagner-Peyser Act, 29 U.S.C. 49d(b). However, section 5(b) does not impose any statutory requirement for merit-staffing ES services. Rather, as noted above, it merely requires the Secretary to certify that States are complying with section 303 of the Social Security Act, 42 U.S.C. 503(a)(1) (which requires the use of merit staff by States in administering their Unemployment Insurance programs), and that States are coordinating ES activities with the provision of UI claimant services. Neither the IPA nor the OPM regulations contain an independent legal requirement for merit-staffing in the ES.

The best reading of the Wagner-Peyser Act is that it does not authorize the Department to require the use of State merit staff to provide ES services, and given that the regulated community needs to efficiently administer workforce programs with limited resources, the Department determined it would hinder efficiency to mandate that States use a particular staffing model.

The Department is proposing to eliminate the State merit-staffing requirement by removing § 652.215 from the Wagner-Peyser Act regulations. In addition to the merit-staffing requirement in paragraph (a), § 652.215 includes an exception for Colorado, Massachusetts, and Michigan to continue to use staffing flexibilities in paragraph (b), a requirement for these three States to participate in an evaluation concerning their delivery of

ES services in paragraph (c), and a date by which all States must comply with the requirements of the section in paragraph (d). Without a State merit-staffing requirement in paragraph (a), the remaining paragraphs are no longer necessary. As such, the Department is proposing to remove all paragraphs of § 652.215 from the Code of Federal Regulations.

As a result of this rulemaking, States would be able to use whichever staffing method they choose. Regardless of the staffing method employed, States still must provide services required under the Wagner-Peyser Act. These services include job search and placement assistance for jobseekers, recruitment services and special technical services for employers, re-employment services for UI claimants, labor exchange services for workers who have received notice of permanent or impending layoff, referrals and financial aid application assistance for training and educational resources and programs, and the development and provision of labor market and occupational information. These services help the labor market to function more efficiently by matching employers with available workers.

III. Rulemaking Analyses and Notices

A. Review Under Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)

Executive Order (E.O.) 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing

¹⁰ 5 CFR part 900, subpart F, Appendix A.

¹¹ *Michigan v. Herman*, 81 F. Supp. 2d at 847–848.

⁹ 42 U.S.C. 4728.

information upon which choices can be made by the public.

Under section 6(a) of E.O. 12866, the Office of Information and Regulatory Affairs (OIRA), within the Office of Management and Budget (OMB), determines whether a regulatory action is significant and, therefore, subject to OMB review. E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed rule is a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was submitted to OIRA for review under E.O. 12866.

E.O. 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; it is tailored to impose the least burden on society, consistent with achieving the regulatory objectives; and in choosing among alternative regulatory approaches, the agency has selected those approaches that maximize net benefits.

a. Statement of Need

The Department proposes to rescind its requirement that services in the Employment Service (ES) be delivered exclusively by State merit staff because, upon reexamination, that mandate lacks a sound statutory foundation and exceeds the Department’s authority under the Wagner-Peyser Act. Section 3(a) of the Act empowers the Department to assist States in prescribing “minimum standards of efficiency” for ES programs, but it nowhere compels the use of State merit-system employees. Reading the provision as authorizing a blanket merit-staffing rule distorts the Act’s plain text and legislative design and imposes undue burden upon States’ limited State ES resources. This burden falls disproportionately on States that made changes to their ES staffing models in response to the 2020 Final Rule. Further, this proposed rule offers to reduce the burden on States in advance of the required 2026 WIOA State Plan modification.

b. Alternatives Considered

OMB Circular A–4, which outlines best practices in regulatory analysis, directs agencies to analyze alternatives if such alternatives best satisfy the philosophy and principles of E.O. 12866. The Department considered alternatives as part of determining whether to issue this NPRM. These alternatives included delaying the compliance date of the merit staffing requirement in 20 CFR 652.215 by one year or delaying the compliance date by

two years. Ultimately, the Department decided that removing 20 CFR 652.215 in its entirety would be the least burdensome for the States, as the status quo is unacceptable.

The Department considered delaying the compliance date in 20 CFR 652.215 by one year to allow additional time for the Department to review the 2023 Wagner-Peyser Staffing Final Rule. However, this would have placed additional cost burdens on the States, as this delay would have changed staffing requirements in the middle of the State planning cycle. With a one-year delay to the compliance date, States changing staffing systems would have to submit a modification to their State plan in 2027, along with a new State plan in 2028. The Department also considered a two-year delay to the compliance date, which would have aligned the change in staffing models to align with the 2028 submission of a required 4-year State Plan. While this alternative was deemed less burdensome to the States in terms of reporting requirements to the Department, ultimately, it was determined that the Department did not require additional time to review the 2023 Wagner-Peyser Staffing Final Rule, and that the removal of the merit-staffing requirement in its entirety would be the least burdensome to the States.

c. Economic Analysis

This proposed rule eliminates a requirement rather than imposing a new one. The Department anticipates that the rule will result in costs related to rule familiarization. Any voluntary changes to staffing models may incur transfer costs during a transition phase. In addition to monetized cost savings, this rule will likely provide non-quantifiable benefits to States and to society. For example, the added staffing flexibility this rule gives to States will allow them to identify and achieve administrative efficiencies. The Department seeks comments on these anticipated costs, benefits, and transfers, including overlooked studies and data.

i. Rule Familiarization Costs

Regulatory familiarization costs represent direct costs to States associated with reviewing the new regulation. The Department anticipates that the changes proposed by the rule will be reviewed by Human Resources Managers (SOC code ¹² 11–3121) employed by State Workforce Agencies (SWAs). The Department anticipates

that it will take one Human Resources Manager an average of 1 hour to review the proposed rule.

The U.S. Bureau of Labor Statistics (BLS) Occupational Employment and Wage Statistics data show that the median hourly wage of State government Human Resources Managers is \$51.90.¹³ The Department assumes a 62% benefits rate¹⁴ and a 17% overhead rate,¹⁵ so the full loaded hourly wage is \$92.90 [= \$51.90 + (\$51.90 × 62%) + (\$51.90 × 17%)]. Therefore, the one-time rule familiarization cost for all 54 jurisdictions (the 50 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands) is estimated to be \$5,017 (= \$92.90 × 1 hour × 54 jurisdictions).

ii. Transition Costs and Transfer Payments From States to Employees

As there is no mandate within these proposed regulations to use one specific staffing model, any changes from one staffing model to another would be voluntary by the State, and would result in transition costs to States as well as transfer payments from States to employees providing ES services. Changing staffing systems is not without costs. Even if the same employees provide Wagner-Peyser services, changing the staffing system may still create burdens for the State and the employees themselves. This may require a change in employer by moving from State employment to local government employment and may have consequences for the employee in terms of pay and benefits, including health insurance and retirement benefits. Changing employers would also require the time and expertise of Human Resources professionals to process the paperwork to affect these changes. Because of these considerations, the Department anticipates that States will need to weigh the costs and benefits of any staffing model before making changes.

In previous Wagner-Peyser rulemakings, the Department attempted to quantify potential costs or cost

¹³ BLS, “Occupational Employment and Wage Statistics, National Industry-Specific Occupational Employment and Wage Estimates, NAICS 999200” SOC Code 11–3121, May 2024, <https://data.bls.gov/oes/#/industry/999200> (last visited May 27, 2025).

¹⁴ BLS, “National Compensation Survey, Employer Costs for Employee Compensation,” <https://www.bls.gov/ecec/data.htm> (last visited May 27, 2025). For State and local government workers, wages and salaries averaged \$38.45 per hour worked in 2024, while benefit costs averaged \$23.81, which is a benefits rate of 62 percent.

¹⁵ Cody Rice, U.S. Environmental Protection Agency, “Wage Rates for Economic Analyses of the Toxics Release Inventory Program,” June 10, 2002, <https://www.regulations.gov/document/EPA-HQ-OPPT-2014-0650-0005> (last visited May 27, 2025).

¹² This analysis uses codes from the Standard Occupational Classification (SOC) system and the North American Industry Classification System (NAICS).

savings for the States. In the 2020 Final Rule, the Department surveyed a range of States of different size classes and attempted to infer the cost savings nationwide from allowing staffing flexibility. The total estimated wage savings for the 2020 Final Rule was \$6,754,691 per year (2018\$), which is approximately \$8,631,000 in 2025 dollars. The Department's analysis assumed a 50 percent substitution rate, meaning that States would choose to re-staff half of their positions with personnel other than State merit staff based on States' determination that such models would be more efficient and less expensive. Wage savings were expected to vary among States based on each State's substitution rate.

In the 2023 Final Rule, the Department provided estimates of rule familiarization costs and information collection costs; however, due to data limitations, the Department was unable to quantify the transition costs or transfer payments that were likely to be incurred by the three States (*i.e.*, Delaware, Indiana, and Missouri) that implemented the staffing flexibility provided by the 2020 Final Rule as they transitioned the delivery of all ES services to State merit staff. The Department did not anticipate that the transition costs or transfer payments would be large enough for the 2023 Final Rule to be deemed a significant regulatory action under sec. 3(f)(1) of E.O. 12866.

Neither analysis was a comprehensive analysis of the specific individuals performing ES services for each specific State, the cost of providing the same services under a different staffing model, or whether there were other barriers or impediments to changing staffing models other than the regulation at § 652.215.

Removing the merit-staffing requirement will allow the States to perform this granular analysis, consider their own State statutes and agreements, and select the staffing model that delivers the required services in the most efficient manner available to them. Some jurisdictions may find that their current models are the most cost efficient. Others may find that a more cost-efficient model exists and decide to change staffing structures. Still others may find that a more cost-efficient option exists but choose to remain with State merit-staffing due to State statutes, collective bargaining agreements, or to use ES staff as surge capacity for other governmental functions. The Department lacks sufficient information about the changes States will make to their staffing models; therefore, we are unable to conduct a quantitative

analysis of the transition costs to States associated with this rulemaking. The Department invites comments on the anticipated transition costs to States with the goal of ensuring thorough consideration and discussion at the final rule stage.

In economic theory, it is assumed that economic actors are rational and select the best choice after considering information on costs and outcomes. Based on this, in practice, if States are deciding based on staffing costs, it is unlikely that States would switch to a more costly staffing model that would provide the same required services. States would either choose their current status quo or a more cost-efficient staffing model. Therefore, while the Department cannot quantify the exact cost savings to the States, it can conclude that the removal of the merit-staffing requirement will not be more costly than the current baseline, and may yield cost savings to the States.

iii. Transfers From Employees to States

For the economic analysis in the 2020 Final Rule, the Department surveyed a sample of States to estimate the wage savings that would result from the added staffing flexibility. Eight States—representing three tiers of Wagner-Peyser Act funding—were surveyed by the Department and asked to provide the total number of Full-Time Equivalent (FTE) hours worked by State merit staff dedicated to delivering Wagner-Peyser Act-funded services, as well as the occupational title for all employees included in the FTE calculations. Based on the staffing patterns in the three States that were previously granted exemptions (*i.e.*, Colorado, Massachusetts, and Michigan), the Department assumed a 50 percent substitution rate in its wage savings calculations.

The Department then calculated the difference between the fully loaded wage rates of government workers and workers in all sectors to estimate the wage savings for the States within each of the three funding tiers. The results for each tier were then multiplied by the appropriate ratio to estimate the wage savings for the entire tier. And then the estimated wage savings for each tier were added together. In total, the estimated savings of the 2020 Final Rule was \$6,754,691 per year (2018\$), which is approximately \$8,631,000 in 2025 dollars. Wage savings will vary among States, with each State's wage savings dependent on the choices it makes for staffing.

For purposes of E.O.s 12866 and 14192, the base wage and fringe benefit portions of these estimated savings are

categorized as transfers from employees to States.

iv. Non-Quantifiable Benefits

This proposed rule will likely provide benefits to States and to society. The added staffing flexibility will allow States to identify and achieve administrative efficiencies. Given the estimated cost savings that will result, States will be able to dedicate more resources under the Wagner-Peyser Act to the provision of services to job seekers and employers. These services, which help individuals find jobs and help employers find workers, will provide economic benefits through greater employment. These resources can also provide States with added capacity to deliver more career services, including individualized career services, which studies have shown improve employment outcomes.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. chapter 6, requires the Department to evaluate the economic impact of this rule on small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions. The Department must determine whether the rule will impose a significant economic impact on a substantial number of such small entities. The Department concludes that this rule does not regulate any small entities directly, so any regulatory effect on small entities will be indirect. Accordingly, the Department has determined this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

C. Paperwork Reduction Act of 1995

The purposes of the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, include minimizing the paperwork burden on affected entities. The PRA requires certain actions before an agency can adopt or revise a collection of information, including publishing for public comment a summary of the collection of information and a brief description of the need for and proposed use of the information.

As part of its continuing effort to reduce paperwork and respondent burden, the Department conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the

PRA. See 44 U.S.C. 3506(c)(2)(A). This activity helps to ensure that the public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless it is approved by OMB under the PRA and it displays a currently valid OMB control number. The public is also not required to respond to a collection of information unless it displays a currently valid OMB control number. In addition, notwithstanding any other provisions of law, no person will be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512).

This proposed rule does not impose any new collection of information. The Department notes that the proposed change of the staffing requirement would necessitate simple changes to the WIOA State Plan Information Collection Request (1205–0522), which currently requires States to provide information regarding the staffing model States use to deliver ES services, among the other information States submit in their State Plans. However, this proposed rule will not change the burden hours associated with submitting the State plans to the Department.

Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act, Wagner-Peyser WIOA Title I Programs and Vocational Rehabilitation Adult Education

Agency: DOL–ETA.

Title of Collection: Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act, Wagner-Peyser WIOA Title I Programs and Vocational Rehabilitation Adult Education.

Type of Review: Revision.

OMB Control Number: 1205–0522.

Description: Under the provisions of *Workforce Innovation and Opportunity Act (WIOA)*, the Governor of each State or Territory must submit a Unified or Combined State Plan to the U.S. Department of Labor, which is approved jointly with the Department of Education, that fosters strategic alignment of the six core programs, which include the adult, dislocated worker, youth, Wagner-Peyser Act

Employment Service, AEFLA, and VR programs.

Affected Public: States, Local, and Tribal Governments.

Obligation to Respond: Required to Obtain or Retain Benefits.

Estimated Total Annual Responses: 38.

Estimated Total Annual Burden

Hours: 8,135.8.

Estimated Total Annual Other Burden Costs: \$501,503.

Regulations sections: DOL programs—20 CFR 652.211, 653.107(d), 653.109(d), 676.105, 676.110, 676.115, 676.120, 676.135, 676.140, 676.145, 677.230, 678.310, 678.405, 678.750(a), 681.400(a)(1), 681.410(b)(2), 682.100, 683.115. ED programs—34 CFR parts 361, 462 and 463.

D. Review Under Executive Order 13132 (Federalism)

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. E.O. 13132 requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. E.O. 13132 also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. The Department has reviewed this proposed rule in light of these requirements and has concluded that it meets the requirements of E.O. 13132 by enhancing, rather than limiting, States’ discretion in the administration of the Wagner-Peyser Act ES program.

Accordingly, the Department has reviewed this proposed rule and has concluded that the rulemaking has no substantial direct effects on States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government as described by E.O. 13132. Therefore, the Department has concluded that this proposed rule, if finalized, does not have a sufficient Federalism implication to require further agency action or analysis.

E. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State,

local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this proposed rule according to UMRA and its statement of policy and determined that it does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

F. Executive Order 13175 (Indian Tribal Governments)

The Department has reviewed this proposed rule under the terms of E.O. 13175 and DOL’s Tribal Consultation Policy and has concluded that the changes to regulatory text would not have tribal implications. These changes do not have substantial direct effects on one or more Indian tribes, the relationship between the Federal government and Indian tribes, nor the distribution of power and responsibilities between the Federal government and Tribal Governments.

G. Plain Language

E.O. 12866, E.O. 13563, and the Presidential Memorandum of June 1, 1998 (Plain Language in Government Writing), direct executive departments and agencies to use plain language in all rulemaking documents published in the **Federal Register**. The goal is to make the government more responsive, accessible, and understandable in its communications with the public. Accordingly, the Department drafted this NPRM in plain language.

List of Subjects in 20 CFR Part 652

Employment, Grant programs—Labor, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department of Labor amends 20 CFR part 652 as follows:

PART 652—ESTABLISHMENT AND FUNCTIONING OF STATE EMPLOYMENT SERVICE

■ 1. The authority citation for part 652 continues to read as follows:

Authority: 29 U.S.C. chapter 4B; 38 U.S.C. chapters 41 and 42; Secs. 189 and 503, Public Law 113–128, 128 Stat. 1425 (Jul. 22, 2014).

§ 652.215 [Reserved]

■ 2. Remove and reserve § 652.215.

Susan Frazier,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2025–12275 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR**Office of the Secretary of Labor****29 CFR Part 38****RIN 1291–AA47****Rescission of Affirmative Outreach Requirements for Recipients of WIOA Title I Financial Assistance**

AGENCY: Office of the Secretary, Labor.

ACTION: Proposed rule; request for comment.

SUMMARY: The Department of Labor (Department), Office of the Assistant Secretary for Administration and Management, Civil Rights Center (CRC), proposes to remove the regulations implementing the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) that contain affirmative outreach requirements for recipients of financial assistance under Title I of WIOA. WIOA does not authorize the Department to require affirmative outreach, therefore the Department is proposing to remove this requirement.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1291–AA47, by either of the following methods:

- **Electronic Comments:** Submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Mail:** Naomi Barry-Perez, Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N–4123, Washington, DC 20210.

Instructions: All submissions received must include “RIN 1291–AA47.” Please submit only one copy of your comments by only one method. Commenters submitting file attachments on <https://www.regulations.gov> are advised that uploading text-recognized documents—*i.e.*, documents in a native file format or documents which have undergone optical character recognition (OCR)—enable staff at the Department to more easily search and retrieve specific content included in your comment for consideration.

Please be advised that comments received will become a matter of public record and will be posted to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments, go to the Federal eRulemaking Portal at <https://www.regulations.gov> (search using RIN 1291–AA47).

FOR FURTHER INFORMATION CONTACT:

Naomi Barry-Perez, Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N–4123, Washington, DC 20210. Telephone: (202) 693–6500. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:**I. Discussion**

This action proposes to rescind CRC’s regulation at 29 CFR 38.40, which was promulgated in 2016 and states that WIOA recipients “must take” affirmative outreach efforts to groups based on race, sex, national origin, and other characteristic and provides non-exhaustive examples of actions that may constitute “reasonable efforts.” Recipients are defined in 29 CFR 38.4(zz) as entities to which financial assistance under Title I of WIOA is extended, directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient). The term “recipient” excludes any ultimate beneficiary of the WIOA Title I-financially assisted program or activity.

The Department is proposing to rescind 29 CFR 38.40 because the statute it implements—Section 188 of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. 3248—does not require affirmative

outreach, and the Department has tentatively determined that imposing such a requirement by regulation exceeds its statutory authority.

Section 188 of WIOA (29 U.S.C. 3248) prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, and political affiliation or belief in programs and activities funded under Title I of WIOA. However, nothing in the text of Section 188 mandates that recipients of WIOA Title I financial assistance conduct proactive or affirmative outreach to particular demographic groups. The affirmative outreach provision at § 38.40 was added by regulation, not by Congress. The provision created a substantive compliance obligation not expressly authorized in statute. In doing so, it required recipients to undertake specific forms of outreach based solely on the demographic characteristics of individuals or groups, regardless of whether any actual discrimination had occurred. The Department now tentatively finds that such a requirement lacks a statutory foundation based on the best reading of the WIOA. *See Loper Bright Enterprises v. Raimondo*, 603 U.S. ____ (2024).

The Department is also concerned that affirmative outreach may conflict with the Supreme Court’s decision in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023), which reaffirmed that the government’s use race and similar protected traits are subject to strict scrutiny and must be narrowly tailored to a compelling interest. While § 38.40 was framed as an outreach provision, it forces recipients to make “reasonable efforts” to take action based on characteristics like race, sex, and national origin. This may require recipients to consider protected traits in designing recruitment or programming. In doing so, § 38.40 risks encouraging demographic classifications that are suspect under *SFFA*.

To avoid potential constitutional conflict and ensure the Department’s regulations stay within statutory and constitutional limits, the Department is rescinding § 38.40. Recipients remain subject to WIOA’s nondiscrimination requirements.

Consistent with E.O. 14219, CRC is rescinding this regulation at § 38.40. E.O. 14219 directed agencies to review “all regulations subject to their sole or joint jurisdiction for consistency with law and Administration Policy.”¹ The Trump Administration provided additional guidance to agencies via Presidential Memorandum, “Directing the Repeal of Unlawful Regulations”

¹ See E.O. 14219, 90 FR 10583 (Feb. 19, 2025).

(April 9, 2025). This memorandum directed agencies to take immediate steps “to effectuate the repeal of any regulation, or the portion of any regulation, that clearly exceeds the agency’s statutory authority or is otherwise unlawful.”² Accordingly, CRC has determined that it is appropriate to rescind § 38.40 of 29 CFR part 38 as it lacks authorization in the WIOA statute.

Rescinding § 38.40 from the 29 CFR part 38 regulations will decrease the burden on recipients, as they will no longer be required to undertake the affirmative outreach requirements described in detail above. In addition to ensuring compliance with E.O. 14219, rescinding this regulation also supports the objectives of Executive Order 14192, *Unleashing Prosperity Through Deregulation*, by alleviating unnecessary regulatory burdens.³

II. Authority

E.O. 14219.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed rule does not constitute a “significant

regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this proposed rescission under the provisions of the Regulatory Flexibility Act. This rule eliminates burdensome regulations. Therefore, DOL has concluded that the impacts of the rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an FRFA is not warranted. DOL will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This rescission imposes no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*).

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this rescission meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State,

² <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/>.

³ See E.O. 14192, 90 FR 9065 (Jan. 31, 2025).

local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this rescission according to UMRA and its statement of policy and determined that the rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rescission would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this rescission under the OMB and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Executive Order 13175

DOL has examined this proposed rule and determined that it does not have tribal implications under Executive

Order 13175 that would require a tribal summary impact statement. It does not “have substantial direct effects 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.”

K. Congressional Notification

As required by 5 U.S.C. 801, if finalized, DOL will report to Congress on the promulgation of this rule its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

L. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” and Presidential Memorandum, “Directing the Repeal of Unlawful Regulations.” This rescission is expected to be an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 38

Civil rights, Employment, Equal employment opportunity, Discrimination, Affirmative action, Affirmative outreach, Equal access, Government contracts, Recordkeeping requirements, Labor.

For the reasons set forth in the preamble, DOL proposes to amend part 38 of subtitle A of title 29 of the Code of Federal Regulations, as set forth below:

PART 38—IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

- 1. The authority citation for part 38 continues to read as follows:

Authority: 29 U.S.C. 3101 *et seq.*; 42 U.S.C. 2000d *et seq.*; 29 U.S.C. 794; 42 U.S.C. 6101 *et seq.*; and 20 U.S.C. 1681 *et seq.*

§ 38.40 [Reserved]

- 2. Remove and reserve § 38.40.

Dean Heyl,

Assistant Secretary for Administration and Management, Labor.

[FR Doc. 2025–11845 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR

29 CFR Part 42

Employment and Training Administration

[Docket No. ETA–2025–0003]

RIN 1205–AC27

Wage and Hour Division

RIN 1235–AA50

Occupational Safety and Health Administration

RIN 1218–AD53

Rescission of Coordinated Enforcement Regulations

AGENCY: Wage and Hour Division, Occupational Safety and Health Administration, and Employment and Training Administration, Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: The Department of Labor (the Department or DOL) proposes to remove the regulations that set forth the procedures within the Department for the coordination of enforcement activities by the Wage and Hour Division (WHD), the Occupational Safety and Health Administration (OSHA), and the Employment and Training Administration (ETA) relating to migrant farmworkers. The Department is proposing this removal because these regulations limit the Department’s discretion, impose unnecessary and duplicative internal procedures, and prevent the Department’s agencies from coordinating with regard to migrant farmworkers in more efficient, effective ways.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may send comments, identified by Docket No. ETA–2025–0003 and Regulatory Identification Number (RIN) 1205–AC27, by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Search for the above-referenced RIN, open the proposed rule, and follow the on-screen instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking or “RIN 1205–AC27.”

Please be advised that the Department will post comments received that relate to this proposed rule to <https://www.regulations.gov>, including any personal information provided. The

<https://www.regulations.gov> website is the Federal e-Rulemaking Portal and all comments posted there are available and accessible to the public. Please do not submit comments containing trade secrets, confidential or proprietary commercial or financial information, personal health information, sensitive personally identifiable information (for example, social security numbers, driver's license or state identification numbers, passport numbers, or financial account numbers), or other information that you do not want to be made available to the public. Should the agency become aware of such information, the agency reserves the right to redact or refrain from posting sensitive information, libelous, or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; or that contain hate speech. Please note that depending on how information is submitted, the agency may not be able to redact the information and instead reserves the right to refrain from posting the information or comment in such situations.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> (search using RIN 1205-AC27 or Docket No. ETA-2025-0003). If you need assistance to review the comments, contact the Office of Policy Development and Research at 202-693-3700 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT:

Luke Murren, Acting Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-5641, Washington, DC 20210; telephone (202) 693-3700 (this is not a toll-free number). For persons with a hearing or speech disability who need assistance using the telephone system, please dial 711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

The Department proposes to remove the regulations at 29 CFR part 42 which set forth procedures within the Department for the coordination of enforcement activities by WHD, OSHA, and ETA relating to migrant farmworkers, authorized under 29 U.S.C. 49 *et seq.*; 29 U.S.C. 201 *et seq.*; 29 U.S.C. 651 *et seq.*; 29 U.S.C. 3101 *et seq.*; 5 U.S.C. 301.

The Fair Labor Standards Act (FLSA), 29 U.S.C. 201 *et seq.*, and the

Occupational Safety and Health (OSH) Act, 29 U.S.C. 651 *et seq.*, and other applicable statutes provide employment protections, *inter alia*, to migrant farmworkers. These statutes are administered by the Department, which is also responsible for providing services to migrant farmworkers through ETA.

In 1980, the Department issued a final rule which established a program of coordinated farm labor law enforcement followed by OSHA, ETA, the Department's Office of the Solicitor (SOL), and the then-Employment Standards Administration (ESA) (a now-defunct agency that incorporated WHD at the time the Department promulgated Part 42).¹ See 45 FR 39486 (Jun. 10, 1980). At that time, the Department had become increasingly concerned about the employment-related problems of migrant farmworkers and sought to coordinate efforts to enforce its protective statutes on behalf of migrant farmworkers. *Id.* The purpose of the final rule, which was codified at 29 CFR part 42, was to "[e]nsure effective enforcement efforts under [certain] protective statutes," specifically, the OSH Act, the FLSA, and the Farm Labor Contractor Registration Act of 1963, Public Law 88-582, 78 Stat. 920 (FLCRA) (repealed 1983) (previously codified at 7 U.S.C. 2041 *et seq.*), to "[e]nsure that the enforcement efforts of DOL agencies are coordinated to maximize their effectiveness, yet minimize unnecessary duplication," to "[f]ocus the attention of DOL agencies upon the special employment-related problems faced by migrant farmworkers," to "[c]oordinate DOL enforcement efforts with related activities of farmworker groups, federal and State agencies, and other concerned parties outside the Department of Labor," and to "[e]stablish an information exchange which will afford the Department, farmworker groups, and other concerned parties outside the Department of Labor the opportunity to exchange information concerning wages, hours and working conditions." 29 CFR 42.2.

II. Discussion

The Department has engaged in regulatory review of 29 CFR part 42 in accordance with Executive Order (E.O.) 14192 "Unleashing Prosperity Through Deregulation" 90 FR 9065 (Jan. 31, 2025). This E.O. states that "It is the

¹ In 2009, ESA was dissolved, and the Administrator of the Wage and Hour Division was delegated the relevant authorities of the Assistant Secretary for Employment Standards. See Sec'y's Order 09-2009, 74 FR 58836, 2009 WL 3782835 (Nov. 13, 2009).

policy of the executive branch to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and to alleviate unnecessary regulatory burdens placed on the American people." *Id.* The Department believes that taking a deregulatory action under E.O. 14192 by rescinding 29 CFR part 42 in its entirety would be a reasonable and effective means of maintaining its responsibilities for coordinated enforcement, while improving efficiencies and removing unnecessary restrictions on the Department.

The coordinated farm labor law enforcement regulations codify requirements for the Department to maintain several processes and structures including: (1) establish a National Farm Labor Coordinated Enforcement Committee (National Committee) with membership by the Under Secretary of Labor (now the Deputy Secretary),² SOL, ETA, OSHA, and then-ESA, and supported by a staff level working group, to review the sub-agencies' policies and enforcement strategies and develop an annual coordination plan; (2) establish a Regional Farm Labor Coordinated Enforcement Committee (Regional Committee); (3) designate Farm Labor Specialists in ESA and compliance officers in OSHA to serve as farm labor contact persons, and (4) collect and review specific data pertaining to enforcement of protective statutes to be reviewed by the National Committee and to be used to inform future agency efforts. The regulations also prescribe specific frequency of meetings for the National Committee and the Regional Committee, and public attendance at certain of these meetings. The Department believes that these regulations limit the Department's discretion, impose bureaucratic processes, and prevent the Department from coordinating internally in more efficient, effective ways.

Moreover, the regulations, promulgated 45 years ago, in 1980, are outdated and no longer reflect the current organization of the Department or the legal landscape pertaining to migrant farmworkers. For instance, under the regulations, the National and Regional Committees, as well as the Regional Committees' annual public meetings, are required to be run, in part, by officers of an agency within the Department that no longer exists, ESA, which was dissolved in 2009. Also, the regulations require that written

² Department of Labor Executive Level Conforming Amendments of 1986, Public Law 99-619, 2(a)(1), 100 Stat. 3491 (Nov. 6, 1986).

coordinated enforcement plans detail the Department's enforcement of a statute that is no longer in effect: FLCRA, which Congress repealed in 1983. Additionally, the regulations do not reflect more recent developments in federal law related to migrant farmworkers that the Department administers and enforces, such as the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), and the Immigration and Nationality Act's H-2A nonimmigrant visa program for temporary or seasonal agricultural workers. *See, e.g.*, 29 U.S.C. 1812, 1852; 8 U.S.C. 1188. Because part 42 reflects an outdated legal landscape and depends on a bygone departmental structure, it has become increasingly difficult for the Department to implement the requirements of the regulation as drafted, and thus the Department is proposing to rescind the regulation in its entirety.

Furthermore, the Department notes that the need for coordinated migrant farmworker labor law enforcement for the protective statutes has not changed and continues to be a priority for the Department. To that end, the Department currently takes numerous steps to ensure that the coordinated enforcement efforts of OSHA, ETA, and WHD address the employment-related problems faced by migrant farmworkers, are coordinated to maximize their effectiveness and minimize unnecessary duplication, and assure that employers of migrant farmworkers are complying with the laws that the Department enforces. For example, OSHA has regularly hosted an agriculture task force that has engaged with agricultural concerns and issues in coordination with representatives from WHD and ETA. The task force was designed to identify, review, update, and develop OSHA's agricultural guidance products, including regulations and web pages. The task force contributed to several new agricultural guidance products over the years, including a 2017 update to OSHA's Agricultural Operations Safety and Health Topics web page³ with information ranging from links to heat illness to youth employment in agriculture. Likewise, other Departmental initiatives reflect the Department's ongoing commitment to cross-agency coordination at the national and regional levels. For example, ETA Regional Monitor Advocates often host meetings for the relevant State Workforce Agencies, which representatives from WHD attend.

Additionally, the Department maintains contact and exchange information with farm labor groups and the public on issues relating to the employment of migrant farmworkers on an ongoing basis. As part of the Department's regular stakeholder engagement, OSHA, WHD and ETA all maintain contacts and meet with farmworker groups, as part of public outreach, roundtables, and conferences, at both the national and the regional level. The ETA National Monitor Advocate regularly meets with farmworker groups and, each year during harvest season, travels to states with high numbers of migrant farmworkers to meet with State Workforce Agencies and organizations that represent farmworkers.

The proposed rescission of the coordinated farm labor law enforcement regulations would allow the Department to continue its coordinated enforcement efforts in a manner that maximizes their effectiveness and efficiency. The Department requests comments from the public concerning this proposed rescission of regulations for coordinated migrant farmworker labor law enforcement activities.

Procedural and Other Matters

A. Review Under Executive Orders 12866

E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined

that this proposed rule does not constitute a "significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this proposed rescission under the provisions of the Regulatory Flexibility Act. The regulation the Department is proposing to rescind pertains to procedures within the Department for the coordination of enforcement activities by WHD, OSHA, and ETA relating to migrant farmworkers, so there is no impact on small entities. Therefore, DOL initially concludes that the impacts of the rescission would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. DOL will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This proposed rescission imposes no new information collection or record-keeping requirements. Accordingly, Office of Management and Budget (OMB) clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. E.O. 13132 requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. E.O. 13132 also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications.

³ <https://www.osha.gov/agricultural-operations>.

DOL has examined this proposed rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this proposed rescission according to UMRA and its statement of policy and determined that the proposed rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by

section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this proposed rescission meets the relevant standards of E.O. 12988.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rescission would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (Mar. 18, 1988), DOL has determined that this proposed rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published

at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this proposed rescission under the OMB guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Congressional Notification

As required by 5 U.S.C. 801, if finalized, DOL will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

K. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation.” This rescission is expected to be an E.O. 14192 deregulatory action.

DOL has considered its obligations under the Executive Orders on Consultation and Coordination with Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)) and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this proposed rule pertains to procedures within the Department that will have no economic impacts, and does not constitute a policy with Tribal implications, DOL has determined that no further agency action or analysis is required to comply with those executive orders.

List of Subjects in 29 CFR Part 42

Law enforcement, Migrant labor, Occupational Safety and Health Administration.

PART 42—[REMOVED AND RESERVED]

For the reasons stated in the preamble, and under the authority of 5 U.S.C. 301, the Department proposes to remove and reserve 29 CFR part 42.

Susan Frazier,

Acting Assistant Secretary for Employment and Training, Labor.

Amanda Laihow,

Acting Assistant Secretary for Occupational Safety and Health, Labor.

Donald Harrison,

Acting Administrator for Wage and Hour Division, Labor.

[FR Doc. 2025–11848 Filed 6–30–25; 8:45 am]

BILLING CODE 4510-FN-P; 4510-27-P; 4510-04-P

DEPARTMENT OF LABOR**Office of Labor-Management Standards****29 CFR Part 403****[Docket #]****RIN 1245-AA15****Filing Thresholds for Forms LM-2, LM-3, and LM-4 Labor Organization Annual Reports****AGENCY:** Office of Labor-Management Standards, Department of Labor.**ACTION:** Proposed rule; request for comments.

SUMMARY: This proposed rule revises the filing thresholds in 29 CFR 403.4(a) for the Forms LM-2, LM-3, and LM-4 Labor Organization Annual Reports. This summary can be found at www.regulations.gov by searching by the RIN: 1245-AA15.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments, identified by RIN #1245-AA15, by the following method:

Internet: Federal eRulemaking Portal. Electronic comments may be submitted through www.regulations.gov. To locate the proposed rule, use RIN #1245-AA15. Follow the instructions for submitting comments.

Only comments submitted through www.regulations.gov will be accepted. Comments will be available for public inspection at www.regulations.gov. The Department will post all comments received on www.regulations.gov without making any change to the comments, including any personal information provided. The <http://www.regulations.gov> website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. The Department cautions commenters not to include personal information such as Social Security numbers, personal addresses, telephone numbers, and email addresses in their comments as such submitted information will become viewable by the public via the www.regulations.gov website. It is the responsibility of the commenter to safeguard this information. Comments submitted through www.regulations.gov will not include the commenter's email address unless the commenter chooses to include that information as part of his or her comment.

Docket: Go to the Federal eRulemaking Portal at <https://www.regulations.gov> for access to the rulemaking docket, including any

background documents and the plain-language summary of the proposed rule of not more than 100 words in length required by the Providing Accountability Through Transparency Act of 2023.

FOR FURTHER INFORMATION CONTACT:

Andrew Davis, Director of the Office of Program Operations, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-5609, Washington, DC 20210, by telephone at (202) 693-0123 (this is not a toll-free number), 771 (TTY/TDD), or by email at olms-public@dol.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. 401 *et seq.*, mandates certain reporting and disclosure requirements for labor organizations, their officers and employees, employers, labor relations consultants, and surety companies. Under the LMRDA, every labor organization must file with the U.S. Department of Labor (Department), Office of Labor-Management Standards (OLMS) an annual financial report showing total annual receipts, disbursements, assets, and liabilities of the union. 29 U.S.C. 431. The Secretary of Labor has authority to prescribe the form of the financial disclosure reports required by the LMRDA. 29 U.S.C. 438. The Secretary has prescribed three forms for this purpose—Forms LM-2, LM-3, and LM-4—with the form required determined by total annual receipts. Under current regulations, labor organizations (not in a trusteeship) with \$250,000 or more in annual receipts must file Form LM-2; those with less than \$250,000 may choose to file Form LM-3; and those with less than \$10,000 may choose to file Form LM-4. 29 CFR 403.4(a). Additionally, under certain circumstances, a local labor organization with no assets, liabilities, receipts, or disbursements that is not in a trusteeship can have a “simplified annual report” filed on their behalf by a parent union in lieu of an annual report. *Id.*

The Form LM-2 filing threshold was last revised in October 2003 when the Department raised it from \$200,000 to \$250,000. 68 FR 58374 (October 9, 2003). That 2003 adjustment was intended to approximate the effects of inflation on the earlier \$200,000 level and reduce the recordkeeping and reporting burden for approximately 500 labor organizations. *Id.* The Form LM-2 threshold level has only increased three other times prior to 2003. *Id.*

Shortly after the LMRDA was enacted in 1959, the threshold for filing the detailed Form LM-2 was set by the Secretary at \$20,000. *Id.* The threshold was raised by the Secretary in 1962 to \$30,000, in 1981 to \$100,000, and in 1992 to \$200,000. *Id.* Since 2003, the thresholds have remained unchanged for over twenty years, despite substantial inflation in the intervening period. *Id.* As a result, many unions with relatively modest receipts still meet the threshold for filing the most detailed form, the Form LM-2. *Id.*

Similarly, the Form LM-4 was introduced in a 1992 final rule, which also established the Form LM-3 threshold and required Form LM-3 filing for unions with more than \$10,000 in total receipts but less than the LM-2 threshold of \$200,000 at that time. 57 FR 49356 (October 30, 1992). Since 1992, the \$10,000 threshold for the Form LM-3 has never been raised, despite over 30 years of inflation.

In this proposed rule, the Department proposes to increase each filing threshold to higher values: labor organizations with \$450,000 or more in annual receipts must file Form LM-2; those with less than \$450,000 may choose to file Form LM-3; and those with less than \$25,000 may choose to file Form LM-4. These increases are necessary to reflect economic changes and reduce unnecessary reporting burdens on labor organizations whose total receipts, prior to adjusting for inflation, should not necessitate greater filing requirements. The Department proposes to revise accordingly each reference to the filing thresholds in 29 CFR 403.4(a) and on the Forms LM-2, LM-3, and LM-4, as well as their instructions.

II. Discussion

OLMS' review of the current reporting thresholds confirms that inflation has eroded their real value. As evidenced in the 2003 rulemaking, raising the Form LM-2 threshold to \$250,000 at that time was meant to “approximate[] an inflation adjustment” of the prior \$200,000 standard from 1992. 68 FR at 58383. Since 2003, overall price levels have risen approximately 75%, meaning \$250,000 in 2003 equates to over \$430,000 today in real dollars.¹ The LM-3 threshold erosion has been even steeper, as overall price levels have risen approximately 125% since 1992, and \$10,000 in 1992 equates to over

¹ OLMS utilized the Bureau of Labor Statistic's Consumer Price Index Calculator to estimate buying power from 2004 to 2025 https://www.bls.gov/data/inflation_calculator.htm.

\$22,500 today in real dollars.² To realign the thresholds with current economic conditions, OLMS proposes raising the Form LM-2 and Form LM-3 thresholds to higher levels, with the Form LM-4 adjusting accordingly. These adjustments are consistent with the Department's practice of periodically assessing the appropriateness of the filing thresholds, and the Department proposes to round up to fairly account for future inflation. By increasing the thresholds, this proposed rule would relieve those unions that fall below the new threshold requirement from the burden to file the lengthy Form LM-2 report, without exempting any union from its duty to report all its receipts and disbursements. A majority of current LM-2 filers, including the largest and most complex unions, would continue to file Form LM-2 and provide detailed disclosures. As with the Form LM-2, the increased Form LM-3 filing threshold would excuse those unions that would fall under the new Form LM-3 threshold from the more burdensome filing requirements.

OLMS has estimated the effect of the proposed thresholds on FY2024 filers by looking at the number of labor organizations that filed LM Forms for FY2024 whose receipts fell between the current and proposed threshold amounts. Approximately 868 labor organizations that filed the Form LM-2 in FY2024 would fall below the revised Form LM-2 threshold and instead file the Form LM-3 in the next reporting cycle. Approximately 2,089 labor organizations that filed the Form LM-3 in FY2024 would fall below the revised Form LM-3 threshold and file the Form LM-4 in its next reporting cycle.

It is important to view this estimated effect from increasing the Form LM thresholds in context. For example, the 2003 increase to the Form LM-2 threshold was estimated to affect approximately 500 Form LM-2 filers. 68 FR 58374. Similarly, OLMS estimates 868 FY2024 filers will no longer be required to file the Form LM-2. The estimated 868 filers make up less than 18% of all current LM-2 filers and represent the organizations with the lowest total annual receipts reported by all Form LM-2 filers. Thus, the Department estimates that a substantial number of the largest unions, as measured by total annual receipts, will continue filing the more detailed report, providing transparency to union members and needed resources to the Department as it seeks to enforce the

LMRDA's financial safeguard provisions.

The Department therefore proposes to revise the threshold in 29 CFR 403.4(a)(1) to read: "gross annual receipts totaling less than \$450,000" for labor organizations not in trusteeship that may file Form LM-3. The Department also proposes to revise the threshold in 29 CFR 403.4(a)(2) to read: "gross annual receipts totaling less than \$25,000" for labor organizations not in trusteeship that may file Form LM-4. Unless they meet one of these thresholds, or the criteria for unions with no assets, no liabilities, no receipts and no disbursements in 29 CFR 403.4(b), all other labor organizations would file Form LM-2. *See* 29 CFR 403.3.

The Department further proposes to revise the threshold on Form LM-2 to read: "MUST BE USED BY LABOR ORGANIZATIONS WITH \$450,000 OR MORE IN TOTAL ANNUAL RECEIPTS AND LABOR ORGANIZATIONS IN TRUSTEESHIP," and proposes to revise the thresholds in the Form LM-2 Instructions, Section II, What Form to File, to read: "Every labor organization subject to the LMRDA, CSRA, or FSA with total annual receipts of \$450,000 or more must file the Form LM-2. Labor organizations with total annual receipts of less than \$450,000 may file the simplified Form LM-3, if not in trusteeship . . . Labor organizations with total annual receipts of less than \$25,000 may file the abbreviated annual report Form LM-4, if not in trusteeship."

The Department additionally proposes to revise the threshold on page 1 of Form LM-3 to read: "FOR USE ONLY BY LABOR ORGANIZATIONS WITH LESS THAN \$450,000 IN TOTAL ANNUAL RECEIPTS," and the threshold on page 4 to read: "If total receipts reported in Item 44 are \$450,000 or more, your organization must file Form LM-2 instead of this form." The thresholds in the corresponding Form LM-3 Instructions, Section II, What Form to File, would read: "Every labor organization subject to the LMRDA, CSRA, or FSA with total annual receipts of less than \$450,000 may file the simplified annual report Form LM-3, if not in trusteeship . . . Labor organizations with less than \$25,000 in total annual receipts may file the abbreviated 2-page annual report Form LM-4, if not in trusteeship." Further, the threshold listed in the Form LM-3 Instructions, Section XII, Labor Organizations that Have Ceased to Exist, would read: "The terminal financial report may be filed on Form LM-3 if your organization filed its previous

annual report on Form LM-3 and your organization's total annual receipts, as defined in Section II of these instructions, were less than \$450,000 for the part of the last fiscal year during which your organization existed."

The Department additionally proposes to revise the threshold on page 1 of Form LM-4 to read: "FOR USE ONLY BY LABOR ORGANIZATIONS WITH LESS THAN \$25,000 IN TOTAL ANNUAL RECEIPTS," and the threshold in Item 16 on Form LM-4 to read: "If \$25,000 or more, your organization must file Form LM-2 or LM-3 instead of this form." The thresholds in the corresponding Form LM-4 Instructions, Section II, What Form to File, would read: "Labor organizations with total annual receipts of less than \$25,000 may file the abbreviated 2-page annual report Form LM-4, if not in trusteeship . . . Labor organizations with \$25,000 or more in total annual receipts cannot use Form LM-4." The threshold in the Form LM-4 Instructions, Item 16, would read: "Note: If the labor organization's annual receipts were \$25,000 or more, the labor organization is not eligible to file Form LM-4[.]" and the threshold in the Form LM-4 Instructions, Section X, Labor Organizations that Ceased to Exist, would read: "The terminal financial report may be filed on Form LM-4 if the labor organization filed its previous annual report on Form LM-4 and the labor organization's total annual receipts, as defined in Section II of these instructions, were less than \$25,000 for the part of the last fiscal year during which the labor organization existed." It would also note, "If total annual receipts were \$25,000 or more the labor organization must use Form LM-2 or LM-3[.]"

For the reasons described above, the Department believes that the benefits of the proposed changes, particularly the reduction in regulatory burden for filers, outweigh any loss of detail in annual reporting. By increasing the filing thresholds in a manner proportionate to inflation, this rulemaking ensures that only those unions whose total receipts have kept pace with inflation remain subject to the most detailed reporting requirements. The Department invites public comment on this proposed rule, including general and specific comment on any aspect of the rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866

Executive Order (E.O.) 12866, "Regulatory Planning and Review," 58

² *Id.*, estimating buying power from 1992 to 2025.

FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed rule constitutes a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was submitted to OIRA for review under E.O. 12866.

The Department expects that, if adopted, this proposal will decrease the number of Form LM-2 reports received by 868, based on FY2024 Form LM-2 filing data.³ Similarly, the Department expects to see the number of Form LM-3 filers decrease by 2,089.⁴ Given that the Form LM-2 requires approximately 530 hours per response compared to 103 hours per response for the Form LM-3, the decrease in Form LM-2 filers by 868 will result in an estimated reduction of 427 burden hours per response for those new Form LM-3 filers, totaling approximately 370,636 fewer reporting hours annually. Multiplying the approximately 370,636 reduced burden hours by the estimated average hourly rate⁵ it takes to file the Form LM-3, \$39.11,⁶ the proposed total cost savings for new Form LM-3 filers is \$14,495,573.96.

Additionally, given that the Form LM-3 requires approximately 103 hours per response compared to the 9 hours per response for the Form LM-4, the decrease in Form LM-3 filers by 2,089 will result in an estimated reduction of 94 burden hours per response for those new Form LM-4 filers, totaling approximately 196,366 fewer reporting hours annually. Multiplying the approximately 196,366 reduced burden hours by the estimated average hourly rate it takes to file the Form LM-4, \$37.38,⁷ the proposed total cost savings for new Form LM-4 filers is \$7,340,161.08.

The Department estimates that increasing the Form LM-2 and Form LM-3 thresholds will result in an overall combined reduction of 567,002 burden hours annually and a total estimated cost savings of \$21,835,735.04. The Department also expects its proposal to increase benefits to the public and to American workers by reducing compliance burdens, thereby enabling the regulated community to allocate more resources and time to core activities and services.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The Department is publishing this IRFA in connection with its proposed rule to revise the filing thresholds for labor organization financial reports required by section 201(b) of the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 431(b), and 29 CFR 403.4. This rule is considered because inflation has substantially eroded the real value of existing reporting thresholds, requiring many labor organizations with relatively modest annual receipts to file the most detailed Form LM-2. The objective of the rule is to realign the reporting thresholds with current economic conditions and reduce unnecessary regulatory burdens on smaller labor organizations whose inflation-adjusted total annual receipts do not justify the current filing burdens.

The Department estimates that the proposed increase in reporting thresholds will affect approximately 868 labor organizations that currently file

Form LM-2, and 2,089 that file Form LM-3. The Department believes that all 2,957 of the affected labor organizations may qualify as small entities under the Regulatory Flexibility Act. These labor organizations would instead be eligible to file the less burdensome Form LM-3 and Form LM-4, respectively. The Department estimates this will reduce reporting burden by over 567,000 hours annually, yielding estimated cost savings exceeding \$21.8 million.

This proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements. Rather, it relieves burden by increasing the receipts threshold that determines which financial report must be filed. The rule does not duplicate, overlap, or conflict with other federal rules.

The Department considered alternatives but determined that maintaining the outdated thresholds would perpetuate an unnecessary regulatory burden. Other alternatives—such as a smaller threshold increase—would not sufficiently reflect inflation over the past 20 to 30 years and would fail to relieve unnecessary burdens. Because the rule is deregulatory and imposes no new requirements, the Department does not believe other regulatory alternatives would be appropriate or effective.

C. Review Under the Paperwork Reduction Act

This proposed rule imposes no new information or recordkeeping requirements. The Department reviewed the proposed rule under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*). While the proposed rule would not increase the number of filers overall, it would reduce the burden on many of those filers and change which forms they may submit, thus requiring a revision to an existing information collection. Thus, the Department will submit a separate notice later addressing the modification to OMB Control Number 1245-0003.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure

³ See <https://www.dol.gov/agencies/olms/data>.

⁴ *Id.*

⁵ The estimated average hourly rate is based on average hourly salaries of union officers from data collected by OLMS and non-labor organization salaries derived from the Bureau of Labor Statistic Occupational Employment and Wages Surveys.

⁶ For OLMS’ most recent ICR containing Form LM recordkeeping burden, it can be found at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202407-1245-001.

⁷ *Id.*

meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

The Department has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. The Department has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of

\$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant Federal intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. 2 U.S.C. 1534(a).

The Department examined this proposed rule according to UMRA and its statement of policy and determined that the proposed rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, the Department has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), the Department has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency

pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). The Department has reviewed this proposed rule under the OMB guidance and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Additional Executive Orders and Presidential Memoranda

The Department has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation,” 90 FR 9065 (Feb. 6, 2025); and Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis,” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 403

Labor organizations, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department proposes to amend part 403 of chapter 4 of title 29 of the Code of Federal Regulations, as set forth below:

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

■ 1. The authority citation for part 403 continues to read as follows:

Authority: Labor-Management Reporting and Disclosure Act of 1959, as amended, Public Law 86–257, 73 Stat. 519–546, codified at 29 U.S.C. 401–531.

■ 2. Amend § 403.4 by revising paragraph (a) to read as follows:

§ 403.4 Simplified annual reports for smaller labor organizations.

(a)(1) If a labor organization, not in trusteeship, has gross annual receipts totaling less than \$450,000 for its fiscal year, it may elect, subject to revocation of the privileges as provided in section 208 of the Act, to file the annual financial report called for in section 201(b) of the Act and § 403.3 of this part on United States Department of Labor Form LM–3 entitled “Labor Organization Annual Report,” in accordance with the instructions accompanying such form and constituting a part thereof.

(2) If a labor organization, not in trusteeship, has gross annual receipts totaling less than \$25,000 for its fiscal year, it may elect, subject to revocation of the privileges as provided in section 208 of the Act, to file the annual

financial report called for in section 201(b) of the Act and § 403.3 on United States Department of Labor Form LM–4 entitled “Labor Organization Annual Report” in accordance with the instructions accompanying such form and constituting a part thereof.

* * * * *

K. Signature

Signed in Washington, DC.

Elisabeth Messenger,
Director, OLMS.

[FR Doc. 2025–12273 Filed 6–30–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Part 404

[Docket #]

RIN #1245–AA16

Minor Child Definition for Form LM–30 Labor Organization Officer and Employee Report

AGENCY: Office of Labor-Management Standards, Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule is soliciting public comments regarding revisions to the definition of “minor child” as that term appears in 29 CFR 404.1(h) and on the Form LM–30 Labor Organization Officer and Employee Report.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments, identified by RIN 1245–AA16, by the following method:

Internet: Federal eRulemaking Portal. Electronic comments may be submitted through www.regulations.gov. To locate the proposed rule, use RIN 1245–AA16. Follow the instructions for submitting comments.

Only comments submitted through www.regulations.gov will be accepted. Comments will be available for public inspection at www.regulations.gov.

The Department will post all comments received on www.regulations.gov without making any change to the comments, including any personal information provided. The <http://www.regulations.gov> website is the Federal e-rulemaking portal and all comments posted there are available and accessible to the public. The Department cautions commenters not to

include personal information such as Social Security numbers, personal addresses, telephone numbers, and email addresses in their comments as such submitted information will become viewable by the public via the www.regulations.gov website. It is the responsibility of the commenter to safeguard this information. Comments submitted through www.regulations.gov will not include the commenter’s email address unless the commenter chooses to include that information as part of his or her comment.

FOR FURTHER INFORMATION CONTACT:

Andrew Davis, Director of the Office of Program Operations, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5609, Washington, DC 20210, by telephone at (202) 693–0123 (this is not a toll-free number), 711 (TTY/TDD), or by email at olms-public@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. 401 *et seq.*, mandates certain reporting and disclosure requirements for labor organizations, their officers and employees, employers, labor relations consultants, and surety companies. Every officer or employee of a labor organization who, or whose spouse or their “minor child,” directly or indirectly holds any interest or derives any income or benefit from an employer whose employees the labor organization represents, or from a business that deals with the labor organization or a business that deals in substantial part with a represented employer of the union, or has received certain payments from a labor relations consultant, is required to file an annual financial disclosure report with the Secretary of Labor. 29 U.S.C. 432. The Secretary of Labor has authority to prescribe the form of the financial disclosure reports required by the LMRDA. 29 U.S.C. 438.

The U.S. Department of Labor (Department), Office of Labor-Management Standards (OLMS) proposes to amend its regulations under the LMRDA, 29 CFR part 404, to revise the definition of “minor child” on the Form LM–30 Labor Organization Officer and Employee Report, which requires labor union officers and employees to report actual or potential conflicts of interest involving their own personal financial interests, as well as that of their spouse or “minor child,” and that of their labor organization. In 2007, OLMS issued a final rule defining

“minor child” as a “son, daughter, stepson, or stepdaughter under 21 years of age.” 72 FR 36106 (July 2, 2007). OLMS reasoned that because the LMRDA is silent about the age at which a child reaches their majority, there needed to be a uniform, nationwide definition that Form LM–30 filers, union members, and the public can easily ascertain and 21 was sensible as the age of majority in most states at the time of the LMRDA passage. *See generally* 72 FR 36106. In light of the statutory silence on the age at which a child reaches majority, OLMS reasoned that age 21 was sensible because there needed to be a uniform, nationwide definition that Form LM–30 filers, union members, and the public could easily ascertain, and that 21 was already the age of majority in most states at the time of LMRDA passage. *See* Labor Organization Office and Employee Report, Form LM–30, 72 FR 36145 (July 2, 2007).

II. Discussion

The Department is proposing to amend its regulations to redefine “minor child” as a son, daughter, stepson, or stepdaughter under the age of 18. This change aligns with the age of majority now recognized in almost all United States jurisdictions, where individuals are generally considered legal adults at 18. A total of 47 states and Washington, DC, have set the law of majority at 18, leaving only Alabama and Nebraska at age 19, and Mississippi at age 21.¹ By adopting this widely accepted standard, OLMS seeks to reduce the reporting burden on filers, while preserving the integrity and purpose of the LMRDA’s disclosure requirements.

The proposed amendment reflects the understanding that individuals aged 18 and older are considered capable of managing their own financial affairs and are legally responsible for their actions. In most areas of law, including voting, contracts, and military service, adulthood begins at age 18. Requiring disclosure of financial interests or transactions involving children or stepchildren aged 18 to 20 may impose unnecessary administrative burdens on filers without meaningfully advancing transparency or detection of conflicts of interest, as union officials do not have legal control over their children who reach the age of majority. The Department believes that limiting the definition of “minor child” to those under 18 maintains the effective requirement without unduly burdening

¹ See *age of majority* | Wex | US Law | LII/Legal Information Institute.

filers with tracking the financial interests and transactions of other adult individuals. The Department therefore proposes to revise the definition of “minor child” in 29 CFR 404.1(h) to read: “Minor child means a son, daughter, stepson, or stepdaughter under 18 years of age.” The Department also proposes to revise the definition on page two of the Form LM–30 Instructions to read: “MINOR CHILD—means a son, daughter, stepson, or stepdaughter under 18 years of age.” Additionally, the Department proposes to make a technical correction on page 6 of the Form LM–30 Instructions in Item 7, NATURE AND AMOUNT OF INTEREST, TRANSACTION, BENEFIT, ARRANGEMENT, INCOME, OR LOAN, by deleting: “If you need additional space, see the “How to Provide Additional Information” section on page 3” “(for information on where to provide this explanation, see the “How to Provide Additional Information” section on page 3)” “(See the “How to Provide Additional Information” section on page 3.)” The instructions on page 6 no longer need this language, as page 3 does not contain any instructions on providing additional information, nor is such instruction needed to complete the form.

The Department invites public comment on this proposed rule, including general and specific comment on any aspect of the rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or

marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866, as it reduces reporting and recordkeeping burden for filers and potential filers. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The Department reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule proposes to eliminate burdensome regulations. Therefore, the Department initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” E.O. 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (Aug. 16, 2002), and that the preparation of an IRFA is not warranted. The Department will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This proposed rule imposes no new information or recordkeeping requirements, and the Department does not expect any changes to the number of respondents or reporting or recordkeeping hours. Accordingly, the Department does not propose any changes to its burden estimates for Information Collection Request (ICR) 1245–0003, which contains the Form LM–30 and other LMRDA forms. However, since the Department proposes to update the Form LM–30 Instructions, the Department will submit an ICR revision package to the Office of Management and Budget (OMB) for approval pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.12.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

The Department has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. The Department has completed the required review and determined

that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant Federal intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. 2 U.S.C. 1534(a).

The Department examined this proposed rule according to UMRA and its statement of policy and determined that the proposed rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, the Department has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property

Rights,” 53 FR 8859 (March 18, 1988), the Department has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). The Department has reviewed this proposed rule under the OMB guidance and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Additional Executive Orders and Presidential Memoranda

The Department has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation,” 90 FR 9065 (Feb. 6, 2025); and Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis,” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an Executive Order 14192 deregulatory action.

K. Signature

Signed in Washington, DC, this June 18, 2025.

Elisabeth Messenger,
Director, OLMS.

List of Subjects in 29 CFR Part 404

Labor organization officers and employees, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department proposes to amend part 404 of chapter IV of title 29 of the Code of Federal Regulations, as set forth below:

PART 404—TITLE IV—LABOR ORGANIZATION OFFICER and EMPLOYEE REPORTS

■ 1. The authority citation for part 404 continues to read as follows:

Authority: Labor-Management Reporting and Disclosure Act of 1959, as amended, Public Law 86–257, 73 Stat. 519–546, codified at 29 U.S.C. 401–531.

■ 2. Edit § 404.1(h) to read: “Minor child means a son, daughter, stepson, or stepdaughter under 18 years of age.”

[FR Doc. 2025–11849 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1904

[Docket No. OSHA–2009–0044]

RIN 1218–AC45

Occupational Injury and Illness Recording and Reporting Requirements; Withdrawal

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Withdrawal of proposed rule; termination of rulemaking.

SUMMARY: OSHA is withdrawing the proposal to amend the OSHA 300 Log by adding a column that employers would use to record work-related musculoskeletal disorders. Withdrawal of the proposal does not change any employer’s obligation to complete and retain occupational injury and illness records under OSHA’s regulations. Withdrawal of the proposal also does not change the recording criteria or definitions used for these records.

DATES: This withdrawal is effective July 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Press Inquiries: Frank Meilinger, Director, OSHA Office of Communications, telephone: 202–693–1999; email: meilinger.francis2@dol.gov.

General and technical information: Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, telephone: 202–693–1950; email: levinson.andrew@dol.gov.

Citation Method

In the docket for this rulemaking found at <http://www.regulations.gov>, every submission was assigned a document identification (ID) number that consists of the docket number (OSHA–2009–0044) followed by an additional four-digit number. For example, the document ID number for the proposed rule is OSHA–2009–0044–0001. Some document ID numbers include one or more attachments, such as one of the submissions by the American Federation of Labor and Congress of Industrial Organizations

(AFL-CIO) (*e.g.*, Document ID OSHA–2009–0044–0074).

When citing exhibits in the docket in this preamble, OSHA includes the term “Document ID” followed by the last four digits of the document number, and an attachment identifier, if applicable. In a citation that contains two or more document ID numbers, the document ID numbers are separated by semi-colons.

The exhibits in the docket, including public comments, supporting materials, meeting transcripts, and other documents, are listed on <http://www.regulations.gov>. All exhibits are listed in the docket index on <http://www.regulations.gov>, but some exhibits (*e.g.*, copyrighted material) are not available to read or download from that website. All materials in the docket are available for inspection through the OSHA Docket Office; telephone (202) 693–2350.

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview of OSHA’s Recordkeeping Rule and the BLS Survey of Occupational Injuries and Illnesses

OSHA’s regulations at 29 CFR part 1904 require covered employers to record work-related injuries and illnesses that involve death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or a significant injury or illness diagnosed by a physician or other licensed health care professional (29 CFR 1904.7).

Employers covered by these regulations must record each recordable employee injury and illness using three forms:

- OSHA Form 300, the “Log of Work-Related Injuries and Illnesses,” or equivalent, which provides basic information about injuries and illnesses;
- OSHA Form 301, the supplemental “Injury and Illness Incident Report,” or equivalent, that provides additional details about each case recorded on the 300 Log; and
- OSHA Form 300A, the “Summary of Work-Related Injuries and Illnesses” prepared at the end of each calendar year, which indicates the total number of injuries and illnesses during the year.

These occupational injury and illness records provide information for employers and employees on the injuries and illnesses occurring in the workplace and the hazards that cause or contribute to them. The information assists employers in identifying and correcting hazardous workplace conditions. The records also inform employees about the hazards they face.

Occupational injury and illness records also provide information for OSHA. During the initial stages of an inspection, an OSHA representative typically reviews the injury and illness data for the establishment as an aid to focusing the inspection effort on the safety and health hazards suggested by the injury and illness records. The recordkeeping regulations also require establishments with 250 or more employees that are currently required to keep OSHA injury and illness records, and establishments with 20–249 employees in certain designated industries, to submit information electronically from the 300A Summary to OSHA or OSHA’s designee on an annual basis (29 CFR 1904.41). OSHA uses this information to help target enforcement efforts, and to help the agency identify the scope of occupational safety and health problems and decide whether regulatory intervention, compliance assistance, or other measures are warranted.

In addition, records of work-related injuries and illnesses are the source of information for the national statistics on workplace injuries and illnesses. The Bureau of Labor Statistics (BLS) has conducted an annual Survey of Occupational Injuries and Illnesses (SOII) since 1972. Each year BLS sends the SOII to approximately 230,000 establishments that represent a statistical sample of employers in most industries and across all size classes in the country. OSHA’s recordkeeping regulations require employers who receive the SOII to complete and submit it to BLS (29 CFR 1904.42). The SOII is used to obtain information from employers’ 301 Incident Reports and 300A Summaries. The data BLS collects from the selected establishments are the primary source of occupational injury and illness statistics for the nation, including injury and illness incidences and rates for a variety of case and worker characteristics.

Using the information from the SOII, BLS produces information on two basic categories of nonfatal occupational injuries and illnesses: (1) counts and rates by detailed industry and case type, and (2) counts and rates of case circumstances and worker demographics for cases that result in days away from work (DAFW). Beginning with 2011 data, BLS began a pilot study for a new data series, which included the details of case circumstances and worker characteristics on days of job transfer or work restriction (DJTR) cases (<https://www.bls.gov/iif/days-of-job-transfer-or-restriction.htm>). DJTR cases are OSHA-recordable cases which result only in

job transfer or restricted work activity, without any days away from work. This includes instances in which the injured or ill worker is transferred to another job or assignment, works less than full time, or is unable to perform all of their routine job duties. The pilot study includes data for rotating sets of six selected industry subsectors. BLS publishes occupational injury and illness data on the BLS web page at <http://www.bls.gov>, and makes the aggregate and detailed results available for both research and public information. BLS pledges confidentiality to each employer selected to complete the SOII (as it does on all BLS surveys); therefore, BLS does not publish or share the establishment-specific injury and illness data with the public or government agencies, including OSHA.

For all occupational injuries and illnesses combined, BLS publishes aggregate and industry totals for the number and rates of injuries and illnesses by industry and type of case. For occupational illnesses (skin diseases or disorders, respiratory conditions, poisonings, hearing loss, and all other illnesses), BLS also publishes the totals from the illness columns on the 300A Summary.

For DAFW and for DJTR cases in selected industry subsectors, BLS publishes more detailed estimates of case circumstances and worker characteristics. These are derived from information employers provide from 301 Incident Reports or equivalent forms, or otherwise requested as part of the SOII, about the specific characteristics of cases. Case circumstances and worker characteristics include the employee’s age, race, sex, occupation, and length of service; the employer’s industry classification; the part of the body affected; the nature of the injury or illness; the source of injury or illness (*e.g.*, bodily motion or position, machinery, fire); and the causal event or exposure leading to the injury or illness (*e.g.*, overexertion, repetitive motion, fall).

BLS uses the case circumstances and worker characteristics information from the 301 Incident Reports to develop and publish information on DAFW and DJTR musculoskeletal disorders (MSDs). Since 2011, BLS identifies MSD cases as those cases where the nature of the injury or illness is pinched nerve; herniated disc; meniscus tear; sprains, strains, tears; hernia (traumatic and nontraumatic); pain, swelling, and numbness; carpal or tarsal tunnel syndrome; Raynaud’s syndrome or phenomenon; musculoskeletal system

and connective tissue diseases and disorders, when the event or exposure leading to the injury or illness is overexertion and bodily reaction, unspecified; overexertion involving outside sources; repetitive motion involving microtasks; other and multiple exertions or bodily reactions; and rubbed, abraded, or jarred by vibration (<http://www.bls.gov/iif/oshdef.htm>).

B. Regulatory History of the MSD Column Rulemaking

OSHA's regulations on recording and reporting occupational injuries and illnesses (29 CFR part 1904) were first issued in 1971 (36 FR 12612 (July 2, 1971)). These regulations require employers with more than 10 employees in most industries to keep records of occupational injuries and illnesses at their establishments.

In 2001, OSHA issued a final rule amending these regulations, along with the forms employers use to record injuries and illnesses (66 FR 5916 (January 19, 2001)). Section 1904.12(a) of that rule, which never became effective, would have created an MSD column on the 300 Log and required an employer to check that column if an employee experienced a work-related musculoskeletal disorder meeting the MSD definition contained in the regulation.

After delaying the effective date of 29 CFR 1904.12 (66 FR 52031 (October 12, 2001); 67 FR 77165 (December 17, 2002)) and requesting additional comment on issues related to the MSD column and definition (67 FR 44124 (July 1, 2002)), OSHA subsequently issued a final rule deleting § 1904.12 after determining that the need for an MSD column was not supported by the record (68 FR 38601 (June 30, 2003)). Specifically, OSHA found that the MSD column would not significantly improve the BLS national statistics on MSDs, would not materially assist OSHA in enforcement efforts, and would not provide the type of information that would be useful in addressing MSDs at the establishment level. The agency concluded that existing MSD data BLS publishes were adequate to provide information for OSHA and the public (68 FR 38603–38606).

In 2010, OSHA again proposed to create an MSD column on the 300 Log (75 FR 4728 (January 29, 2010)). OSHA provided a 45-day period for public comment on the proposal, and extended the comment period to 60 days in response to stakeholder requests (75 FR 10738 (March 9, 2010)). The agency received comments on the proposal from individuals, employers, trade

associations, labor organizations, public health groups, and government agencies (e.g., Document ID 0046; 0057; 0059; 0068; 0074; 0084). OSHA also held a public meeting on the proposal on March 9, 2010. Interested stakeholders made oral presentations and had an opportunity to ask OSHA questions about the proposal. OSHA also asked questions of those individuals making oral presentations. A transcript of the meeting is included in the docket for the rulemaking (Document ID 0056).

OSHA partnered with the Small Business Administration's Office of Advocacy to hold three teleconferences with representatives of small businesses on April 11–12, 2011. OSHA received information from the small business community about current recordkeeping practices, including their experiences recording work-related MSDs, and the impact they believe the proposed rule would have on them. A summary of comments from the teleconferences was added to the docket for the rulemaking (Document ID 0139). OSHA reopened the docket for 30 days to allow stakeholders to comment on the summary and the issues covered in the teleconferences (76 FR 28383 (May 17, 2011)).

II. Legal Authority

OSHA's authority to promulgate an MSD column rule stems from sections 8 and 24 of the OSH Act, which empower the Secretary to issue regulations necessary or appropriate to carry out his responsibilities to ensure that employers keep and preserve accurate records of occupational injuries and illnesses (75 FR 4731). The proposed rule explains that in promulgating a regulation rather than an occupational safety and health standard, the agency need only establish that the rule is reasonably related to the enabling legislation. *Id.* OSHA preliminarily found that the MSD column requirement was reasonably related to sections 8 and 24 of the OSH Act because the column would improve the completeness and quality of the national injury and illness statistics, ensure that OSHA has more complete information to target enforcement and guidance efforts to address MSDs, and provide useful data at the establishment level for employers and employees. *Id.*

III. Rationale for Terminating the Rulemaking

The agency's regulatory history on the subject of an MSD column requirement is of central significance to the disposition of this rulemaking. In 2003, OSHA determined after review of the extensive record that adding the MSD column to the 300 Log was not

necessary to improve national statistics, assist OSHA in the enforcement of the Act, or provide useful data to employers and employees at the establishment level (68 FR 38603–38606). In 2010, OSHA believed that an updated rulemaking record would demonstrate the value and usefulness of the data the MSD column would produce. The 2010 proposal sought a new round of comment on whether an MSD column is needed to improve the national statistics, assist OSHA in enforcement, and provide useful establishment-specific data (75 FR 4731–4732).

After careful review, OSHA concludes that the updated record provides no basis for reconsideration of the agency's 2003 determination that the MSD column is not necessary. The new round of comment in response to the proposed rule does not demonstrate that OSHA's prior assessment of the need for the MSD column was flawed, or that new or changed circumstances since 2003 now support the column requirement. Indeed, the comments to the proposed rule, both pro and con, largely track the comments pro and con submitted in support of the 2001 rule and in response to the 2002 request for additional comment. As discussed in more detail below, the updated record contains nothing new or significant on the three central issues resolved in 2003; *i.e.*, whether the MSD column is needed to improve the national statistics, assist OSHA in enforcement, or provide useful establishment-specific data. OSHA has therefore concluded, based on the evidence in the record, that an MSD column rule would not be reasonably related to sections 8 and 24 of the OSH Act and the proposed rule should be withdrawn.

A. The Record Does Not Demonstrate That an MSD Column Would Significantly Improve the National Injury and Illness Statistics

As discussed in section I. Background, the BLS national injury and illness statistics include detailed information on MSDs that result in days away from work (DAFW). This information includes the specific body part affected and the activity associated with the disorder; data that enable OSHA, employers, employees, and researchers to have some understanding of the nature and significance of the case.

If the MSD column were implemented, employers participating in the BLS survey could report annually the total number of cases for which there was a check in the MSD column. This information could enable BLS to report the total number and incidence

rate of MSDs of all types, and would provide a basis for estimating the number of MSDs that do not result in days away from work (see 68 FR 38605). In 2003, OSHA found that these additional data would add only marginally to the information currently available. OSHA found that a new statistic on total MSD cases would be difficult to interpret because it would include a wide variety of physical symptoms with different causes and outcomes (see 68 FR 38605). OSHA determined that an MSD column requirement would produce only an aggregate total of cases that could not be further analyzed for significance, and that “[n]o such statistic would be useful without a means of understanding and interpreting it” (68 FR 38605).

Commenters supporting the addition of the MSD column to the 300 Log failed to provide new evidence contradicting OSHA’s prior finding. While some asserted that the column would make conducting analyses easier (*e.g.*, Document ID 0056, p. 40–41; 0074; 0088; 0102; 0112; 0174; 0188) and would allow various entities, including employers, OSHA, BLS, labor unions, and researchers, to better analyze the patterns and causes of MSDs, as well as target and evaluate interventions (*e.g.*, Document ID 0057; 0059; 0074; 0075; 0083; 0088; 0108; 0112; 0130; 0139; 0149; 0157; 0159; 0164; 0165; 0177; 0187), they apparently assumed that the new statistic would be meaningful. These commenters failed to address OSHA’s concern that the addition of an aggregate statistic for all MSDs would not be useful without a means of understanding and interpreting it. In particular, commenters supporting the column did not explain how the statistic would be useful in the absence of the detailed case-characteristic data generated for DAFW cases.

The BLS survey elicits descriptive information only on injuries and illnesses resulting in DAFW and, for selected industry subsectors for DJTR.¹ Accordingly, without similar descriptive information for the other incidents where the MSD column is checked, BLS cannot analyze the characteristics of those injuries and illnesses as it can DAFW and DJTR cases. Thus, adding an MSD column to the 300 Log would not result in any additional descriptive data on MSD cases beyond what is currently collected

by BLS.² As a result, for MSDs not already analyzed by BLS, there would be no way to distinguish among different types of disorders, determine possible causal factors, evaluate demographics, or perform other analyses.

Many commenters pointed to the limited utility of this information as a significant reason not to add the MSD column to the 300 Log (*e.g.*, Document ID 0067; 0073; 0094; 0097; 0113; 0122; 0125; 0136; 0161). For example, the Independent Electrical Contractors stated that “[b]ecause OSHA is not proposing to change the BLS survey system in its 2010 proposed amendments, there would be no value added to the usefulness of national injury and illness statistics by the addition of an MSD column” (Document ID 0106, p. 4). The Ad Hoc Coalition of Small Business Refiners further elaborated that “a ‘count’ of MSDs will [not] benefit the industry without the ability to analyze the case characteristics of these injuries. . . . The total number of cases will not advise employers, OSHA, or other interested parties about the possible causes and prevention of ergonomic hazards. Simply knowing that a certain number of MSD cases have occurred does not determine which jobs or working conditions pose ergonomic hazards and how they may be abated” (Document ID 0161, p. 2).

Some commenters indicated that an MSD column would provide data comparable to that generated from the other illness columns (*i.e.*, skin disorders, respiratory conditions, poisonings, and hearing loss) already present on the 300 Log (*e.g.*, Document ID 0069; 0108). However, given the wide variety of MSD injuries and their potential sources, and thus the limited information that would be conveyed through an MSD column alone, other commenters argued that an MSD column would not be as useful as the other illness columns already present on the 300 Log (*e.g.*, Document ID 0118; 0125; 0185). For example, the Society of the Plastics Industry, Inc. explained “Hearing loss, skin disorders, respiratory conditions and poisonings

do not have the same broad set of affected body parts and etiology compared to MSDs. Correspondingly, the range of possible workplace solutions to address MSDs is significantly broader, rendering a single number in a column of little value when trying to use the information in a meaningful way to address workplace injuries and illnesses of this nature by OSHA, employers or employees” (Document ID 0125, p. 9). In a similar vein, the U.S. Chamber of Commerce and 18 other industry associations indicated “MSDs are not comparable to skin disorders or respiratory illnesses. One generally avoids respiratory illnesses by implementing measures that avoid inhalation of toxic materials and avoids skin disorders by avoiding dermal contact with toxic materials. In the workplace, these causative agents can be identified. Because the etiology of MSDs is far more complex and the causative agents so poorly identified, there are few if any changes that reliably can be adopted by employers to mitigate the complaints that the new regulation would require employers to record” (Document ID 0118, p. 28).

Other commenters raised similar concerns that adding the MSD column to the 300 Log would not produce useful or more accurate information (*e.g.*, Document ID 0067; 0073; 0091; 0094; 0095; 0097; 0098; 0099; 0104; 0105; 0106; 0110; 0114; 0115; 0117; 0118; 0122; 0125; 0127; 0129; 0151; 0156; 0161; 0167; 0172; 0175; 0181). Commenters also suggested that the proposed definition of an MSD does not include conditions with sufficient commonalities to provide much, if any, utility (*e.g.*, Document ID 0064; 0073; 0094; 0097; 0106; 0113; 0114; 0118; 0122; 0161) and that, as a result, checking a box would provide very little practical information for either employers or OSHA about the cause or possible abatement of hazards in the workplace (*e.g.*, Document ID 0064; 0067; 0073; 0094; 0097; 0113; 0122; 0125; 0136; 0161).

Accordingly, the record does not alter OSHA’s previous conclusion about the usefulness of a MSD column for compiling national statistics on MSDs. It continues to show that a new statistic indicating the total number of MSDs would be of limited use without information on the specific characteristics of these cases. As a result, OSHA continues to believe that the MSD column would not materially improve the information currently available from national statistics on MSDs (see 68 FR 38604).

Some commenters also argued that the lack of an MSD column results in an

¹ Like DAFW cases, this DJTR data includes the specific body part affected and the activity associated with the disorder, giving interested parties some understanding of the nature and significance of the case.

² The BLS’s DJTR pilot program and its resulting data was not available when OSHA requested comment on the proposed rule, and OSHA did not rely on it in any way in determining that an MSD column would not significantly improve the existing national injury and illness statistics. However, OSHA notes that this supplemental information would not alter that conclusion. If anything, it would appear to lend further support. To the extent that BLS is already able to collect and analyze more MSD information under current practices without the addition of the MSD column, there would be less need for the MSD column.

underreporting of MSDs. First, some of these commenters claim that the current BLS statistics on MSDs may mask a problem that employers are deliberately keeping employees with MSDs at work on light-duty or treating them with prescription drugs to avoid having to record these MSDs as DAFW cases (e.g., Document ID 0074; 0183).³ Although OSHA noted in the proposal a potential issue concerning the underreporting of DAFW MSDs, the updated record does not demonstrate that such a problem actually exists. Specifically, the record does not support the notion that employers' medical management practices for MSDs are influenced by the manner in which MSDs are reflected in the national statistics.⁴ Moreover, to the extent that employers' medical management practices for MSDs are alleged to violate the recordkeeping rule or other OSHA regulation or standard, adequate enforcement mechanisms are already available.

In the absence of other evidence of employer intent to manipulate national statistics, these commenters assert that having a statistic on the aggregate number of MSDs of all types would be useful in illuminating this alleged problem of employer manipulation because it would provide a basis for estimating the total number of non-DAFW MSDs and comparing the rates of DAFW and non-DAFW MSDs over time (see also 75 FR 4733). But even to the extent that such a comparison could be facilitated through an MSD column,⁵ it would not be logical to attribute employer motivation based on a correlation between DAFW and non-DAFW MSDs.

Second, some commenters argued that MSD injuries are collectively underreported because of lack of employer knowledge or other reasons, and that the addition of an MSD column

would help raise employer awareness so that otherwise unreported injuries would be reported (e.g., Document ID 0003; 0005; 0069; 0075; 0093; 0102; 0103; 0128). Others, however, questioned whether there is actually any underreporting of these injuries (e.g., Document ID 0067; 0118). In any event, the record does not show that the addition of an MSD column would address this type of underreporting.

Employers have an existing obligation under OSHA's regulations to complete and retain occupational injury and illness records for injuries recordable as MSDs, even if they are not required to label such injuries as an "MSD." For example, if a worker suffers a back injury that meets the existing recording criteria, the employer is already required to record that back injury on the 301 Incident Report and the 300 Log. The employer might label the injury as a "strained back" on the 301 Report and 300 Log. The addition of an MSD column would not change this legal obligation or the recording criteria or definitions used for these records. Accordingly, as some commenters noted, to the extent employers are simply not recording MSD injuries at all, the addition of an MSD column would not be likely to change this underreporting behavior (e.g., Document ID 0067; 0115; 0118). Indeed, under the proposed rule, the MSD column would not be a factor in the decision-making process at all unless the employer had first recorded the case on the 300 Log and entered the case characteristic data on the 301 Report. Simply adding the column would not improve the quality of the national injury and illness statistics.

For these reasons, OSHA concludes that, based on the record, adding an MSD column is not necessary to improve the national injury and illness statistics.

B. The Record Does Not Demonstrate That an MSD Column Is Necessary To Assist OSHA in Enforcement or Outreach

The record also does not demonstrate that the addition of an MSD column would meaningfully assist in targeting the agency's inspection, outreach, guidance, and enforcement efforts. In 2003, OSHA found that the column would not be useful in targeting the agency's resources because the single aggregate statistic it would produce would add nothing of significance to the case description data already available on the OSHA 300 Logs and 301 Incident Reports (68 FR 38604). Although several commenters generally asserted that information gained from the addition of

an MSD column would enable OSHA to more effectively target inspection and compliance assistance activities (e.g., Document ID 0149; 0157; 0159; 0164; 0165; 0187; 0188), the record does not support this assertion. MSDs include health conditions ranging from back injuries to carpal tunnel syndrome, and those conditions can result from a myriad of causes. Because the MSD column would only show the total number of MSDs that occurred in an establishment and nothing about the nature or cause of these disorders, it would be of little practical value in identifying hazards in the workplace. A figure indicating the total number of cases aggregates conditions that may have little in common. Further, the total number of cases provides no basis for identifying the causes of these disorders, and thus no basis for identifying potential hazards and measures that can be taken to address those hazards.

Commenters also identified concerns that this aggregate number of MSDs would be misleading and adversely affect policymaking, enforcement decisions, and resource allocation (e.g., Document ID 0097; 0105; 0114; 0118; 0122; 0161; 0167; 0181). While Dow Chemical generally supported OSHA's desire to have information about MSDs, they cautioned that it was inappropriate "to use the data from the new column on the log to target inspections and enforcement . . . because the data will not be sufficiently robust for those purposes" (Document ID 0064, Attachment 2, "Comments from The Dow Chemical Company," p. 9). OSHA agrees. The detailed information on case characteristics available from BLS for the MSD cases involving days away from work, along with information from the submission of 300A Summaries to OSHA, provides the agency with adequate information for targeting inspection, outreach, guidance, and enforcement efforts. The case description data in the 300 Log and 301 Incident Reports is available when more comprehensive information is needed to assist OSHA in the inspection activities for particular establishments. Therefore, the record does not indicate that the MSD column would significantly assist the agency in enforcement and outreach efforts.

C. The Record Does Not Demonstrate That an MSD Column Would Provide Useful Information to Employers and Employees at the Establishment Level

For similar reasons, the record does not demonstrate that addition of an MSD column would provide information that will be useful to

³ Note, however, that employers would be violating OSHA's existing recordkeeping rules to the extent that they fail to record recordable injuries as DAFW when a physician or other licensed health care professional recommends that the worker stay at home, even if the worker then returns to work on light duty (29 CFR 1904.7(b)(3)(iii)).

⁴ OSHA does not disagree that BLS DAFW injuries represent only a portion of all MSD injuries, but the limitation on BLS data does not evidence employer animus. The commenters appear to assume the employers' motive based entirely on perceived incentives and a purported correlation between the number of DAFW and transfers to "light duty" in industries that they claim have a high number of MSD injuries.

⁵ The report by the Majority staff of the House Committee on Education and Labor noted that "a major cause of underreporting, according to experts, is OSHA's reliance on self-reporting by employers." (Document 003, p. 2). It is unclear how an additional column to be self-reported by employers could be relied on to provide evidence of their own intent to obfuscate reporting.

employers and employees at the establishment level (e.g., Document ID 0074; 0102; 0130; 0177; 0188). In the 2003 rule deleting the MSD column, OSHA found that the column would not provide useful establishment-specific data for two reasons. First, because the column would show only the total number of MSDs and nothing about the nature or cause of the disorders, it would be of little practical value in addressing these disorders. Second, to the extent that knowing the total number of MSDs that have been recorded at a facility is relevant as a starting point for further analysis, the number is easily obtainable without the column requirement (68 FR 38603). Some commenters agreed that the MSD column would provide very little practical information beyond what is already gathered (e.g., Document ID 0094; 0097; 0122; 0125; 0139; 0156). Even those arguing for an MSD column did not indicate that employers or others could not get the same information through other means.

In fact, several businesses noted that they already have more robust information than the MSD column would generate (e.g., Document ID 0041; 0054; 0058; 0064; 0122). For example, one large chemical company explained “Dow utilizes an electronic database which enables analysis of incident events including all injuries and illnesses (MSD events included). The data are global, not limited to US specific events. Our database also has the capability of permitting trend analysis. Metrics are summarized and used to identify target prevention strategies. Since 2001, the company’s incidence of MSDs has consistently decreased. . . . Dow also performs a root cause investigation into each recordable injury, in an effort to find measures that will prevent recurrence. If the findings have broad applicability, we communicate broadly within the company in order to leverage the learnings” (Document ID 0064, Attachment 1, “Letter regarding comments from Seiler, Don; The Dow Chemical Company”). A different company noted that it already tracks MSDs in its own database “Domtar maintains a data base of all OSHA reported incidents so that we can assess and focus on leading injury types within our facilities. Typically, a statistical analysis, such as a Pareto chart, is used to determine the comparative rates of certain type incidents, which allows the company and individual facilities to develop improvement or corrective plans to address high frequency injury types. MSD type injuries are included in

our analysis. In fact, we assess MSD injuries to specific body parts, such as back or knee incidents, as an example” (Document ID 0054). A third company concluded that an MSD column would be unnecessarily duplicative of its existing practices “LTC facilities use their quality assurance teams and accident/incident reports to record employee injuries, which would include MSDs, regardless of whether the cases result in days away from work. Employers can effectively track and analyze MSDs with those reports. Therefore, adding an MSD column to the OSHA 300 log is unnecessary for the LTC profession, and would increase operational costs” (Document ID 0058).

Information gathered during the small business teleconferences also suggested that an MSD column would provide very little practical information for a number of reasons “Most participants . . . said they do not use the OSHA 301 Report and 300 Log as management tools. They said they use the OSHA recordkeeping forms strictly to ensure regulatory compliance. Those participants that said they use injury and illness records as management tools use workers’ compensation forms or tools that the business has developed that provide more extensive information than the OSHA forms. Therefore, most participants did not believe the MSD column data would be helpful specifically to them” (Document ID 0139, p. 6).

OSHA was explicit in the 2010 preamble that the proposed rule would not have required any new action on the part of employers beyond checking the MSD column when appropriate, so employers would not be required to conduct an analysis of their own establishments. Because the MSD column determinations would have been drawn from the employer’s own 300 Log and 301 Incident Reports, OSHA concludes that employers, employees, and their representatives wishing to conduct establishment-based analysis already have sufficient access to the information to do so. The absence of a mandatory regulatory requirement to check a column does not preclude those employers or employee representatives from tracking this information in whatever manner they choose.

Some commenters claimed that employers, employees, and their representatives face difficulties when gathering and analyzing information about MSDs in their workplaces from BLS data (e.g., Document ID 0056, p. 125, 129–132; 0076; 0102; 0128, Attachment 1, “Comments submitted by Frumin, E[r]ic on behalf of the Workers

United”; 0174; 0188). However, they did not indicate how a mandatory MSD column, which is based on information already accessible to them, would improve establishment-based analysis. For example, the AFL–CIO argued that an MSD column would facilitate retrospective analysis “In the absence of an MSD column, employers and workers currently have to search and review each entry on the 300 Log on a case-by-case basis to determine if a case is an MSD. It is [a] time consuming effort to conduct a case-by-case analysis after the cases have already been entered on the Log. Analysis under this approach can occur long after the case has been entered when facts and circumstances about the cases may not be readily ascertainable which heightens the likelihood that an MSD case will be missed. Unions have had a difficult time sorting out and identifying the MSD cases when done retrospectively after entry. It would be far simpler, easier, less time consuming, and more accurate to identify, at the time of entry, those cases that are MSDs and to check the column if the case meets the definition of an MSD. By making the identification and checking the MSD column at the time the case is entered on the Log, employers and unions can quickly and easily see whether or not a problem exists in their workplace” (Document ID 0074, Attachment 1, “Comments and documentary submissions of the AFL–CIO,” p. 4). OSHA is unpersuaded that an MSD column will materially facilitate retrospective analysis. As it found in 2003, MSD cases can be determined based on the description-of-injury information in the 300 Log and 301 Incident Reports (see 68 FR 38604). Indeed, to ensure the reliability of the analysis, a researcher would generally want to do this comparison his or herself rather than rely on the employer’s characterization of the injury through the MSD column. Moreover, although the AFL–CIO points out that “[a]nalysis under this approach can occur long after the case has been entered,” they do not explain why this would necessarily be the case, or how it makes identification of MSD injuries difficult.

In fact, many comments also included examples of analysis that was able to be completed using existing information from 300 Logs and 301 Incident Reports. Specifically, the United Food and Commercial Workers (UFCW) presented their analysis of thousands of OSHA 300 Log entries that were reviewed as part of the organization’s development of a database on injuries and illnesses in the

meatpacking and poultry industries. Based on the available data from 300 Logs, even without an MSD column, UFCW was able to develop industry-specific and sufficiently detailed information to understand the nature of particular MSDs and develop prevention strategies relevant to those specific injuries (as opposed to all MSDs generally) (Document ID 0174, p. 2–5).

MSD injuries are somewhat unique because of the breadth of their conditions and causes, and thus aggregate data about these injuries will typically be harder to apply than with respect to other types of injuries and illnesses. Ultimately, to understand and address MSDs that are occurring in workplaces, employers and others must be able to link specific types of injuries to job characteristics or working conditions. This requires evaluation of each individual case to determine the part of the body affected, the nature of the job performed by the injured employee, and other relevant data. Such information is currently available in the case-description section of the 300 Log and in the 301 Incident Report. OSHA recognizes that such an evaluation requires time and effort, but the MSD column would not provide a substitute for a review of the detailed information on the 300 Log and the 301 Incident Report. OSHA acknowledges that many employers may find their time and effort better spent on examining the detailed information that they already produce than attempting to determine whether to place a check mark in a summary column that in the end would not prove a substitute for analysis of the underlying data.

For these reasons, OSHA is withdrawing the proposal to add an MSD column on the 300 Log. Withdrawal of the proposal does not change any employer's obligation to complete and retain injury and illness records under 29 CFR 1904. Withdrawal of the proposal also does not change the recording criteria or definitions used for these records.

IV. Legal Determinations

A. Paperwork Reduction Act

This final action withdraws OSHA's proposal to add an MSD column on the 300 Log. Therefore this rule continues OSHA's current practices unaltered, resulting in no changes in actual paperwork burden compared with current practice. As a result, it is not necessary to estimate changes in OSHA's paperwork burden because this rule leaves the paperwork burden unaffected.

B. Economic Analysis

In the 2010 proposal, OSHA estimated that 1,542,000 establishments were currently required to keep a recordkeeping log and thus would be affected by the proposed rule. OSHA also estimated that they would need, in any given year, to record 1,566,000 MSDs. Also in the 2010 proposal, OSHA estimated there would be two kinds of costs if the proposal was finalized: familiarization costs derived from the time required to learn what the rule required; and the costs of actually determining what injuries and illnesses would be MSDs and making the appropriate marking in the MSD column. Some commenters point to other possible kinds of costs such as expansion of the number of cases recorded (e.g., Document ID 0095; 0100; 0116; 0118) and cost for modifying software (e.g., Document ID 0037; 0063; 0067; 0082; 0094; 0100; 0115; 0121; 0122; 0154; 0161; 0176; 0181; 0185; 0190). All of these sources of costs disappear with the withdrawal of the proposed rule.

Based on an estimate that familiarization would require 5 minutes per establishment, OSHA at that time estimated that this would be a one-time cost incurred in the first year and would total annualized costs of \$735,000 per year. These familiarization cost estimates did not appear to account for the time necessary to download new forms. OSHA estimated that recording and checking the MSD column would require 1 minute per MSD plus 1 minute for additional injuries and illnesses, that, though not MSDs, would need to be examined. OSHA estimated that this would result in annualized costs of approximately \$1 million per year.

These unit cost estimates, and the resulting total cost estimates, received significant comment. Some agreed broadly with OSHA's estimates (e.g., Document ID 0157; 0159; 0160; 0165; 0166; 0171; 0173; 0174; 0177). However, others argued OSHA's costs were far too low (e.g., Document ID 0084; 0091; 0092; 0096; 0097; 0099; 0107; 0109; 0110; 0111; 0114; 0115; 0121; 0124; 0125; 0133; 0148; 0151; 0172). OSHA notes that since the proposed rule was issued, the estimated number of establishments required to keep a recordkeeping log has declined (84 FR 405 (January 25, 2019)), and the number of recordable injuries and illnesses has also declined (https://www.bls.gov/news.release/archives/osh_11082018.pdf). Since these cost estimates are made irrelevant by the withdrawal of the proposed rule, there is no need to resolve the issue of the

best cost estimate. OSHA notes only that the withdrawal of the proposed rule results in avoided costs that were estimated to be \$1,735,000 per year in 2010, at the time the proposal was issued, and is estimated to be \$2,424,100 in 2024 dollars.

C. Regulatory Flexibility Certification

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601), the Acting Assistant Secretary certifies that this final action will not have a significant economic impact on a substantial number of small entities. This final action withdraws a proposal that would have added requirements on small businesses. The removal of those requirement will impose no costs on small businesses.

Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 8–2020 (85 FR 58393).

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0015]

RIN 1218–AD69

Vinyl Chloride

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule removes language in OSHA's Vinyl Chloride standard that is duplicative with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the

hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0015, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0015). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0015) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

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and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A “100-word summary” is also available at <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to remove language in the Vinyl Chloride standard, 29 CFR 1910.1017, which is redundant with language in the Respiratory Protection standard. This would result in improved comprehensibility of the standard and avoid employer confusion and redundant efforts to comply with both standards. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard, to use it as a foundation for substance-specific standards.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and

29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1974 when it published the Vinyl Chloride standard (39 FR 35890). The Supreme Court, in its decision on OSHA's benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep't, AFL–CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally published this standard as an emergency temporary standard (ETS) and found that vinyl chloride posed a grave danger, which is a higher threshold than significant risk (39 FR 12342). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”)). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL–CIO–CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has

made a preliminary determination that the proposed changes are reasonably related to the purpose of the Vinyl Chloride standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is not expected to increase costs for employers. OSHA’s economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a Vinyl Chloride standard in 1974 (39 FR 35890). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory

Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Vinyl Chloride standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA has identified a training provision in the Vinyl Chloride standard which can be eliminated in order to reduce redundancy with 29 CFR 1910.134 without compromising employee safety. The purpose of deleting this provision is to avoid an unintended result of employers duplicating their efforts to comply with the training provisions of both the Vinyl Chloride standard and the Respiratory Protection standard, as well as to reduce the burden associated with reviewing unnecessary provisions in standards.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation.”

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (j) of its general industry Vinyl Chloride standard (29 CFR 1910.1017) to remove redundant language and improve the comprehensibility of the requirements for respiratory protection programs. This revision would simplify compliance for employers by removing language in 1910.1017 that is duplicative with the requirements in 1910.134. This change would avoid the possibility of employers duplicating their efforts to comply with the training provisions of both the Vinyl Chloride standard and the Respiratory Protection standard, as well as reduce the burden associated with reviewing unnecessary provisions in standards. The Agency preliminarily concludes, therefore, that updating this rule is consistent with the goal of reducing undue burden.

OSHA has preliminarily determined that paragraph (j)(1)(iii) of the Vinyl Chloride standard, which requires training on “The purpose for, proper use, and limitations of respiratory protection devices,” unnecessarily duplicates the general provisions covered by the Respiratory Protection standard, at 1910.134(k), and is proposing to remove and reserve that paragraph.

OSHA recognizes that adopting this revision will also result in the revision of the respiratory protection requirements in OSHA’s shipyard employment, marine terminals, longshoring, and construction industry standards for vinyl chloride (*see* 29 CFR 1926.1117, 29 CFR 1917.1, 29 CFR 1918.1, and 29 CFR 1915.1017, which apply the requirements in 29 CFR 1910.1017 to construction, marine terminals, longshoring, and shipyards). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against vinyl chloride in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee’s recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on the following questions:

1. Are there any concerns that making the change described in this proposal will decrease worker safety?

2. Is there an alternative approach OSHA should consider?

V. Economic Analysis

This proposed rule would remove redundant training requirements in the Vinyl Chloride standard, 29 CFR 1910.1017, and therefore OSHA has preliminarily concluded that there will be no additional costs imposed by this proposed revision. OSHA also anticipates that there may be some cost savings associated with this rule, including a reduction of the burden associated with complying with and reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

The changes to the requirements for vinyl chloride may reduce the time necessary for employee training on respirators. OSHA estimates that 4,407 employees work at establishments affected by the vinyl chloride rule. Assuming a hiring rate of 30.6 percent annually,¹ a loaded wage of \$54.26 an hour, and that the changes to the standard may result in a decrease of 15 minutes per employee, this proposal could result in cost savings of \$18,292 (or \$136,117 over 10 years at a 3 percent discount rate).²

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How many employers were likely to have been impacted by the redundant provisions and were providing duplicative training? How many employees were being provided duplicative training?

2. Are there any other savings for employers that would result from the proposed change?

2. Are there any benefits for worker protection that can be anticipated from this proposed change?

3. Are there any costs for employers that would result from this change that OSHA has not considered?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies

that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of

occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”³

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

³ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

¹ Based on BLS JOLTs data.

² See Document ID OSHA–2011–0196–0015 for details on employment and wage estimates.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Vinyl Chloride standards (OMB Control Number 1218–0010), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0010 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of duplicative requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is

issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is proposing to amend 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority citation for subpart Z of part 1910 is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2, and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911, except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

§ 1910.1017(j)(1)(iii) [Reserved]

■ 2. Remove and reserve § 1910.1017(j)(1)(iii).

[FR Doc. 2025–11644 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0016]

RIN 1218–AD65

Inorganic Arsenic

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA’s Inorganic Arsenic standard and better aligns this standard with OSHA’s Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0016, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0016). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0016) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's Inorganic Arsenic standard (29 CFR 1910.1018). OSHA is proposing to revise some respirator-related provisions

where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Inorganic Arsenic standard outdated. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is ". . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1983 when it published a supplemental statement of reasons for the Inorganic Arsenic standard (48 FR 1864) (OSHA issued a standard in 1978 lowering the permissible exposure limit for inorganic arsenic (43 FR 19584), but was ordered by a court to make additional findings, including a significant risk determination, which it did in the supplemental statement). The Supreme Court, in its decision on OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate "whether significant risks are present and can be eliminated or lessened by a change in practices" (*Indus. Union Dep't, AFL–CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must "find that each and every aspect of its standard eliminates a significant risk")). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL–CIO–CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) ("Lead I")). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Inorganic Arsenic standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be

able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA’s economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted an Inorganic Arsenic standard in 1978 (43 FR 19584). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the

respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Inorganic Arsenic standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA’s Inorganic Arsenic standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates will also improve the Inorganic Arsenic standard because advances in technology have made that standard outdated in some areas. This revised Inorganic Arsenic standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraphs (h) and (o) of its general industry Inorganic Arsenic standard (29 CFR 1910.1018) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements

for respiratory protection programs. These revisions would improve comprehensibility and simplify compliance for employers by removing requirements in 1910.1018 that are duplicative with the requirements in 1910.134 and updating respirator requirements to align with the revised NIOSH certification criteria in 42 CFR part 84. The revisions would also remove unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions would conform these standards, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goals of reducing undue burden and facilitating the use of new technology.

OSHA preliminarily determined that paragraphs (h)(1)(i) through (iv) of the Inorganic Arsenic standard, which specify when respirators must be used, unnecessarily duplicate the general provisions covered by 1910.134(a). Therefore, the agency is proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (h)(1).

Additionally, OSHA is proposing to remove paragraph (h)(3)(i)(C) of the Inorganic Arsenic standard, which requires HEPA filters for powered and non-powered air-purifying respirators. That requirement was included because it was originally part of NIOSH’s certification standards for respirators. However, NIOSH published revised requirements for testing and certification procedures and recodified the previous certification standards for other respirator classes as 42 CFR part 84 on June 8, 1995 (60 FR 30336). The HEPA filter requirement is not part of the revised 42 CFR part 84 anymore because additional types of filters have been certified for protection from particulates and can be used with powered and non-powered air-purifying respirators. OSHA believes that these testing and certification requirements ensure that all particulate filters certified under 42 CFR part 84, including HEPA filters, are efficient in preventing the penetration of submicron-sized particles; OSHA recognized this when the Agency’s revised Respiratory Protection standard was issued on January 8, 1998 (63 FR 1152). In fact, OSHA has issued other substance-specific regulations since the revised Respiratory Protection standard and NIOSH’s revised certification requirements were issued and has not incorporated a requirement for HEPA filters in similar respirator provisions in those rules.

OSHA is also proposing to remove paragraph (h)(3)(i)(D), which requires employers to provide respiratory protection based on employee exposure levels for inorganic arsenic and other gases. OSHA preliminarily determined that these respirator-selection provisions for inorganic arsenic are covered by 1910.134(d) and the standard can be streamlined by their removal. Similarly, OSHA is proposing to remove a portion of paragraph (h)(3)(ii) which specifies that employers must provide a combination dust and acid-gas respirator to employees who are exposed to gases over the relevant exposure limits. The agency has also preliminarily determined that this requirement is covered by 1910.134(d).

OSHA is also considering removing the other requirement in paragraph (h)(3)(ii), which requires employers to provide an employee with a powered air-purifying respirator (PAPR) when the employee chooses it, if a PAPR will provide proper protection. OSHA believes the removal of this provision would not compromise worker safety and health—this provision is about employee requests and, without it, workers would still be provided adequate protection. When OSHA updated the respiratory protection standard, the agency determined that it was appropriate to allow an employer to provide more protective respirators when requested by an employee, rather than mandate it (29 CFR 1910.134(c)(2)). Removing these requirements would therefore better align the Inorganic Arsenic standard with the general Respiratory Protection standard. However, the Agency acknowledges that user comfort affects employee compliance with requirements to wear respiratory protection and questions whether the existing requirements under the Respiratory Protection standard, 1910.134(c)(2) and Table 1, offer equivalent access to alternative styles of respiratory protection. OSHA therefore seeks comment on the merits of removing this provision.

Finally, OSHA preliminarily determined that paragraph (o)(1)(ii)(C) of the Inorganic Arsenic standard, which requires employers to provide training on the purpose, proper use, and limitations of respirators, unnecessarily duplicates the general provisions covered by the Respiratory Protection standard, 1910.134(k). OSHA therefore is proposing to remove and reserve that paragraph.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's shipyard employment, marine terminals,

longshoring, and construction industry standards for inorganic arsenic (*see* 29 CFR 1926.1118, 29 CFR 1917.1, 29 CFR 1918.1, and 29 CFR 1915.1018, which apply the requirements in 29 CFR 1910.1018 to construction, marine terminals, longshoring, and shipyard work). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against inorganic arsenic hazards in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, which provisions and why?
2. Are there alternative approaches OSHA should consider for any of these revisions?
3. Should OSHA remove the requirement for employers to provide PAPRs when they are requested by employees?
4. Are there any concerns that removing any of the substance-specific provisions in the Inorganic Arsenic standard and relying on the generic requirements of the Respiratory Protection standard will inadequately capture the content and requirements of the current substance-specific provisions?

V. Economic Analysis

This proposed rule would expand compliance options for employers under the Inorganic Arsenic standard, 29 CFR 1910.1018, and therefore OSHA has preliminarily concluded that there will be no additional costs imposed by this proposed revision. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective respirators and a reduction of the burdens associated with reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary

determination that the rule would be economically feasible.

Based on the Supporting Statement for the Information Collection Request for the Inorganic Arsenic standard, OSHA estimates that there are 407 employees exposed to inorganic arsenic in the U.S. above the PEL.¹ This proposed rule would, among other things, allow employers to provide N95 particulate filters rather than limiting employers to respirators equipped with HEPA filters. OSHA estimates that a 3M P100 particulate filter replaced every 40 hours of use (assumed to be weekly) results in an estimated cost of \$325 per employee per year (\$6.50 for 50 weeks per year). A 3M N95 particulate filter replaced at the same rate has an estimated cost of \$225 per employee per year (\$4.50 for 50 weeks). Switching to the N95 particulate filter would result in a cost savings of about \$100 per employee per year (assuming an employee works 40 hours per week, 50 weeks per year).

OSHA does not currently have sufficient information to quantify how many of the exposed employees would use an N95 particulate filter under the changes proposed in this rule. However, if 50 percent of the exposed employees were to use the N95 particulate filter instead of the P100 particulate filter, that could result in a savings, based on equipment alone, of approximately \$20,350 annually (or about \$151,000 over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?
2. Are there any other savings for employers that would result from the proposed change?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?
4. Are there any costs for employers that would result from this change that OSHA has not considered?
5. Are there savings to employers outside of general industry related to this proposal? If so, would they be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule

¹ See Document ID OSHA-2011-0186-0013.

that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with

Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”²

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The

² Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Inorganic Arsenic standards (OMB Control Number 1218–0104), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0104 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor's Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1018 is revised as follows:

■ a. Revise and republish paragraph

(h)(1)

■ b. Remove paragraphs (h)(3)(i)(C) and (D)

■ c. Revise and republish paragraph (h)(3)(ii)

■ d. Remove and reserve paragraph (o)(1)(ii)(C)

The revisions and additions read as follows:

(h) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that it is necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2)

* * * * *

(3) * * *

(i) * * *

(ii) Employees required to use respirators may choose, and the employer must provide, a powered air-purifying respirator if it will provide proper protection.

* * * * *

(o) * * *

(1) * * *

(ii) * * *

(A) * * *

(B) * * *

(C) [Reserved]

[FR Doc. 2025–11640 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, and 1926

[Docket No. OSHA–2025–0012]

RIN 1218–AD67

Methylene Chloride

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's Methylene Chloride standard and better aligns this standard with OSHA's Respiratory Protection standard. It also includes two technical corrections.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence

will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0012, electronically at <https://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0012). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0012) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at

<https://www.regulations.gov>. This Federal Register notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and remove duplicative language in OSHA's Methylene Chloride standard (29 CFR 1910.1052). It also includes two technical corrections. OSHA is proposing to revise a respirator-related provision which is unnecessarily prescriptive. OSHA anticipates this change would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and

29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is ". . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did when it promulgated the Methylene Chloride standard in 1997 (62 FR 1494). The Supreme Court, in its decision on OSHA's benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate "whether significant risks are present and can be eliminated or lessened by a change in practices" (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA determined that methylene chloride presented a significant risk to employees when it promulgated the Methylene Chloride standard in 1997 (62 FR 1494). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must "find that each and every aspect of its standard eliminates a significant risk")). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) ("Lead I")). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that

the proposed changes are reasonably related to the purpose of the Methylene Chloride standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA "must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms" (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA's economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted "a concise general statement of [the rule's] basis and purpose" (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a "statement of reasons" for any standard promulgated). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a Methylene Chloride standard in 1997 (62 FR 1494). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998

(63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Methylene Chloride standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA’s Methylene Chloride standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Methylene Chloride standard because it would remove unnecessarily specific respirator requirements and remove language that is duplicative with the requirements of the Respiratory Protection standard. Additionally, OSHA is proposing to make two technical corrections.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government

Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (g) of its general industry Methylene Chloride standard (29 CFR 1910.1052) to reduce compliance burdens, allow for the use of additional types of respirators, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would improve comprehensibility and simplify compliance for employers by removing requirements in 1910.1052 that are duplicative with the requirements in 1910.134. The proposed revisions would also remove unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions would also conform this standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goal of reducing undue burden and improving compliance with OSHA’s respiratory protection requirements.

OSHA has preliminarily determined that paragraphs (g)(1)(i) through (v) unnecessarily duplicate the general provisions covered by 1910.134(a) and is proposing to remove those paragraphs and add a cross reference to 1910.134(a) in paragraph (g)(1). OSHA does not intend for these changes to add to or change the regulatory burden on employers; actions that were in compliance with the requirements in 1910.1052(g) would also be in compliance with proposed paragraph (g).

Furthermore, OSHA is proposing to remove the requirement under paragraph (g)(3)(i) for employers to provide employees with full-face respiratory protection because methylene chloride may cause eye irritation or damage. Paragraph (h)(1) of the Methylene Chloride standard contains requirements for the use of personal protective equipment where skin or eye irritation from methylene chloride may occur and OSHA has preliminarily determined that those requirements are equally as protective against eye irritation or damage as the requirement for a full-face respirator in paragraph (g)(3)(i). Therefore, under the proposed revision, employers would be

able to provide half mask respirators if they also provide adequate eye protection to prevent eye irritation for employees. OSHA preliminarily concludes that this proposed change would increase compliance options without reducing worker protections.

OSHA is also considering (but not proposing) removing the requirement under paragraph (g)(3)(i) limiting employers to the use of atmosphere supplying respirators. OSHA recognizes that, at this time, there are no other available options for protection from methylene chloride. However, respirator technology is constantly evolving, and alternative respirators with equivalent protections may be available for use in the future. OSHA is interested in comments regarding how the agency could word this provision to allow for greater flexibility as technology changes.

OSHA has also preliminarily determined that paragraph (g)(4) on medical evaluations unnecessarily duplicates the general provisions covered by 1910.134(e) and is proposing to remove those paragraphs in their entirety. Since, under paragraph (g)(2)(i) of the Methylene Chloride standard, employers already have to comply with paragraph (e) in 1910.134, which is more comprehensive regarding medical evaluations, removing this language only reduces redundancy and does not remove any protections from employees.

OSHA is also proposing to make two technical corrections. Paragraph (e)(3) of the Methylene Chloride standard requires the employer to supply a respirator, selected in accordance with paragraph (h)(3) of that standard. However, the respirator selection criteria are contained in (g)(3) of the Methylene Chloride standard, and OSHA is proposing to amend paragraph (e)(3) to reflect that. In addition, paragraph (g)(2)(i) requires employers to implement a respiratory protection program in accordance with § 1910.13(b), which is an error. OSHA is proposing to amend paragraph (g)(2)(i) to refer to 1910.134(b) through (m) (except (d)(1)(iii)) instead.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA’s shipyard employment, marine terminals, longshoring, and construction industry standards for methylene chloride (*see* 29 CFR 1926.1152, 29 CFR 1915.1052, 29 CFR 1917.1, and 29 CFR 1918.1, which apply the requirements in 29 CFR 1910.1052 to shipyards, marine terminals, longshoring, and construction). OSHA requests comment regarding whether there are any considerations that are unique to the use

of respirators for protection against methylene chloride hazards in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on the following questions:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? In particular, are there any concerns that providing a half mask with eye protection will not ensure equal protection for workers as providing a full facepiece respirator for eye hazards associated with methylene chloride?

2. Are there alternative approaches OSHA should consider?

3. Should OSHA remove the language limiting employers to the use of atmosphere-supplying respirators from 1910.1052(g)(3)(i)? Why?

V. Economic Analysis

This proposed rule would expand compliance options for employers under the Methylene Chloride standard, 29 CFR 1910.1052, and therefore OSHA has preliminarily concluded that there would be no additional costs imposed by these proposed revisions. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective respirators and a reduction of the burdens associated with reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

OSHA's economic analysis for the Methylene Chloride standard relied on extensive surveying activities by contractors. The agency is unable to recreate the profile with updated figures at this time. Instead, the agency estimated the number of exposed employees based on the number estimated in the Final Economic Analysis (237,509)¹ for the Methylene Chloride standard and the change in manufacturing employment between

1994 and 2018 (decline of 24.3%).² Based on these figures, OSHA estimates that, currently, 179,763 employees may be exposed to methylene chloride.

In the 1994 analysis, OSHA estimated that the cost of supplying pressure-demand full facepiece respirators (including capital, operating and maintenance, and increased air demand) was \$197.60 in 1994 dollars. Inflating that cost to 2024 dollars gives an annual cost per employee of \$377.42 per year (or \$1.51 per shift assuming an employee works 50 weeks and 5 shifts per week). OSHA estimates the cost of a half mask atmosphere-supplying respirator and eye protection is \$179 + \$10 = \$189 (or \$0.76 per shift assuming 50 weeks and 5 shifts per week).³

OSHA does not currently have sufficient information to quantify how many of the exposed employees would use a half mask atmosphere-supplying respirator. However, if 50 percent of the exposed employees were to use half mask atmosphere-supplying respirators instead of full facepiece atmosphere-supplying respirators, that could result in savings of approximately \$17 million annually (or \$127 million over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?

2. Are there any other savings for employers that would result from the proposed change?

3. Are there any benefits for worker protection that can be anticipated from this proposed change?

4. Are there any costs for employers that would result from this change that OSHA has not considered?

5. How many employees would employers expect to use half mask atmosphere-supplying respirators instead of a full facepiece under the proposed revisions?

6. How much familiarization time would employers who are new entrants

to the market expect to save based on the revisions?

7. Are there additional categories of cost savings that OSHA has not identified?

8. Would the savings to employers outside of general industry be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, "Regulatory Planning and Review" (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit "significant

² Katelynn Harris, "Forty years of falling manufacturing employment," *Beyond the Numbers: Employment & Unemployment*, vol. 9, no. 16 (U.S. Bureau of Labor Statistics, November 2020), <https://www.bls.gov/opub/btn/volume-9/forty-years-of-falling-manufacturing-employment.htm>. Accessed May 29, 2025.

³ Based on prices listed on https://industrial.safety.com/allegro-9920-half-mask-constant-flow-supplied-air-respirator-allegro-9920.html?msclkid=b2e8fd8014f715c302d695c1a50b4a5e&utm_source=bing&utm_medium=cpc&utm_campaign=Shopping%20Ads%20-%20Allegro&utm_term=4584619899315214&utm_content=Ad%20Group%20%231, June 5, 2025; <https://www.uline.com/Product/Detail/S-22179/Safety-Glasses/Uline-Cruze-Safety-Goggles>.

¹ See Docket ID OSHA-H071B-2006-0839-0121.

regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁴

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the

disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Methylene Chloride standard (OMB Control Number 1218–0179), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0179 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and

executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is proposing to amend 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

⁴ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1052 is revised as follows:

■ a. Revise and republish paragraph (e)(3)

■ b. Revise and republish paragraph (g)(1)

■ c. Revise and republish paragraph (g)(2)(i)

■ d. Revise and republish paragraph (g)(3)(i)

■ e. Remove and reserve paragraph (g)(4)

The revisions and additions read as follows:

(e) * * *

(3) The employer shall supply a respirator, selected in accordance with paragraph (g)(3) of this section, to each person who enters a regulated area and shall require each affected employee to use that respirator whenever MC exposures are likely to exceed the 8-hour TWA PEL or STEL.

Note to paragraph (e)(3): An employer who has implemented all feasible engineering, work practice and administrative controls (as required in paragraph (f) of this section), and who has established a regulated area (as required by paragraph (e)(1) of this section) where MC exposure can be reliably predicted to exceed the 8-hour TWA PEL or the STEL only on certain days (for example, because of work or process schedule) would need to have affected employees use respirators in that regulated area only on those days.

(g) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that it is necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * *

(i) The employer must implement a respiratory protection program in accordance with § 1910.134(b) through (m) (except (d)(1)(iii)), which covers each employee required by this section to use a respirator.

(ii) * * *

(3) * * *

(i) Select, and provide to employees, the appropriate atmosphere-supplying respirator specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

[FR Doc. 2025–11642 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, and 1926

[Docket No. OSHA–2025–0022]

RIN 1218–AD66

Lead

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's Lead standards and better aligns the standards with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0022, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0022). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0022) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's Lead standards (29 CFR 1910.1025 and 29 CFR 1926.62). OSHA is proposing to revise some respirator-related

provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Lead standard outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related

deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1978 when it published the Lead standard (43 FR 52952). The Supreme Court, in its decision on OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). In its final rule, OSHA found that occupational exposure to lead posed a significant risk of harm to workers (43 FR 52952) (*see also United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1250 (D.C. Cir. 1980) (“*Lead I*”) (concluding OSHA “carried its burden under Section 3(8)”). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *Lead I* at 1237–38). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Lead standards as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of

the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA's economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule's] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a Lead standard in 1978 (43 FR 52952). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Lead standards, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA's Lead standards is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Lead standards, because they would allow employers to select from a wider range of equally protective respirators. OSHA also believes that advances in technology have made the substance-specific standards outdated in some areas. This revised standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," E.O. 14192, "Unleashing Prosperity Through Deregulation," and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (f) and (l) of its general industry Lead standard (29 CFR 1910.1025) and its construction industry Lead standard (29 CFR 1926.62) to reduce compliance burdens, allow for

the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1025 and 1926.62 that are duplicative with the requirements in 1910.134 and updating respirator requirements to align with the revised NIOSH certification criteria in 42 CFR part 84. The proposed revisions also would remove unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions would conform these standards, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134, which would simplify review of these regulations. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goals of facilitating technological innovation and reducing undue burden.

OSHA preliminarily determined that paragraphs (f)(1)(i) and (ii) of both the general industry standard and the construction standard for lead unnecessarily duplicate the general provisions covered by 1910.134(a). The agency is therefore proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraphs 1910.1925(f)(1) and 1926.62(f)(1). Employers in compliance with the current version of 1910.1025(f)(1) and 1926.62(f)(1) would not have to change any of their practices to remain in compliance with the changes OSHA is proposing.

OSHA is also proposing to remove the requirement in paragraph (f)(3)(i)(B) of the general industry and construction standards that limits employers to the use of full-facepiece respiratory protection where lead aerosols may cause eye or skin irritation at the use concentrations. Paragraph (g)(1) in both Lead standards contains requirements for the use of personal protective equipment where skin or eye irritation from lead may occur that OSHA has preliminarily determined are equally as protective as the requirement under paragraph (f)(3)(i)(B) in both standards. Removing the limitation to full facepiece respirators in paragraph (f)(3)(i)(B) of both Lead standards would provide greater compliance flexibility to employers, who would be able to provide half mask respirators and appropriate eye and face protection where the possibility of skin or eye irritation exists.

Additionally, OSHA is proposing to remove paragraph (f)(3)(i)(C) of both Lead standards, which requires HEPA filters for powered and non-powered

air-purifying respirators. That requirement was included when the Lead standards were promulgated because it was originally part of NIOSH's certification standards for respirators under 30 CFR part 11. However, NIOSH published revised requirements for testing and certification procedures and recodified the previous certification standards for other respirator classes as 42 CFR part 84 on June 8, 1995 (60 FR 30336). The HEPA filter requirement is not part of the revised 42 CFR part 84 because additional types of filters have been certified for protection from particulates and can be used with powered and non-powered air-purifying respirators. OSHA believes that these testing and certification requirements ensure that all particulate filters certified under 42 CFR part 84, including HEPA filters, are efficient in preventing the penetration of submicron-sized particles; OSHA recognized this when the Agency's revised Respiratory Protection standard was issued on January 8, 1998 (63 FR 1152). In fact, OSHA has issued other substance-specific regulations since the revised Respiratory Protection standard and NIOSH's revised certification requirements were issued and has not incorporated a requirement for HEPA filters in similar respirator provisions in those rules.

Additionally, OSHA has preliminarily determined that paragraphs 1910.1025(l)(1)(v)(C) and 1926.62(l)(2)(iii), which require that employees must be trained on the purpose, proper selection, fitting, use, and limitations of respirators, unnecessarily duplicate the general provisions covered by 1910.134(k) in the Respiratory Protection standard. OSHA therefore is proposing to remove and reserve those paragraphs.

OSHA is also considering (but not proposing) removing the requirements in paragraphs 1910.1025(f)(1)(iii) and 1926.62(f)(1)(iii) to provide an employee with a respirator during periods when the employee requests it. Similarly, OSHA is considering removing (but not proposing to remove) the requirements under paragraphs 1910.1025(f)(3)(ii) and 1926.62(f)(3)(ii) to provide an employee with a powered air-purifying respirator (PAPR) instead of a non-powered air-purifying respirator when the employee chooses to use a PAPR and the PAPR provides adequate protection. OSHA believes that the removal of these provisions would not compromise worker safety and health—both provisions are about employee requests and, without them, workers would still be provided adequate protection. When OSHA updated the Respiratory

Protection standard, it determined that it was appropriate to allow an employer to provide more protective respirators when requested by an employee, rather than mandate it (29 CFR 1910.134(c)(2)). Removing these requirements in the general industry standard and construction standard for lead would still allow for voluntary respirator use under some circumstances (*i.e.*, where the employer agrees to provide the equipment) and would better align with the general Respiratory Protection standard. However, the Agency acknowledges that user comfort affects workers' compliance with requirements to wear respiratory protection and questions whether the existing requirements under the Respiratory Protection standard, 1910.134(c)(2) and Table 1, offer equivalent access to alternative styles of respiratory protection. OSHA also understands that some employees may have come to rely on respiratory protection from lead at work, even when the standard does not require it. OSHA therefore seeks comment on the merits of removing these provisions.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's shipyard employment, marine terminals, and longshoring standards for lead (*see* 29 CFR 1915.1025, 29 CFR 1917.1, and 29 CFR 1918.1, which apply the requirements in 1910.1025 to shipyards, marine terminals, and longshoring). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against lead hazards in shipyards, marine terminals, or longshoring that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, which changes do you think would decrease worker safety and why?
2. Are there alternative approaches OSHA should consider to any of the proposed revisions?

3. Should OSHA remove the requirements for employers to provide PAPRs when they are requested by employees? In your experience, how often do employees request PAPRs when the Lead standards do not require them?

4. Should OSHA remove the requirement for employers to provide respirators when requested by an employee? In your experience, how often do employees request to use respirators when the Lead standards do not require them?

V. Economic Analysis

This proposed rule would expand compliance options for employers under the Lead standards, 29 CFR 1910.1025 and 29 CFR 1926.62, by allowing employers to provide half mask respirators rather than mandating full facepiece respirators. Therefore, OSHA has preliminarily concluded that there would be no additional costs imposed by this proposed revision. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective respirators and a reduction of the burdens associated with reviewing unnecessarily duplicative regulations.

The Supporting Statement for the Information Collection Request for the general industry Lead standard estimates that there are 814,044 employees exposed to lead, with 346,894 of those exposed to levels above the action level (AL) but below the permissible exposure limit (PEL). OSHA assumes that 50 percent of those outside that group are exposed above the PEL (with the remaining 50 percent exposed below the AL).¹ The Supporting Statement for the Information Collection Request for the lead in construction standard does not give equivalent data, but does estimate that 158,422 employees are exposed above the AL. Assuming the ratio of workers exposed above the AL to those exposed above the PEL is the same in construction as in general industry, OSHA estimates that 52,807 employees in construction are exposed above the PEL.² OSHA estimates that there are 226,254 employees, between construction and general industry, exposed above the PEL and wearing respirators.

The cost of a full facepiece respirator is \$255³ and the cost of a half mask respirator is \$40.⁴ Employees using a

half mask respirator would also need safety goggles. OSHA determined that safety goggles cost \$2.25⁵ and need to be replaced 5 times a year (based on OSHA's 2007 PPE Payment FEA (72 FR 64342)), for an annual cost of \$11.25. Assuming that both types of respirators are replaced annually, that there is no difference in the price of canisters/cartridges, and that cleaning wipes would be used in equal amounts for either respirator, this results in a difference of \$203.75 per employee annually.

OSHA does not currently have sufficient information to quantify how many of the exposed employees would use a half mask respirator instead of a full facepiece respirator. However, if 50 percent of the exposed employees were to use half mask respirators instead of full facepiece respirators, that could result in savings, based on equipment alone, of approximately \$23 million annually (or about \$171.5 million over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?
2. How many employees would employers expect to use half mask respirators instead of a full facepiece under the proposed revisions?
3. Are there cost savings associated with no longer being restricted to HEPA filters for powered and non-powered air-purifying respirators?
4. How much familiarization time would employers who are new entrants to the market expect to save based on the revisions?
5. Are there additional categories of cost savings that OSHA has not identified?
6. Are there any benefits for worker protection that can be anticipated from this proposed change?
7. Would the savings to employers outside of general industry and construction be similar to what OSHA has estimated for those employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

⁵ https://www.unicode.org/B/L_8952/Uline-Economy-Safety-Goggles. Accessed June 5, 2025.

¹ See Document ID OSHA-2012-0013-0015.

² See Document ID OSHA-2012-0014-0013.

³ https://www.unicode.org/B/L_992/3M-Full-Face-Respirators. Accessed June 5, 2025.

⁴ https://www.unicode.org/B/L_1092/3M-Half-Face-Respirators. Accessed June 5, 2025.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing

safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁶

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are

deregulatory and affect only minor changes to the existing information collections in the Lead standards (OMB Control Numbers 1218–0189 and 1218–0092), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Numbers 1218–0189 and 1218–0092 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910 and 29 CFR Part 1926

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4,

⁶ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor's Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is proposing to amend 29 CFR part 1910 and part 1926 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1025 is revised as follows:

■ 1. Revise and republish paragraph (f)(1) and (f)(3)(i).

■ 2. Remove paragraphs (f)(1)(i)–(iii) and (f)(3)(i)(A)–(C).

■ 3. Remove and reserve paragraph (l)(1)(v)(C).

The revisions and additions read as follows:

(f) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph.

Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2) and during periods when an employee requests a respirator.

(2) * * *

(3) * * *

(i) Employers must select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

* * * * *

(l) * * *

(1) * * *

(i) * * *

(ii) * * *

(iii) * * *

(iv) * * *

(v) * * *

(A) * * *

(B) * * *

(C) [Reserved]

* * * * *

PART 1926—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart D—Occupational Health and Environmental Controls

■ 1. The authority for 29 CFR 1926 subpart D continues to read as follows:

Authority: 40 U.S.C. 3704; 29 U.S.C. 653, 655, and 657; and Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

Sections 1926.59, 1926.60, and 1926.65 also issued under 5 U.S.C. 553 and 29 CFR part 1911.

Section 1926.61 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

Section 1926.62 also issued under sec. 1031, Public Law 102–550, 106 Stat. 3672 (42 U.S.C. 4853).

Section 1926.65 also issued under sec. 126, Public Law 99–499, 100 Stat. 1614 (reprinted at 29 U.S.C.A. 655 Note) and 5 U.S.C. 553.

■ 2. § 1926.62 is revised as follows:

■ a. Revise and republish paragraphs (f)(1) and (f)(3)(i).

■ b. Remove paragraphs (f)(1)(i)–(iv) and (f)(3)(i)(A)–(C).

■ c. Remove and reserve paragraph (l)(2)(iii).

The revisions and additions read as follows:

(f) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are

necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2) and during periods when an employee requests a respirator.

(2) * * *

(3) * * *

(i) Employers must select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

* * * * *

(l) * * *

(1) * * *

(2) * * *

(i) * * *

(ii) * * *

(iii) [Reserved]

* * * * *

[FR Doc. 2025–11641 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1915

[Docket No. OSHA–2025–0009]

RIN 1218–AD50

Safety Color Code for Marking Physical Hazards; Textiles; Sawmills; Safety Color Code for Marking Physical Hazards for Shipyard Employment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule removes from the Code of Federal Regulations: OSHA's Safety Color Code for Marking Physical Hazards Standard, 29 CFR 1910.144; paragraph (c)(8) of OSHA's Textiles Standard, 29 CFR 1910.262; paragraph (c)(11) of OSHA's Sawmills Standard, 29 CFR 1910.265; and OSHA's Safety Color Code for Marking Physical Hazards for Shipyard Employment Standard, 29 CFR 1915.90.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0009, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0009). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0009) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This Federal Register notice, as well as news

releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

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- V. Preliminary Economic Analysis
- VI. Additional Requirements
- VII. Authority and Signature
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I. Executive Summary

The intent of this proposed rule is to remove from the Code of Federal Regulations: OSHA's Safety Color Code for Marking Physical Hazards Standard, 29 CFR 1910.144; paragraph (c)(8) of OSHA's Textiles Standard, 29 CFR 1910.262; paragraph (c)(11) of OSHA's Sawmills Standard, 29 CFR 1910.265; and OSHA's Safety Color Code for Marking Physical Hazards for Shipyard Employment Standard, 29 CFR 1915.90. The hazards these standards are designed to address are sufficiently addressed in other Federal, State, and local requirements.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); see also 29 U.S.C. 654(a)(2) requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to

notice and comment)), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions). An occupational safety and health standard is "... a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act. Once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole. See *Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) ("Lead I").

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (see *Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (see, e.g., *Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I*, 647 F.2d at 1272)).

Because this proposed rule would remove existing OSHA requirements from the CFR, OSHA anticipates employers would have no technological issues complying with the rule. Accordingly, the agency preliminarily finds that the proposed rule is technologically feasible for affected employers.

In determining economic feasibility, OSHA must consider the cost of compliance in an industry rather than on individual employers. In its economic analyses, OSHA "must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms" (*Am. Iron and Steel*

Inst., 939 F.2d at 980, quoting *Lead I*, 647 F.2d at 1272). OSHA has preliminarily determined that this proposed rule is economically feasible because this action is deregulatory and imposes no additional costs. OSHA's economic analysis of the cost savings are presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted "a concise general statement of [the rule's] basis and purpose" (5 U.S.C. 553(c)); cf. 29 U.S.C. 655(e) (requiring the Secretary to publish a "statement of reasons" for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Background

OSHA's Safety Color Code for Marking Physical Hazards Standard, 29 CFR 1910.144, requires that red be the basic color for the identification of danger (*e.g.*, safety cans of certain portable containers, red lights at barricades, danger signs) and stop (*e.g.*, emergency stop bars on hazardous machines and stop buttons on certain electrical switches). The standard also requires that yellow be the basic color for designating caution and for marking physical hazards such as striking against, stumbling, falling, tripping, and caught-in-between.

Paragraph (c)(8) of OSHA's Textiles Standard, 29 CFR 1910.262 (which applies to the design, installation, processes, operation, and maintenance of textile machinery, equipment, and other plant facilities in all plants engaged in the manufacture and processing of textiles, except those processes used exclusively in the manufacture of synthetic fibers), requires that identification of physical hazards be in accordance with the requirements of 29 CFR 1910.144. Similarly, paragraph (c)(11) of OSHA's Sawmills Standard, 29 CFR 1910.265 (which applies to sawmill operations including, but not limited to, log and lumber handling, sawing, trimming, and planing; waste disposal; operation of dry kilns; finishing; shipping; storage; yard and yard equipment; and for power tools and affiliated equipment used in connection with such operations, but excluding the manufacture of plywood, cooperage, and veneer), requires that physical hazard marking be as specified in 29 CFR 1910.144. Finally, OSHA's Safety Color Code for Marking Physical Hazards for Shipyard Employment Standard, 29 CFR 1915.90 (which generally applies to ship repairing, shipbuilding, and shipbreaking employments and related employments), provides that the requirements applicable to shipyard

employment under 29 CFR 1915.90 are identical to the requirements set forth at 29 CFR 1910.144.

IV. Explanation of the Proposed Removal from the Code of Federal Regulations: OSHA's Safety Color Code for Marking Physical Hazards Standard, 29 CFR 1910.144; paragraph (c)(8) of OSHA's Textiles Standard, 29 CFR 1910.262; paragraph (c)(11) of OSHA's Sawmills Standard, 29 CFR 1910.265; and OSHA's Safety Color Code for Marking Physical Hazards for Shipyard Employment Standard, 29 CFR 1915.90.

In OSHA's preliminary judgment, OSHA's Safety Color Code for Marking Physical Hazards Standard, 29 CFR 1910.144, paragraph (c)(8) of OSHA's Textiles Standard, 29 CFR 1910.262, paragraph (c)(11) of OSHA's Sawmills Standard, 29 CFR 1910.265, and OSHA's Safety Color Code for Marking Physical Hazards for Shipyard Employment Standard, 29 CFR 1915.90, are designed to address hazards that are sufficiently addressed by other Federal, State, and local requirements. First, it is OSHA's understanding that the hazards these standards are designed to address are also addressed by state and local building and fire codes. Second, the hazards these standards are designed to address are also addressed by OSHA's Specifications for Accident Prevention Signs and Tags Standard, 29 CFR 1910.145, which addresses the design, application, and use of signs or symbols intended to indicate and, insofar as possible, to define specific hazards of a nature such that failure to designate them may lead to accidental injury to workers or the public, or both, or to property damage. Moreover, requiring the identification of hazards by color alone may be ineffective for those individuals with color vision deficiency (*i.e.*, color blindness). Finally, OSHA has cited these standards only about 4 times a year (on average) since 2012. For comparison, OSHA issues approximately 7,000 citations a year for fall protection violations. Therefore, OSHA is proposing to remove these standards from the Code of Federal Regulations.

Questions: OSHA seeks comment regarding whether the hazards these standards are designed to address are sufficiently addressed by other Federal, State, and local requirements; whether these standards are necessary to protect employees from occupational safety and health hazards; and whether removal of these standards from the CFR would compromise worker safety.

V. Preliminary Economic Analysis

Executive Orders 12866 and 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1532(a)) require that OSHA estimate the benefits, costs, and net benefits of regulations, and analyze the impacts of certain rules that OSHA promulgates. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

This proposed rule is not a "significant regulatory action" under Executive Order 12866 or UMRA, or a "major rule" under the Congressional Review Act (5 U.S.C. 801 *et seq.*). Neither the benefits nor the costs of this proposed rule would exceed \$100 million in any given year. Furthermore, as discussed below in Review Under the Regulatory Flexibility Act, because the proposed rule would not impose any costs, OSHA certifies that it would not have a significant economic impact on a substantial number of small entities.

OSHA estimates that there are currently 7,452,757 establishments in general industry and shipyards affected by OSHA standards addressing safety color coding (U.S. Census Bureau, 2024) (See OSHA, 2025, for a list of affected industries). The proposed rescission of the standards addressing safety color coding will, among other things, eliminate the time necessary for new establishments and newly hired occupational health and safety specialists at existing establishments to familiarize themselves with the requirements of OSHA's Safety Color Code for Marking Physical Hazards Standard, 29 CFR 1910.144; paragraph (c)(8) of OSHA's Textiles Standard, 29 CFR 1910.262; paragraph (c)(11) of OSHA's Sawmills Standard, 29 CFR 1910.265; and OSHA's Safety Color Code for Marking Physical Hazards for Shipyard Employment Standard, 29 CFR 1915.90. Based on an average annual establishment entry rate of 10 percent (U.S. Census Bureau, 2025), an average hire rate of 43.9 percent (BLS, 2025) and 20 minutes less time spent on regulatory familiarization at a loaded hourly wage rate for an occupational health and safety specialist of \$65.41, OSHA estimates that this deregulatory action would mean about \$87.6 million in cost savings annually.

OSHA also estimated the impacts under an alternative scenario where only new entrants into the industry would be affected by the rescission of the safety color warning standards in general industry and shipyards. This scenario assumes that for non-entrant

(i.e., existing) establishments within an industry, the familiarization time saved for newly hired occupational health and safety specialists is negligible due to knowledge of the requirements in the safety color warning standards retained institutionally within the business entity by team leaders and other senior production staff. For this scenario, costs savings that result from rescinding the standards in general industry and shipyards addressing safety color warnings would be \$16.2 million.

A third impacts scenario, one that is likely closer to the real-world environment for retention and communication of safety and health information in most workplaces, would be the midpoint of the two extreme cases described above. Under this mid-range scenario, approximately half of affected establishments would retain staff whose complete knowledge of the rescinded standards would substitute for the familiarization time needed by the newly hired health and safety specialists. Viewed alternatively, under this mid-range scenario, all affected establishments retain veteran staff who can briefly inform the new safety and health specialist of the status of standards such as those found in the safety color warnings in less time (roughly ten minutes) than would be necessary in the absence of institutional knowledge (twenty minutes). OSHA estimates that this would result in cost savings of \$51.9 million annually.

OSHA's estimate of cost savings may underestimate total cost savings if the elimination of the labor burden for regulatory familiarization extends to the avoidance of unnecessary safety training of employees.

OSHA requests public comment on this preliminary analysis of the cost savings for employers affected by the rescission of the standards addressing safety color coding. Specifically, OSHA seeks comments and data on the following questions:

1. How much do employers expect to save as a consequence of the rescission of requirements in the current standard?
2. How much familiarization time would employers who are new entrants to the market expect to save based on the revisions?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?
4. Are there any costs for employers that would result from this change that OSHA has not considered?

Sources

Bureau of Labor Statistics (BLS). (BLS, 2025). Occupational Employment and Wage Statistics—May 2024 (Released April 2,

2025). Available at <https://www.bls.gov/oes/tables.htm> (Accessed April 11, 2025). Occupational Safety and Health Administration. (OSHA, 2025). Color Coding Deregulatory Model: Excel workbook, supporting profile and cost data. June 6, 2025.

U.S. Census Bureau. (2024). County Business Patterns 2022 (Released June 27, 2024). Available at <https://www.census.gov/programs-surveys/cbp.html> (Accessed July 17, 2024).

U.S. Census Bureau. (2025). Business Dynamics Statistics. Available at https://bds.explorer.ces.census.gov/?xaxis-id=year&xaxis-selected=2018,2019,2020,2021,2022&group-id=none&measure-id=estabs_entry_rate&chart-type=bar (Accessed June 6, 2025).

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rescission under the provisions of the Regulatory Flexibility Act. This rule eliminates a burdensome regulation. Therefore, OSHA preliminarily concludes that the rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b). OSHA requests comment on this regulatory flexibility certification.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”¹

¹ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland,

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320. This proposed rule would impose no new information collection requirements and does not affect the currently approved information collections in General Working Conditions in Shipyard Employment (29 CFR 1915 Subpt. F). Accordingly, OMB approval is not required for this proposed rule.

Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

C. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

D. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has preliminarily determined that this proposed rule will have no impact on the quality of the human environment.

E. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety

Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposed rule is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects

29 CFR Part 1910

Health, Occupational safety and health, Safety, Signs and symbols.

29 CFR Part 1915

Health, Longshore and harbor workers, Occupational safety and health, Vessels.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); section 41 of the Longshore and Harbor Worker’s Compensation Act (33 U.S.C. 941); 5 U.S.C. 553; Secretary of Labor’s Order No. 8–2020 (85 FR 58383); and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR parts 1910 and 1915 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart J—General Environmental Controls

■ 1. The authority for 29 CFR 1910 subpart J is revised to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable.

Sections 1910.141, 1910.142, 1910.145, 1910.146, and 1910.147 also issued under 29 CFR part 1911.

§ 1910.144 [Reserved]

■ 2. Remove and reserve § 1910.144.

* * * * *

Subpart R—Special Industries

■ 3. The authority for 29 CFR 1910 subpart R is revised to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

§ 1910.262(c)(8) [Reserved]

■ 4. Remove and reserve paragraph (c)(8) of § 1910.262.

§ 1910.265(c)(11) [Reserved]

■ 5. Remove and reserve paragraph (c)(11) of § 1910.265.

* * * * *

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 6. The authority for 29 CFR part 1915 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

Subpart F—General Working Conditions

§ 1915.90 [Reserved]

■ 7. Remove and reserve § 1915.90.

* * * * *

[FR Doc. 2025–11626 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, and 1926

[Docket No. OSHA–2025–0026]

RIN 1218–AD64

Formaldehyde

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises OSHA's Formaldehyde standard to eliminate duplicative respiratory protection requirements and better align this standard with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0026, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0026). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0026) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits

(e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

*Copies of this **Federal Register** notice:* Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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- III. Events Leading to the Proposed Rule
- IV. Summary and Explanation of the Proposed Requirements
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- VI. Additional Requirements
- VII. Authority and Signature
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I. Executive Summary

This proposed rule is intended to clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's Formaldehyde standard (29 CFR 1910.1048). OSHA is proposing to remove provisions that are duplicative with the requirements of the Respiratory Protection standard, which is consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate

standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1987 when it published the Formaldehyde standard (52 FR 46168–01) and again in 1992 when the Agency reconsidered the record on remand from the D.C. Circuit Court of Appeals (57 FR 22290–01). The Supreme Court, in its decision on OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally adopted a consensus standard to regulate formaldehyde in 1971 and revised the standard in 1987 because even at the initial permissible exposure limit there was significant risk to employees (52 FR 46168–01). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir.

1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (see *Asbestos Info. Ass’n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass’n v. Sec’y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Formaldehyde standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (see *Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (see, e.g., *Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is not expected to increase costs for employers. OSHA’s

economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); cf. 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a Formaldehyde standard in 1987 (52 FR 46168–01) and revised the standard on remand from the D.C. Circuit Court of Appeals in 1992 (57 FR 22290–01). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Formaldehyde standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety.

The purpose of revising the respirator-related provisions of OSHA’s Formaldehyde standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates will improve the Formaldehyde standard, because it would remove requirements that are duplicative of the Respiratory Protection standard.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation.”

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (g) of its general industry Formaldehyde standard (29 CFR 1910.1048) to reduce compliance burdens and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1048 that are duplicative of the requirements in 1910.134. Finally, these revisions would also conform this standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goal of reducing undue burden.

OSHA has preliminarily determined that paragraphs (g)(1)(i) through (iv) unnecessarily duplicate the general provisions in 1910.134(a) and is proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (g)(1) instead. OSHA does not intend for these changes to add to or change the regulatory burden on employers; actions that comply with the requirements in 1910.1048(g) would also be in compliance with proposed paragraph (g).

OSHA is also requesting comment on whether paragraph (g)(2)(ii) of the Formaldehyde standard provides greater worker protection than removing that provision and requiring employers to simply follow the generic requirements of paragraphs (d)(3)(iii)(B)(1) and (2) of the Respiratory Protection standard. The agency has received requests in the past to remove (g)(2)(ii) of the Formaldehyde standard, which requires employers

providing cartridges or canisters that do not have end-of-service-life indicators (ESLIs) to replace those cartridges or canisters as specified in paragraphs (d)(3)(iii)(B)(1) and (B)(2) of the Respiratory Protection standard or at the end of the workshift, whichever condition occurs first. While the agency currently believes that paragraph (g)(2)(ii) of the Formaldehyde standard is more protective than following the generic changeout provisions of 1910.134, and is not proposing the change at this time, it is interested in any data or information commenters can provide on this issue.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's construction industry, marine terminals, longshoring, and shipyard industry standards for formaldehyde (*see* 29 CFR 1926.1148, 29 CFR 1917.1, 29 CFR 1918.1 and 29 CFR 1915.1048, which apply the requirements in 1910.1048 to construction, marine terminals, longshoring, and shipyards). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against formaldehyde hazards in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, why?
2. Does cross-referencing 29 CFR 1910.134(a)(2) in 1910.1048(g)(1) correctly capture all of the material that was previously specified in paragraphs (g)(1)(i)–(iv) of 1910.1048?
3. Is there an alternative approach OSHA should consider for its proposed revision?
4. Should OSHA remove the filter cartridge and canister change schedule requirements under 1910.1048(g)(2)(ii)? Would following the performance-based approach in 1910.134 sufficiently protect workers and would it provide significant cost savings or other benefits?

V. Economic Analysis

This proposed rule would remove redundant requirements in the Formaldehyde standard, 29 CFR 1910.1048, and therefore OSHA has preliminarily concluded that there will be no additional costs imposed by this proposed revision. OSHA also anticipates that there may be some minor cost savings associated with this rule, including a reduction of the burden associated with reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

The proposed changes to the requirements for formaldehyde might reduce the time necessary for employers to familiarize themselves with the requirements for respirator use for formaldehyde exposure. Based on the Supporting Statement for the Information Collection Request for the Formaldehyde standard, OSHA estimates there are 5,108 new establishments annually.¹ Assuming a manager will spend 10 minutes less on rule familiarization due to the removal of duplicated requirements, OSHA estimates that this proposal could reduce costs by about \$40,000 per year (or about \$300,000 over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How many employers were likely to have been impacted by the redundant provisions between the Respiratory Protection standard and the Formaldehyde standard?
2. Are there any other savings for employers that would result from the proposed change?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?
4. Are there any costs for employers that would result from this change that OSHA has not considered?
5. Would there be savings to employers outside of general industry related to this proposal? If so, would they be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule

that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, "Regulatory Planning and Review" (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a "significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with

¹ See Document ID OSHA-2009-0041-0014 for details on establishments and wage estimates.

Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”²

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The

process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect no changes to the existing information collections in the Formaldehyde standards (OMB Control Number 1218–0145), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0145 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is

issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1048 is revised as follows:

■ a. Revise and republish paragraph (g)(1)

■ b. Remove paragraphs (g)(1)(i) through (iv)

The revisions and additions read as follows:

(g) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are

² Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

* * * * *

[FR Doc. 2025–11639 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0017]

RIN 1218–AD57

Acrylonitrile

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some provisions of OSHA’s Acrylonitrile standard to better align it with OSHA’s Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0017, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0017). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment

3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0017) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA’s web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to remove duplicative language in OSHA’s Acrylonitrile standard (29 CFR 1910.1045) and clarify the policies and

procedures employers must follow when implementing a respiratory protection program in conjunction with the standard. This proposal is also consistent with OSHA’s intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act’s enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard’s requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1978 when it published the Acrylonitrile standard (43 FR 45762). The Supreme Court, in its decision on OSHA’s Benzene standard, interpreted OSHA’s obligation under section 652(8) as requiring it to evaluate “whether significant risks are present

and can be eliminated or lessened by a change in practices” (*Indus. Union Dep’t, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally published this standard as an emergency temporary standard (ETS) and found exposure to acrylonitrile posed a grave danger, which is a higher threshold than significant risk (43 FR 2586). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (see, e.g., *Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (see *Asbestos Info. Ass’n v. N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass’n v. Sec’y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Acrylonitrile standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (see *Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (see, e.g., *Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA’s economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); cf. 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted an Acrylonitrile standard in 1978 (43 FR 45762). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Acrylonitrile standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide

protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA’s Acrylonitrile standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Acrylonitrile standard by reducing duplicative provisions.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraphs (h) and (o) of its general industry Acrylonitrile standard (29 CFR 1910.1045) to reduce compliance burdens and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1045 that are duplicative with the requirements in 1910.134. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goal of reducing undue burden.

OSHA has preliminarily determined that paragraphs (h)(1)(i) through (iv) of the Acrylonitrile standard, which specify when respirators must be used, unnecessarily duplicate the general provisions covered by 1910.134(a). Therefore, the agency is proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (h)(1). OSHA does not intend for these changes to add to or change the regulatory burden on employers;

employers in compliance with the current version of 1910.1045(h)(1) would not have to change any of their practices to remain in compliance with the changes OSHA is proposing.

OSHA also preliminarily determined that the respiratory protection training requirements in paragraph (o)(1)(ii)(C) of the Acrylonitrile standard unnecessarily duplicate the general provisions in 1910.134(k). OSHA is proposing to remove the respiratory protection training provisions in paragraph (o)(1)(ii)(C), which require training on the purpose, proper use, and limitations of respirators, but intends to leave undisturbed the requirement for training on protective clothing, which is not duplicated in 1910.134.

OSHA is also considering (but not proposing) removing the requirements for specific schedule changes for canisters and cartridges under paragraph (h)(2)(ii)(A) in the Acrylonitrile standard and removing the exception that is in paragraph (h)(2)(i) of the Acrylonitrile standard for compliance with paragraphs (d)(3)(iii)(B)(1) and (2) of the Respiratory Protection standard. These changes would result in employers needing to comply with the generic cartridge and canister change schedules in the Respiratory Protection standard, rather than the specific change schedules in the Acrylonitrile standard. Paragraph (d)(3)(iii)(B) in the Respiratory Protection standard requires that an air-purifying respirator be equipped with an end-of-service-life indicator (ESLI) certified by NIOSH for the contaminant or, if there is no ESLI appropriate for the working conditions, the employer must implement a change schedule for canisters and cartridges based on objective information or data that would ensure canisters and cartridges would be changed before the end of their service life. The employer would also need to include the basis for their determination in their respirator program. Essentially, if OSHA made these changes it would result in a performance-based approach to cartridge and canister changes, rather than the prescriptive approach currently contained in the Acrylonitrile standard. OSHA believes this change could improve consistency with other substance-specific standards without reducing employee safety and health, but is specifically requesting comment on this issue.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's shipyard employment, marine terminals, longshoring, and construction industry

standards for Acrylonitrile (*see* 29 CFR 1926.1145, 29 CFR 1917.1, 29 CFR 1918.1, and 29 CFR 1915.1045, which apply the requirements in 1910.1045 to construction, longshoring, marine terminals, and shipyards). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against acrylonitrile hazards in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety?
2. Is there an alternative approach OSHA should consider?
3. Are there any costs for employers resulting from this change that OSHA has not considered?
4. Should OSHA remove the cartridge and canister change schedule requirements contained in the Acrylonitrile standard at 1910.1045(h)(2)(ii)(A) and require compliance with the performance-oriented procedures outline under 1910.134(d)(3)(iii)(B)(1) and (2)?

V. Economic Analysis

This proposed rule would remove redundant requirements in the Acrylonitrile standard, 29 CFR 1910.1045, and therefore OSHA has preliminarily concluded that there would be no additional costs imposed by this proposed revision. OSHA also anticipates that there may be some cost savings associated with this rule, including a reduction of the burden associated with complying with and reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

The proposed changes to the requirements for acrylonitrile may reduce the time necessary for employee training on respirators. Based on the Supporting Statement for the Information Collection Request for the acrylonitrile standard, OSHA estimates that 12,713 employees work at

establishments affected by the acrylonitrile rule. Assuming a hiring rate of 30.6 percent annually, a loaded wage of \$32.57 an hour, and that the changes to the standard may result in a decrease of 15 minutes of training per employee, this proposal could result in cost savings of about \$32,000 (or about \$236,000 over 10 years at a 3 percent discount rate).¹

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How many employers were likely to have been impacted by the redundant provisions and were providing duplicative training? How many employees were being provided duplicative training?
2. Are there any other savings for employers that would result from the proposed change?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?
4. Are there any costs for employers that would result from this change that OSHA has not considered?
5. Would the savings to employers outside of general industry be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, "Regulatory Planning and Review" (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or

¹ See Document ID OSHA-2011-0195-0014 for details on employment and wage estimates.

adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”²

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least

as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Acrylonitrile standards (OMB Control Number 1218–0126), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0126 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s

NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

² Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS**Subpart Z—Toxic and Hazardous Substances**

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. 1910.1045 is revised as follows:

■ 1. Revise and republish paragraphs (h)(1) and (o)(1)(ii)(C)

■ 2. Remove paragraphs (h)(1)(i)–(iv)

The revisions and additions read as follows:

§ 1910.1045 Acrylonitrile.

(h) * * *

(1) General. For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

* * * * *

(o) * * *

(1) * * *

(ii) * * *

(C) The purpose, proper use, and limitations of protective clothing;

* * * * *

[FR Doc. 2025–11632 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Parts 1910, 1915, 1917, 1918, and 1926**

[Docket No. OSHA–2025–0024]

RIN 1218–AD58

Asbestos

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's Asbestos standards and better aligns these standards with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0024, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0024). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [regulations.gov](https://www.regulations.gov).

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Docket: The docket for this rulemaking (Docket No. OSHA–2025–0024) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

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Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's Asbestos standards (29 CFR 1910.1001, 29 CFR 1915.1001, and 29 CFR 1926.1101). OSHA is proposing to revise

some respirator-related provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Asbestos standards outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related

deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1972 when it published the Asbestos standard (37 FR 11318–02). The Supreme Court, in its decision on OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally published this standard as an emergency temporary standard (ETS) and found that asbestos posed a grave danger, which is a higher threshold than significant risk (36 FR 23207). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Asbestos standards as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v.*

OSHA, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standards would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA's economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule's] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted an Asbestos standard in 1972 (37 FR 11318–02). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Asbestos standards, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA's Asbestos standards is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Asbestos standards because they would refer to the Assigned Protection Factors (APFs) in the Respiratory Protection standard, which is based on current technology and practices for respirator use. OSHA also believes that advances in technology have made the Asbestos standards outdated in some areas. These revisions are intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," E.O. 14192, "Unleashing Prosperity Through Deregulation," and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraphs (g) and (j) of its general industry Asbestos standard (29 CFR 1910.1001), paragraphs (h) and (k) of its shipyard employment Asbestos

standard (29 CFR 1915.1001), and paragraphs (h) and (k) of its construction Asbestos standard (29 CFR 1926.1101) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by replacing requirements for specific respirator types with requirements for respirator selection based on APFs. The revisions would also conform the Asbestos standards, to the extent possible, to each other and to 29 CFR 1910.134 in general and would remove provisions in the Asbestos standards that are duplicative with the provisions of 1910.134. The Agency concludes, therefore, that updating these rules is consistent with the goals of facilitating technological innovation and reducing undue burden.

OSHA has preliminarily determined that paragraphs (g)(1)(i) through (iv) of the general industry Asbestos standard and paragraphs (h)(1)(i) through (viii) of the shipyard employment and construction industry Asbestos standards, which describe when respiratory protection must be used, unnecessarily duplicate the general provisions covered by 1910.134(a). OSHA is therefore proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (g)(1) of the general industry Asbestos standard and paragraphs (h)(1) of the shipyard employment and construction standards for Asbestos. OSHA does not intend for these changes to add to or change the regulatory burden on employers; actions that comply with the requirements in the existing standards would also be in compliance with the proposed amended standards.

OSHA is also proposing to make changes in paragraph (g) of the general industry Asbestos standard and paragraph (h) of the shipyard employment and construction Asbestos standards that would allow employers to choose respirators based on the APF factors from 1910.134, provide employers with more respirator options that are equally protective, and allow them to use respirators that may be developed in the future that are equally protective. The proposed changes are:

- In paragraph (g)(2)(ii) of the general industry Asbestos standard, paragraphs (h)(2)(iii)(A) and (B) of the shipyard employment Asbestos standard, and paragraph (h)(3)(ii) of the construction Asbestos standard, replace the requirement for employers to provide tight-fitting powered air-purifying respirators (PAPRs) when requested by employees with a requirement to

provide any PAPR that has a minimum APF of 50;

- In paragraph (h)(2)(v)(A) of the shipyard employment Asbestos standard and (h)(3)(iv)(A) of the construction industry Asbestos standard, replace the requirement for employers to provide a tight-fitting, powered air-purifying respirator or a full facepiece, supplied-air respirator operated in the pressure-demand mode and equipped with either HEPA egress cartridges or an auxiliary positive-pressure, self-contained breathing apparatus (SCBA) with a requirement to provide a respirator that has a minimum assigned protection factor (APF) of 50;

- In paragraph (h)(2)(iv) of the shipyard employment Asbestos standard and paragraph (h)(3)(iii) of the construction Asbestos standard, replace the requirement for employers to provide an air-purifying, half mask respirator with a requirement to provide a respirator that has a minimum APF of 10; and

- In paragraph (h)(3)(iv)(B) of the construction Asbestos standard, replace the requirement for employers to provide a full facepiece supplied-air respirator operated in the pressure-demand mode with a requirement to provide a respirator that has a minimum APF of 1,000.

These revisions would all allow employers to choose from a wider range of equally protective respirators. For example, under the proposed versions of paragraphs (g)(2)(ii) of the general industry Asbestos standard, (h)(2)(iii)(A) and (B) of the shipyards Asbestos standard, and (h)(3)(ii) of the construction Asbestos standard, employers would be able to choose alternate devices, such as PAPRs with helmets or hoods, that are at least as protective as tight-fitting PAPRs and do not require fit-testing, potentially saving employers significant time and money while increasing worker protections. In that example, however, the employer must have evidence provided by the respirator manufacturer that testing of these helmet or hood respirators demonstrates performance at a level of protection of 1,000 or greater to receive an APF of 1,000, as indicated in existing Footnote 4 of Table 1 in 29 CFR 1910.134.

Additionally, OSHA is proposing to remove paragraph (g)(3)(ii) of the general industry Asbestos standard, paragraph (h)(2)(ii) of the shipyard employment Asbestos standard, and paragraph (h)(3)(i)(B) of the construction Asbestos standard, which require HEPA filters for powered and non-powered air-purifying respirators. That requirement was included because

HEPA filters were originally part of NIOSH's certification standards for respirators under 30 CFR part 11. However, NIOSH published revised requirements for testing and certification procedures and recodified the previous certification standards for other respirator classes as 42 CFR part 84 on June 8, 1995 (60 FR 30336). The HEPA filter requirement is not part of the revised 42 CFR part 84 because additional types of filters have been certified for protection from particulates and can be used with powered and non-powered air-purifying respirators. OSHA believes that these testing and certification requirements ensure that all particulate filters certified under 42 CFR part 84, including HEPA filters, are efficient in preventing the penetration of submicron-sized particles; OSHA recognized this when the Agency's revised Respiratory Protection standard was issued on January 8, 1998 (63 FR 1152). In fact, OSHA has issued other substance-specific regulations since the revised Respiratory Protection standard and NIOSH's revised certification requirements were issued and has not incorporated a requirement for HEPA filters in similar respirator provisions in those rules.

Finally, OSHA has preliminarily determined that the respirator requirements in paragraph (j)(7)(iii)(F) of the general industry Asbestos standard, paragraph (k)(9)(viii)(E) of the shipyard employment Asbestos standard, and paragraph (k)(9)(viii)(E) of the construction Asbestos standard, which require employers to provide training on the purpose, proper use, fitting instructions, and limitations of respirators, unnecessarily duplicate the general provisions covered by the Respiratory Protection standard, 1910.134(k). OSHA therefore is proposing to revise paragraph (j)(7)(iii)(F) of the general industry standard (which would still require employers to provide training about protective clothing) and remove and reserve paragraphs (k)(9)(viii)(E) of the Asbestos standards for shipyard employment and construction (which do not have requirements related to protective clothing).

OSHA is also considering, but not proposing, removing the requirement under paragraph (g)(2)(ii) of the general industry Asbestos standard, paragraphs (h)(2)(iii)(A) and (h)(2)(iii)(B) of the shipyard employment Asbestos standard, and paragraph (h)(3)(ii) of the construction Asbestos standard, to provide an employee with a powered air-purifying respirator (PAPR) instead of a negative pressure respirator when the employee chooses to use a PAPR.

OSHA believes that the removal of these provisions would not compromise worker safety and health—the provisions are about employee requests and, without them, workers would still be provided adequate protection. When OSHA updated the Respiratory Protection standard, the agency determined that it was appropriate to allow an employer to provide additional respiratory protection when requested, rather than mandate it (29 CFR 1910.134(c)(2)). Removing these requirements in the Asbestos standards would still allow for voluntary respirator use under some circumstances (*i.e.*, where the employer agrees to provide the equipment) and would better align with the general Respiratory Protection standard. However, the Agency acknowledges that user comfort affects workers' compliance with requirements to wear respiratory protection and questions whether the existing requirements under 1910.134(c)(2) and Table 1 offer equivalent access to alternative styles of respiratory protection. OSHA also understands that some employees may have come to rely on certain types of respiratory protection from asbestos at work, even when the standard does not require that level of protection. OSHA therefore seeks comment on the merits of removing these provisions.

Similarly, OSHA is considering, but not proposing, revising paragraph (g)(3)(i) of the general industry Asbestos standard, paragraphs (h)(2)(i) and (h)(2)(iv) of the shipyard employment Asbestos standard, and paragraphs (h)(3)(i)(A) and (h)(3)(iii) of the construction Asbestos standard to remove the prohibition on using filtering facepiece respirators and to allow employees to use any respirator selected in accordance with paragraph (d)(3)(i)(A) of 29 CFR 1910.134. OSHA believes that the prohibition on filtering facepiece respirators may be based on outdated technology and certification data and that the use of filtering facepieces would therefore not reduce worker safety and health. OSHA seeks comments on whether or not removing that prohibition would decrease worker protections.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection provisions in OSHA's marine terminals and longshoring requirements for asbestos (*see* 29 CFR 1917.1 and 29 CFR 1918.1, which apply the requirements in 1910.1001 to marine terminals and longshoring). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against

asbestos hazards in marine terminals or longshoring that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, which provisions and why?

2. Are there alternative approaches OSHA should consider for any of these revisions?

3. Should OSHA remove the requirement for employers to provide PAPRs when they are requested by employees? In your experience, how often do employees request to use PAPRs when the Asbestos standard does not require them?

4. Are there any concerns that removing any of the substance-specific provisions in the Asbestos standards and relying on the generic requirements of the Respiratory Protection standard will inadequately capture the content and requirements of the current substance-specific provisions? In particular, are there any specific provisions that would be important to retain rather than switching to selection based on APF factors?

5. Should OSHA maintain the prohibition on using filtering facepiece respirators for exposures to asbestos fibers?

6. How many employers are likely to have been impacted by the redundant provisions and were providing duplicative training?

V. Economic Analysis

This proposed rule would remove redundant requirements and expand compliance options in the Asbestos standards, 29 CFR 1910.1001, 29 CFR 1915.1001, and 1926.1101, and therefore OSHA has preliminarily concluded that there would be no additional costs imposed by the proposed revisions. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective respirators and a reduction of the burdens associated with reviewing unnecessarily

duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

Based on the Supporting Statements for the Information Collection Requests (ICR) for the Asbestos in general industry¹ and construction standards,² there are 375,479 employees who are subject to exposure monitoring for asbestos exposure. In a 1990 economic analysis prepared for the proposed changes to the Asbestos standards for construction and general industry, OSHA estimated that “from four to 10 percent of total employment . . . are potentially exposed to asbestos each year.”³ Based on this, and given that the Asbestos standards require periodic monitoring when employees are expected to be exposed above the PEL, OSHA is estimating that 10 percent of employees, or 37,548 employees, subject to periodic monitoring are using respirators. OSHA further assumes that 50 percent of those employees—18,774 employees—will switch from tight-fitting respirators to loose-fitting PAPRs and therefore avoid the costs of fit testing.

In the Supporting Statement for the Information Collection Request for the Asbestos in Shipyard standard, OSHA stated that the “agency assumes that it will take 30 minutes (30/60 hour) of employee time and 30 minutes (30/60 hour) of supervisory time to conduct and record the results of each respirator fit testing, which occurs twice annually.” That ICR also estimated that 153 shipyard employees are fit tested.⁴ Like for general industry and construction, OSHA assumes for purposes of this analysis that 50 percent of those employees will switch from tight-fitting to loose-fitting PAPRs and their employers will therefore avoid the costs of fit testing.

Using the loaded wage rates for production employees and supervisors in the respective ICRs, OSHA estimates that the proposed changes could result in savings of about \$1.5 million annually among general industry, construction, and shipyard employers, just from savings on fit testing (or about \$11.3 million over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?

2. How many employees currently use respirators for protection against asbestos?

3. How many employees would employers expect to use helmet or hooded style respirators instead of a full facepiece under the proposed revisions?

4. Are there any other savings for employers that would result from the proposed change?

5. Are there any benefits for worker protection that can be anticipated from this proposed change?

6. Are there any costs for employers that would result from this change that OSHA has not considered?

7. Are there cost savings associated with no longer being restricted to HEPA filters for powered and non-powered air-purifying respirators?

8. How much familiarization time would employers who are new entrants to the market expect to save based on the revisions?

9. Are there additional categories of cost savings that OSHA has not identified?

10. Are there savings to employers outside of general industry, construction, and shipyards related to this proposal? If so, would they be similar to what OSHA has estimated for general industry, construction, and shipyard employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)),

requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁵

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their

⁵ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

¹ See Document ID OSHA-2010-0018-0016.

² See Document ID OSHA-2012-0002-0027.

³ See Document ID OSHA-H033E-2006-0915-0627.

⁴ See Document ID OSHA-2012-0009-0014.

standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Asbestos standard (OMB Control Numbers 1218–0195, 1218–0134, and 1218–0133), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Numbers 1218–0195, 1218–0134, and 1218–0133 (see 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137

Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Parts 1910, 1915, and 1926

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1001 is revised as follows:

- 1. Revise and republish paragraph (g)(1), (g)(2)(ii), (g)(3) and (j)(7)(iii)(F)
- 2. Remove paragraphs (g)(1)(i)–(iv) and (g)(3)(i)–(ii)

The revisions and additions read as follows:

(g) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * *

(i) * * *

(ii) Employers must provide an employee with a powered air-purifying respirator (PAPR) that has a minimum assigned protection factor (APF) of 50 instead of a negative pressure respirator selected according to paragraph (g)(3) of this standard when the employee chooses to use a PAPR and it provides adequate protection to the employee.

(iii) * * *

(3) *Respirator selection.* Employers must select, and provide to employees, the appropriate respirators specified in

paragraph (d)(3)(i)(A) of 29 CFR 1910.134; however, employers must not select or use filtering facepiece respirators for protection against asbestos fibers.

* * * * *

- (j) * * *
- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *
- (6) * * *
- (7) * * *
- (i) * * *
- (ii) * * *
- (iii) * * *
- (A) * * *
- (B) * * *
- (C) * * *
- (D) * * *
- (E) * * *

(F) The purpose, proper use, and limitations of protective clothing, if appropriate;

* * * * *

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 3. The authority for 29 CFR part 1915 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754); 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), 4-2010 (75 FR 55355), 1-2012 (77 FR 3912), or 8-2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

Subpart Z—Toxic and Hazardous Substances

■ 4. § 1915.1001 is revised as follows:

■ a. Revise and republish paragraphs (h)(1), (h)(2)(iii)(A)–(B), (h)(2)(iv), and (h)(2)(v)(A)

■ b. Remove paragraphs (h)(1)(i)–(viii)

■ c. Remove and reserve paragraphs (h)(2)(ii) and (k)(9)(viii)(E)

The revisions and additions read as follows:

(h) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * *

(i) * * *

(ii) [Reserved]

(iii) * * *

(A) Inform employees that they may require the employer to provide a powered air-purifying respirator (PAPR) that has a minimum assigned protection factor (APF) of 50 and is permitted for use under paragraph (h)(2)(i) of this standard instead of a negative pressure respirator.

(B) Provide employees with a PAPR that has a minimum assigned protection factor (APF) of 50 instead of a negative pressure respirator when the employees choose to use a PAPR and it provides them with the required protection against asbestos.

(iv) Employers must provide employees with a respirator that has a minimum assigned protection factor (APF) of 10, other than a filtering facepiece respirator, whenever the employees perform:

(A) * * *

(B) * * *

(v) * * *

(A) A respirator that has a minimum assigned protection factor (APF) of 50 whenever the employees are in a regulated area performing Class I asbestos work for which a negative exposure assessment is not available and the exposure assessment indicates that the exposure level will be at or below 1 f/cc as an 8-hour time-weighted average (TWA).

* * * * *

(k) * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

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(iv) * * *

(v) * * *

(vi) * * *

(vii) * * *

(viii) * * *

(A) * * *

(B) * * *

(C) * * *

(D) * * *

(E) [Reserved]

* * * * *

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

■ 1. The authority for 29 CFR 1926 subpart Z is revised to read as follows:

Authority: 40 U.S.C. 3704; 29 U.S.C. 653, 655, 657; and Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96

(62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), 4-2010 (75 FR 55355), 1-2012 (77 FR 3912), or 8-2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

Section 1926.1102 not issued under 29 U.S.C. 655 or 29 CFR part 1911; also issued under 5 U.S.C. 553.

■ 2. § 1926.1101 is revised as follows:

■ a. Revise and republish paragraphs (h)(1), (h)(3)(i), (h)(3)(ii), (h)(3)(iii), and (h)(3)(iv)(A)–(B)

■ b. Remove paragraphs (h)(1)(i)–(viii) and (h)(3)(i)(A)–(B)

■ c. Remove and reserve paragraph (k)(9)(viii)(E)

The revisions and additions read as follows:

(h) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * *

(3) * * *

(i) Employers must select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134; however, employers must not select or use filtering facepiece respirators for use against asbestos fibers.

(ii) Employers must provide an employee with a powered air-purifying respirator (PAPR) that has a minimum assigned protection factor (APF) of 50 instead of a negative pressure respirator selected according to paragraph (h)(3)(i)(A) of this standard when the employee chooses to use a PAPR and it provides adequate protection to the employee.

(iii) Employers must provide employees with a respirator that has a minimum assigned protection factor (APF) of 10, other than a filtering facepiece respirator, whenever the employees perform:

(A) * * *

(B) * * *

(iv) * * *

(A) A respirator that has a minimum APF of 50 whenever the employees are in a regulated area performing Class I asbestos work for which a negative exposure assessment is not available and the exposure assessment indicates that the exposure level will be at or below 1 f/cc as an 8-hour time-weighted average (TWA).

(B) A respirator that has a minimum APF of 1,000 and is equipped with an auxiliary positive-pressure SCBA

whenever the employees are in a regulated area performing Class I asbestos work for which a negative exposure assessment is not available and the exposure assessment indicates that the exposure level will be above 1 f/cc as an 8-hour TWA.

* * * * *

- (k) * * *
- (1) * * *
- (2) * * *
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- (8) * * *
- (9) * * *
- (i) * * *
- (ii) * * *
- (iii) * * *
- (iv) * * *
- (v) * * *
- (vi) * * *
- (vii) * * *
- (viii) * * *
- (A) * * *
- (B) * * *
- (C) * * *
- (D) * * *
- (E) [Reserved]

* * * * *

[FR Doc. 2025–11633 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, and 1926

[Docket No. OSHA–2025–0020]

RIN 1218–AD55

TITLE: 1,3-Butadiene

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA’s 1,3-Butadiene standard and better aligns this standard with OSHA’s respiratory protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is

requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the Federal Register.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0020, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0020). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0020) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

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and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This Federal Register notice, as well as news releases and other relevant information, also are available at OSHA’s web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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- IV. Summary and Explanation of the Proposed Requirements
- V. Economic Analysis
- VI. Additional Requirements
- VII. Authority and Signature
- VIII. Regulatory Text

I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA’s 1,3-Butadiene standard (29 CFR 1910.1051). OSHA is proposing to revise some respirator-related provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA’s intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the 1,3-Butadiene standard outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal,

Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act’s enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard’s requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1971 when it published the 1,3-Butadiene standard (see 61 FR 56746). The Supreme Court, in its decision on OSHA’s benzene standard, interpreted OSHA’s obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep’t, AFL–CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally adopted a consensus standard to regulate 1–3-Butadiene in 1971 and later revised it because the agency determined that at the permissible exposure limit set in 1971 there was still significant risk to employees (61 FR 56746). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that

OSHA must “find that each and every aspect of its standard eliminates a significant risk”)). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass’n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass’n v. Sec’y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL–CIO–CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”)). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the 1,3-Butadiene standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA’s economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted its first 1,3-Butadiene standard in 1971 (*see* 61 FR 56746). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the 1,3-Butadiene standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA’s 1,3-Butadiene standard is to conform them, to the extent possible, with other substance-specific standards and to the

revised 29 CFR 1910.134 in general. The proposed updates will improve the 1,3-Butadiene standard because it will now refer to the APFs in the Respiratory Protection standard, which is based on current technology and practices for respirator use. This revised standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (h) of its general industry 1,3-Butadiene standard (29 CFR 1910.1051) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1051 that are duplicative with the requirements in 1910.134. The proposed revisions would also provide more compliance options by removing unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions would also conform this standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134, which would simplify review of these regulations. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goal of facilitating the use of new technology and reducing undue burden.

OSHA has preliminarily determined that paragraphs (h)(1)(i) through (iv) of the 1,3-Butadiene standard unnecessarily duplicate the general provisions covered by 1910.134(a). The agency is therefore proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (h)(1). Employers in compliance with the current version of 1910.1051(h)(1) would not have to change any of their practices to remain in compliance with the changes OSHA is proposing.

OSHA is also proposing to remove many of the respiratory selection criteria

from 1910.1051(h)(3)(i) and Table 1. Specifically, OSHA is proposing to remove the phrase “appropriate respirators from Table 1 of this section” from paragraph (h)(3)(i) and instead include “and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134” because the requirements of Table 1 duplicate the APF factors in 1910.134(d)(3)(i)(A) and would not allow for the use of new types of respirators with equivalent APFs. Additionally, in Table 1, OSHA is proposing to remove the specific types of respirators from each row, while leaving in the type of cartridge and canister with which the respirator must be equipped, along with the change schedules for the cartridge or canister where that is specified. Paragraphs (h)(2)(ii) and (h)(2)(iii) of the 1,3-Butadiene standard include language that makes selection of replacement schedules dependent on the “class of respirators listed in Table 1” so in the portions of the table where cartridge or canister changeout schedules are maintained, OSHA is also keeping an APF requirement so that there is a “class of respirator” listed in Table 1. For rows where there is no cartridge or canister changeout schedule, OSHA is proposing to delete those rows in their entirety. For the proposed version of Table 1, see Section VIII.

OSHA has preliminarily determined that these requirements unnecessarily duplicate the requirements in the Respiratory Protection standard, at 1910.134(d)(1)(i) and (ii) and 1910.134(d)(3)(i)(A), which employers are already required to follow. OSHA believes that these changes will improve consistency with other substance specific standards and allow employers to select from a wider range of equally protective respirators based on the APF of the respirator. OSHA does not intend for these changes to add to or change the regulatory burden on employers; actions that were in compliance with the requirements in 1910.1051(h)(3)(i) and Table 1 of the 1,3-Butadiene standard would also be in compliance with the standard as revised. However, this change does expand the options available for compliant respiratory protection based on exposure levels and APFs.

Additionally, OSHA is proposing to remove the sentence contained in the notes to Table 1 of the 1,3-Butadiene standard that requires the use of full facepiece respiratory protection when eye irritation is anticipated. OSHA has preliminarily determined that paragraph (i) of the standard contains requirements for the use of personal protective

equipment to prevent eye contact and limit dermal exposure to 1,3-butadiene that are equally as protective as the provision in the notes to Table 1. This would provide greater compliance flexibility to employers who would be able to provide half mask respirators along with appropriate eye and face protection when employees are experiencing eye irritation.

OSHA is also considering (but not proposing) removing the requirements for specific schedule changes for filter cartridges and canisters that are in Table 1 of the 1,3-Butadiene standard and, in paragraph (h)(2)(i), removing the exception for paragraphs (d)(3)(iii)(B)(1) and (2) of the 1910.134 standard, resulting in employers needing to comply with the generic cartridge and canister change schedules in the Respiratory Protection standard. That provision in the Respiratory Protection standard requires that an air-purifying respirator be equipped with an end-of-service-life indicator (ESLI) certified by NIOSH for the contaminant or, if there is no ESLI appropriate for the working conditions, the employer must implement a change schedule for canisters and cartridges based on objective information or data that would ensure canisters and cartridges would be changed before the end of their service life. The employer would also need to include the basis for their determination in their respirator program. Essentially, if OSHA made this change it would result in a performance-based approach to cartridge and canister changes, rather than a prescriptive approach. This would also result in Table 1 being deleted entirely if OSHA removed both the respirator specifications as proposed and the changeout schedules that it is currently proposing to leave in.

OSHA notes that employers are currently permitted to establish alternative schedules for filter replacement based on 90% of the service life (paragraph (h)(2)(iii) of the 1,3-Butadiene standard), and that the default replacement schedule outlined in Table 1 of the 1,3-Butadiene standard is based on worse-case scenario exposure conditions found in the workplace, since this provides the greatest margin for safety in using air purifying respirators with 1,3-Butadiene. OSHA questions whether the removal of Table 1 and requiring employers to rely on the procedures in 1910.134(d)(3)(iii)(B)(1) and (2), specifically its end of service life indicators (ESLI) or performance-based criteria, would be equally as protective while providing employers with increased options for compliance.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's shipyard employment, marine terminals, longshoring, and construction industry standards for 1,3-butadiene (*see* 29 CFR 1915.1000 (Table Z), 29 CFR 1926.55 (Table 1), 29 CFR 1917.1, and 29 CFR 1918.1, which apply the requirements in 29 CFR 1910.1051 to construction, longshoring, marine terminals, and shipyard work). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against 1,3-butadiene hazards in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety?
2. Are there alternative approaches OSHA should consider?
3. Are there any aspects of the proposed cross references to 1910.134 that will insufficiently capture the existing provisions OSHA is proposing to remove in the 1,3-Butadiene standard?

3. Should OSHA remove the filter cartridges and canisters change schedule requirements under Table 1? Would following the performance-based approach in 1910.134 sufficiently protect workers and would it provide significant cost savings or other benefits?

V. Economic Analysis

This proposed rule would remove redundant requirements and expand compliance options for employers in the 1,3-Butadiene standard, 29 CFR 1910.1051, and therefore OSHA has preliminarily concluded that there would be no additional costs imposed by the proposed revisions. OSHA also anticipates that there may be some cost savings associated with this rule, including a reduction of the burden associated with complying with and reviewing unnecessarily duplicative regulations. Because this rule would

impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

Based on the Supporting Statement for the Information Collection Request for the 1,3-Butadiene standard, OSHA estimates that there are 53 employees using respirators for monitoring and emergency response activities involving exposure to 1,3-butadiene. Assuming 25 percent of those employees will switch from a full facepiece respirator to a hooded continuous flow respirator, which will eliminate fit testing costs for those employees,¹ OSHA estimates that this could result in about \$1,100 in savings annually (or about \$8,000 over 10 years at a 3 percent discount rate).²

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?
2. How many employees would employers expect to use helmet or hooded style respirators instead of a full facepiece under the proposed revisions?
3. Are there any other savings for employers that would result from the proposed change?
4. Are there any benefits for worker protection that can be anticipated from this proposed change?
5. Are there any costs for employers that would result from this change that OSHA has not considered?
6. Would the savings to employers outside of general industry be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. OSHA will

¹ See Docket ID OSHA-2012-0027-0014 for additional detail.

² See Docket ID OSHA-2012-0027-0014 for information on employee and wage rate estimates.

transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, "Regulatory Planning and Review" (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a "significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are "at least as effective" as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as "State Plans."³

³ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland,

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the 1,3-Butadiene standard (OMB Control Number 1218–0170), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing

Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

OMB Control Number 1218–0170 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1051 is revised as follows:

■ a. Revise and republish paragraphs (h)(1), (h)(3)(i) and Table 1

The revisions and additions read as follows:

(h) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that it is necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(3) * * *

(i) The employer must select and provide to employees the appropriate

respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

TABLE 1—MINIMUM REQUIREMENTS FOR RESPIRATORY PROTECTION FOR AIRBORNE BD

Concentration of airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 5 ppm (5 times PEL)	(a) A respirator with a minimum assigned protection factor (APF) of 10, equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 4 hours.
Less than or equal to 10 ppm (10 times PEL) ...	(a) A respirator with a minimum APF of 10, equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 3 hours.
Less than or equal to 25 ppm (25 times PEL) ...	(a) A respirator with a minimum APF of 25, equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 2 hours.
Less than or equal to 50 ppm (50 times PEL) ...	(a) A respirator with a minimum APF of 50, equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every (1) hour.

Notes:

Respirators approved for use in higher concentrations are permitted to be used in lower concentrations.

[FR Doc. 2025–11630 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Parts 1910, 1915, 1917, 1918, and 1926**

[Docket No. OSHA–2025–0018]

RIN 1218–AD63

Ethylene Oxide

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's Ethylene Oxide standard and better aligns this standard with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0018,

electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0018). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0018) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

*Copies of this **Federal Register** notice:* Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:**Table of Contents**

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- II. Legal Authority and Preliminary Findings
- III. Events Leading to the Proposed Rule
- IV. Summary and Explanation of the Proposed Requirements
- V. Economic Analysis
- VI. Additional Requirements
- VII. Authority and Signature
- VIII. Regulatory Text

I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's Ethylene Oxide standard (29 CFR 1910.1047). OSHA is proposing to revise some respirator-related provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent

worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Ethylene Oxide standard outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of

section 652(8) of the OSH Act, which OSHA did here in 1974 when it published the air contaminants standard (39 FR 23502) and reaffirmed when it published a separate standard for Ethylene Oxide in 1984 (49 FR 25734–01). The Supreme Court, in its decision on OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally adopted a consensus standard recommendation to regulate ethylene oxide in 1974 and later revised the standard because even at that permissible exposure limit there was significant risk to employees (49 FR 25734–01). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”)). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”)). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Ethylene Oxide standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v.*

OSHA, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA's economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule's] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted the Ethylene Oxide standard in 1984 (49 FR 25734–01). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Ethylene Oxide standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the Respiratory Protection standard, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA's Ethylene Oxide standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Ethylene Oxide standard because they will remove unnecessarily specific respirator requirements as well as language that is duplicative of the requirements of the Respiratory Protection standard and allow for greater flexibility in the selection of equally protective respirators. OSHA also believes that advances in technology have made the Ethylene Oxide standard outdated in some areas. This revised standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," E.O. 14192, "Unleashing Prosperity Through Deregulation," and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (g) of its general industry Ethylene Oxide standard (29 CFR 1910.1047) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1047 that are duplicative with the requirements in 1910.134. The proposed revisions would also remove unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions conform the Ethylene Oxide standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goal of reducing undue burden and facilitating the use of new technology.

OSHA preliminarily determined that paragraphs (g)(1)(i) through (iv) of the Ethylene Oxide standard, which specify when respirators must be used, unnecessarily duplicate the general provisions in 1910.134(a). Therefore, the agency is proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (g)(1). OSHA does not intend for these changes to add to or change the regulatory burden on employers; actions that were in compliance with the requirements in 1910.1047(g) would also be in compliance with proposed paragraph (g).

Additionally, OSHA is proposing to remove provisions in paragraph (g)(3)(i) and paragraph (g)(3)(ii) of the Ethylene Oxide standard. Paragraph (g)(3)(i) prohibits the use of half masks because ethylene oxide may cause eye irritation or injury, but paragraph (g)(4) already requires employers to provide appropriate protective clothing or equipment when employees could have eye or skin contact. OSHA has preliminarily determined that removing paragraph (g)(3)(i)'s prohibition on half masks would provide greater compliance flexibility for employers because employers could newly select a half mask and then additionally provide eye protection or a face shield under paragraph (g)(4) to ensure equivalent protection for workers. OSHA has also preliminarily determined that paragraph (g)(3)(ii), which requires employers to equip each air-purifying, full facepiece respirator with a front- or back-mounted canister approved for protection against

ethylene oxide, is unnecessarily prescriptive and duplicates the general provisions in 1910.134(d) of the Respiratory Protection standard. The agency believes that, in the Respiratory Protection standard, paragraphs (d)(3)(ii), which requires the respirator selected is appropriate for the chemical state and physical form of the contaminant, and (d)(3)(iii), which has requirements related to the selection and use of cartridges and canisters for protection against gases and vapors, provide equivalent protection and the removal of this provision in the Ethylene Oxide standard would potentially provide more compliance options. Therefore, the agency is proposing to remove and reserve that paragraph.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's construction, shipyard employment, marine terminals, and longshoring standards for ethylene oxide (*see* 29 CFR 1926.1147, 29 CFR 1917.1, 29 CFR 1918.1, and 29 CFR 1915.1047, which apply the requirements in 1910.1047 to construction, marine terminals, longshoring, and shipyards). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against ethylene oxide hazards in construction, shipyards, marine terminals, or longshoring that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, which provisions and why?

2. Are there alternative approaches OSHA should consider for any of these revisions?

3. Are there any concerns that removing any of the substance-specific provisions in the Ethylene Oxide standard and relying on the generic requirements of the Respiratory Protection standard will inadequately capture the content and requirements of

the current substance-specific provisions?

V. Economic Analysis

This proposed rule would expand compliance options for employers under the Ethylene Oxide standard, 29 CFR 1910.1047, by allowing employers to provide half mask respirators rather than full facepiece respirators, and therefore OSHA has preliminarily concluded that there would be no additional costs imposed by the proposed revisions. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective respirators and a reduction of the burdens associated with reviewing unnecessarily duplicative regulations.

Based on the Supporting Statement for the Information Collection Request (ICR) for the Ethylene Oxide standard, OSHA estimates that there are 30,906 employees exposed to ethylene oxide. In that ICR, OSHA also estimated that “6% of all facilities [. . .] will have exposures above the EL.”¹ Assuming that 6 percent applies to employees as well, OSHA estimates that 1,854 employees are exposed above the EL and are wearing respirators. The cost of a full-face respirator is \$255² and a half-face respirator costs \$40.³ Employees using a half mask respirator would also need safety goggles for eye protection. OSHA determined that safety goggles cost \$2.25⁴ and need to be replaced 5 times a year (based on OSHA’s 2007 PPE Payment FEA (72 FR 64342)), for an annual cost of \$11.25. Assuming that both types of respirators are replaced annually, that there is no difference in the price of canisters/cartridges, and that cleaning wipes would be used in equal amounts for either respirator, there is a difference in cost between the full facepiece respirator and the half mask plus goggles of \$203.75 per employee annually.

OSHA does not currently have sufficient information to quantify how many of the exposed employees would use a half mask respirator. However, if 50 percent of the exposed employees were to use half mask respirators plus goggles instead of full facepiece respirators, that could result in savings, based on equipment alone, of approximately \$189,000 annually (or

about \$1.4 million over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?

a. How many employees would employers expect to use half mask respirators instead of a full facepiece under the proposed revisions?

2. How much familiarization time would employers who are new entrants to the market expect to save based on the revisions?

3. Are there any other savings for employers that would result from the proposed change?

4. Are there any benefits for worker protection that can be anticipated from this proposed change?

5. Are there any costs for employers that would result from this change that OSHA has not considered?

6. Would there be savings to employers outside of general industry related to this proposal? If so, would they be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2)

tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁵

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29

⁵ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

¹ See Document ID OSHA–2009–0035–0015.

² https://www.uline.com/BL_992/3M-Full-Face-Respirators. Accessed June 5, 2025.

³ https://www.uline.com/BL_992/3M-Full-Face-Respirators. Accessed June 5, 2025.

⁴ https://www.uline.com/BL_8952/Uline-Economy-Safety-Goggles. Accessed June 5, 2025.

CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Ethylene Oxide standards (OMB Control Number 1218–0108), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0108 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Signed at Washington, DC, on June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. Section 1910.1047 is amended as follows:

- 1. Revise and republish paragraphs (g)(1) and (g)(3)(i)
- 2. Remove paragraphs (g)(1)(i) through (iv)
- 3. Remove and reserve paragraph (g)(3)(ii)

The revisions and additions read as follows:

§ 1910.1047 Ethylene oxide

(g) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * *

(3) * * *

(i) Select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

(ii) [Reserved]

* * * * *

[FR Doc. 2025–11638 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Parts 1910, 1915, 1917, 1918, 1926****[Docket No. OSHA–2025–0013]****RIN 1218–AD56****13 Carcinogens (4-Nitrobiphenyl, etc.)****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's 13 Carcinogens standard and better aligns this standard with OSHA's respiratory protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0013, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0013). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [regulations.gov](https://www.regulations.gov). All comments, including any personal information you

provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0013) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:**Table of Contents**

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- II. Legal Authority and Preliminary Findings
- III. Events Leading to the Proposed Rule
- IV. Summary and Explanation of the Proposed Requirements
- V. Economic Analysis
- VI. Additional Requirements
- VII. Authority and Signature
- VIII. Regulatory Text

I. Executive Summary

This proposed rule is intended to promote more effective use of respirators, provide greater compliance flexibility, and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's 13 Carcinogens standard (29 CFR 1910.1003). OSHA is proposing to revise some respirator-related

provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised respiratory protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the 13 Carcinogens standard outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is ". . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related

deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1974 when it published the first Carcinogens standard (39 FR 3756). The Supreme Court, in its decision on OSHA's benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally published this standard as an emergency temporary standard (ETS) and found that these carcinogens posed a grave danger, which is a higher threshold than significant risk (38 FR 10929). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (see, e.g., *Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”)). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (see *Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”)). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the 13 Carcinogens standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (see *Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (see, e.g., *Public Citizen v.*

OSHA, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA's economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule's] basis and purpose” (5 U.S.C. 553(c)); cf. 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a carcinogens standard in 1974 (39 FR 3756). OSHA also has a general respiratory protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised respiratory protection standard on January 8, 1998 (63 FR 1152). The respiratory protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the respiratory protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the 13 Carcinogens standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA's 13 Carcinogens standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates will improve these substance-specific standards, including 13 Carcinogens, because they will now refer to the APFs in the respiratory protection standard, which is based on current technology and practices for respirator use. OSHA also believes that advances in technology have made the substance-specific standards outdated in some areas. This revised standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President's ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (c)(4)(iv) of its general industry 13 Carcinogens standard (29 CFR 1910.1003) to reduce compliance

burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would provide more compliance options for employers by replacing requirements for specific respirator types with requirements for respirator selection based on APFs. The APFs in the respiratory protection standard are based on current knowledge about respirator use and updated technology. These revisions would also conform the 13 Carcinogens standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency has made a preliminary determination, therefore, that updating the 13 Carcinogens standard is consistent with the goal of facilitating technological innovation, reducing undue burden, and improving compliance with OSHA's respiratory protection requirements.

The proposed changes to paragraph (c)(4)(iv) of the 13 Carcinogens standard would replace two requirements for the use of respiratory protection. The first change would remove the requirement for employers to provide each employee engaged in handling operations involving the carcinogens 4-Nitrobiphenyl, alpha-Naphthylamine, 3,3'-Dichlorobenzidine (and its salts), beta-Naphthylamine, Benzidine, 4-Aminodiphenyl, 2-Acetylaminofluorene, 4-Dimethylaminoazo-benzene, and N-Nitrosodimethylamine with National Institute for Occupational Safety and Health (NIOSH) certified air-purifying, half-mask respirators with particulate filters. In place of the deleted requirement, this proposal would add a requirement to provide and ensure the use of a NIOSH-certified respirator for protection against particulates with an APF of 10 under those same working conditions. Second, the requirement for employers to ensure that each employee engaged in handling operations involving the carcinogens methyl chloromethyl ether, bis-Chloromethyl ether, Ethyleneimine, and beta-Propiolactone wears and uses any self-contained breathing apparatus that has a full facepiece would be replaced with a requirement to provide and ensure the use of any respirator with an APF of 10,000. The standard would continue to allow employers to substitute a respirator affording employees higher levels of protection than these respirators, but now would also allow them to use additional types of respirators that provide equivalent levels of protection (based on APFs in 29 CFR 1910.134) as the respirators

required under the existing 13 Carcinogens standard.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's shipyard employment, marine terminals, longshoring, and construction industry standards for the 13 Carcinogens (*see* 29 CFR 1926.1103, 29 CFR 1915.1003, 29 CFR 1917.1, and 29 CFR 1918.1, which applies the requirements in 29 CFR 1910.1003 to construction, longshoring, marine terminals, and shipyards). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against hazards from the 13 carcinogens in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making this change would decrease worker safety?
2. In some other substance-specific standards OSHA currently limits the use of filtering facepiece respirators (*see, e.g.,* 29 CFR 1910.1001(g)(3)(i)). OSHA is interested in obtaining information from commenters about whether there are reasons to limit the use of filtering facepiece respirators in the 13 Carcinogens standard.
3. Is there an alternative approach OSHA should consider?

V. Economic Analysis

This proposed rule would expand compliance options for employers under the 13 Carcinogens standard, 29 CFR 1910.1003, and therefore OSHA has preliminarily concluded that there would be no additional costs imposed by the proposed revisions. OSHA also anticipates that there may be some cost savings associated with this rule, including a reduction of the burden associated with fit testing for those employees able to wear a loose fitting PAPR or similar. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

The changes to the requirements for 13 carcinogens would expand compliance options for employers by allowing them to provide any respirator meeting the minimum assigned protection factor, including respirators with a helmet or hood, rather than mandating half mask respirators and full facepiece self-contained breathing apparatuses (SCBA). OSHA anticipates that the expanded compliance options may lead to some employers switching to types of respirators that do not require fit testing, eliminating costs for that procedure.

Based on the Supporting Statement for the Information Collection Request for the 13 Carcinogens standard,¹ OSHA estimates that 770 employees are exposed to the chemicals covered by the standard. For the sake of this analysis, OSHA assumes that all these employees will be wearing respirators. Switching from a half mask or a full facepiece SCBA to a hooded PAPR would eliminate fit testing costs for those employees. OSHA estimates that 50 percent of employees wearing respirators, or 385 employees, would use a different type of respirator as a result of this proposal. Based on the Supporting Statement for the Asbestos in Shipyards standard,² fit testing is assumed to take 30 minutes of both the employee's time and a supervisor's time and occur twice a year. This means that this proposal could result in savings of about \$31,500 annually (or about \$234,000 over 10 years annualized at a 3 percent discount rate).³

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?
2. How many employees would employers expect to use helmet or hooded style respirators instead of a half mask respirator or full facepiece SCBA under the proposed revisions?
3. Are there any other savings for employers that would result from the proposed change?
4. Are there any benefits for worker protection that can be anticipated from this proposed change?
5. Are there any costs for employers that would result from this change that OSHA has not considered?
6. Would the savings to employers outside of general industry be similar to

¹ See Document ID OSHA-2011-0860-0013 for information about estimates of employees.

² See Document ID OSHA-2012-0009-0014.

³ See Document ID OSHA-2011-0860-0013 for information about wage rates used.

what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

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submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁴

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and

the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the 13 Carcinogens standard (OMB Control Number 1218–0085), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0085 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

⁴ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor's Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. 1910.1003(c)(4)(iv) is revised and republished to read as follows:

Employers must provide each employee engaged in handling

operations involving the carcinogens 4-Nitrophenyl, alpha-Naphthylamine, 3,3'-Dichlorobenzidine (and its salts), beta-Naphthylamine, Benzidine, 4-Aminodiphenyl, 2-Acetylaminofluorene, 4-Dimethylaminoazo-benzene, and N-Nitrosodimethylamine, addressed by this section, with, and ensure that each of these employees wears and uses, a NIOSH-certified respirator for particulates that has an assigned protection factor (APF) of 10. Employers also must provide each employee engaged in handling operations involving the carcinogens methyl chloromethyl ether, bis-Chloromethyl ether, Ethyleneimine, and beta-Propiolactone, addressed by this section, with, and ensure that each of these employees wears and uses a respirator that has an APF of 10,000. Employers may substitute a respirator affording employees higher levels of protection than these respirators.

[FR Doc. 2025–11631 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0019]

RIN 1218–AD54

1,2-dibromo-3-chloropropane

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's 1,2-Dibromo-3-Chloropropane standard and better aligns this standard with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence

will be announced in the **Federal Register**.

ADDRESSES: *Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2025–0019, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0019). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0019) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>;

some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This

Federal Register notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's 1,2-Dibromo-3-Chloropropane standard (29 CFR 1910.1044). OSHA is proposing to revise some respirator-related provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the 1,2-Dibromo-3-Chloropropane standard outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health

standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is ". . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1978 when it published the 1,2-Dibromo-3-Chloropropane standard (43 FR 11514). The Supreme Court, in its decision on OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate "whether significant risks are present and can be eliminated or lessened by a change in practices" (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally published this standard as an emergency temporary standard (ETS) and found that exposure to 1,2-Dibromo-3-Chloropropane posed a grave danger, which is a higher threshold than significant risk (42 FR 45536). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must "find that each and every aspect of its standard eliminates a significant risk")). Rather, once OSHA makes a general significant risk finding in support of a standard, the next

question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) ("*Lead I*"). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the 1,2-Dibromo-3-Chloropropane standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA "must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms" (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA's economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted "a concise general statement of [the rule's] basis and purpose" (5 U.S.C.

553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a 1,2-Dibromo-3-chloropropane standard in 1978 (43 FR 11514). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the 1,2-Dibromo-3-Chloropropane standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA’s 1,2-Dibromo-3-Chloropropane standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates will improve the 1,2-Dibromo-3-Chloropropane standard because it will

now refer to the APFs in the Respiratory Protection standard, which is based on current technology and practices for respirator use. This revised standard is intended to take account of new knowledge and technology.

1,2-Dibromo-3-chloropropane is no longer commercially manufactured in the United States and was not reported to be produced for sale by any manufacturing plant worldwide in 2009. Nevertheless, 13 suppliers were identified in the U.S. in 2009. Since 1985, after the U.S. Environmental Protection Agency suspended registrations for uses of fumigant products containing the compound, 1,2-dibromo-3-chloropropane has been used in the United States only for research purposes and as an intermediate in organic synthesis, such as in the synthesis of a fire retardant called tris(2,3-dibromopropyl) phosphate. In 2009, no commercial manufacturers of tris(2,3-dibromopropyl) phosphate were identified, but it was available from six U.S. suppliers (*see* <https://www.ncbi.nlm.nih.gov/books/NBK590804/> for more details). Based on these facts, it is likely that usage of 1,2-Dibromo-3-chloropropane in the U.S. as well as the number of employees exposed to the chemical have declined drastically since the promulgation of the 1,2-Dibromo-3-chloropropane standard in 1978.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraphs (h) and (n) of its general industry 1,2-dibromo-3-chloropropane standard (29 CFR 1910.1044) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would improve comprehensibility and simplify compliance for employers by removing requirements in 1910.1044 that are duplicative with the requirements in 1910.134. The revisions would also remove unnecessary restrictions on

respirator selection where another equally protective option exists. Finally, these revisions would conform this standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency preliminarily concludes, therefore, that updating this rule is consistent with the goals of reducing undue burden and facilitating the use of new technologies.

OSHA has preliminarily determined that paragraphs (h)(1)(i) through (iv) of the 1,2-dibromo-3-chloropropane standard unnecessarily duplicate the general provisions covered by 1910.134(a) and is proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (h)(1).

OSHA is also proposing changes to paragraph (h)(3)(ii)(A) of the 1,2-Dibromo-3-chloropropane standard. That paragraph currently requires employers to provide a combination respirator that includes a supplied-air respirator with a full facepiece operated in a pressure-demand or other positive-pressure or continuous-flow mode as well as an auxiliary self-contained breathing apparatus (SCBA) operated in a pressure-demand or positive-pressure mode. OSHA is proposing to replace that with a requirement to provide a combination respirator with a minimum APF of 1,000 that includes an auxiliary self-contained breathing apparatus (SCBA) operated in a pressure-demand or positive-pressure mode. Making this change would allow employers to choose respirators based on the APF factors from 1910.134 and would provide employers with more options.

Finally, OSHA has preliminarily determined that paragraph (n)(1)(ii)(c), which requires training on “The purpose, proper use, and limitations of respirators,” unnecessarily duplicates the general training provisions covered by 1910.134(k). OSHA is therefore proposing to remove and reserve this paragraph.

OSHA is also requesting comment on whether to remove 29 CFR 1910.1044 in its entirety. If OSHA did this, it would instead require any employers with exposed employees to comply with the more general standards contained in 29 CFR part 1910, including 1910 Subpart I on Personal Protective Equipment, which contains requirements for respiratory protection, and Subpart Z on Toxic and Hazardous Substances. As discussed previously, it is likely that only small amounts of 1,2-Dibromo-3-chloropropane are used in the U.S. and that the number of exposed workers is small.

OSHA recognizes that adopting these revisions will also result in the revision

of the respiratory protection requirements in OSHA's shipyard employment, marine terminals, longshoring, and construction industry standards for 1,2-dibromo-3-chloropropane (*see* 29 CFR 1926.1144, 29 CFR 1917.1, 29 CFR 1918.1, and 29 CFR 1915.1044, which apply the requirements in 1910.1044 to construction, longshoring, marine terminals, and shipyards.). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against 1,2-dibromo-3-chloropropane hazards in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on the following questions:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety?
2. Are there alternative approaches OSHA should consider to the proposed revisions?
3. Should OSHA remove the 1,2-Dibromo-3-Chloropropane standard? Would following the standards under 29 CFR part 1910 (*e.g.*, 29 CFR part 1910, subparts I and Z) sufficiently protect workers?

V. Economic Analysis

This proposed rule would remove redundant training requirements and expand compliance options for employers under the 1,2-Dibromo-3-Chloropropane standard, 29 CFR 1910.1044. The changes to the requirements for 1,2-dibromo-3-chloropropane would expand compliance options for employers by allowing them to provide respirators with a helmet or hood rather than mandating full facepiece respirators. Because the proposal would simply provide more options, OSHA has preliminarily concluded that there would be no additional costs imposed by the proposed revisions. Therefore, OSHA has made a preliminary determination that the rule would be economically feasible.

As discussed in Section III. Events Leading to the Proposed Rule, it is likely

that only small amounts of 1,2-Dibromo-3-chloropropane are currently used for chemical synthesis and research purposes. 1,2-Dibromo-3-chloropropane is no longer commercially produced in the U.S., according to the National Institutes of Health.¹ Therefore, the regulated community, and number of exposed workers, is likely small. While this proposal would allow employees to switch from a full facepiece respirator to a hooded continuous flow respirator, which would eliminate the need for fit testing and reduce costs, OSHA estimates no cost savings from this proposal due to a lack of information on the extent to which employees are still exposed to 1,2-Dibromo-3-chloropropane. OSHA welcomes data identifying any current uses of 1,2-dibromo-3-chloropropane in this country as well as information on the number of exposed employees and respirator usage for exposed employees.

To the extent 1,2-Dibromo-3-chloropropane is used, OSHA seeks comments and data in response to the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?
2. How many employees would employers expect to use helmet or hooded style respirators instead of a full facepiece under the proposed revisions?
3. Are there any other savings for employers that would result from the proposed change?
4. Are there any benefits for worker protection that can be anticipated from this proposed change?
5. Are there any costs for employers that would result from this change that OSHA has not considered?
6. Are there additional categories of cost savings that OSHA has not identified?
7. Is 1,2-Dibromo-3-chloropropane used outside of general industry? If so, for what purpose?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would

eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, "Regulatory Planning and Review" (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a "significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are "at least as effective" as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved,

¹ See <https://www.ncbi.nlm.nih.gov/books/NBK590804/> for details.

State-administered occupational safety and health programs as “State Plans.”²

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the 1,2-Dibromo-3-

Chloropropane standard (OMB Control Number 1218–0101), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0101 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of

Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2, and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1044 is revised as follows:

■ a. Revise paragraph (h)(1);

■ b. Remove paragraphs (h)(1)(i) through (iv);

■ c. Revise paragraph (h)(3)(ii)(A); and

■ d. Remove and reserve paragraph (n)(1)(ii)(c).

The revisions and additions read as follows:

(h) * * *

(1) *General.* For employees who are required to use respirators by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

² Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

- (2) * * *
- (3) * * *
- (i) * * *
- (ii) * * *

(A) A combination respirator that has a minimum APF of 1,000 that includes an auxiliary self-contained breathing apparatus (SCBA) operated in a pressure-demand or positive-pressure mode.

* * * * *

- (n) * * *
- (1) * * *
- (i) * * *
- (ii) * * *

(c) [Reserved]

[FR Doc. 2025–11629 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0023]

RIN 1218–AD59

Benzene

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would revise some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's Benzene standard and would better align this standard with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0023, electronically at <https://www.regulations.gov>, which is the

Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0023). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [regulations.gov](https://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0023) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's Benzene standard (29 CFR 1910.1028). OSHA is proposing to revise some respirator-related provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Benzene standard outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation,

modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1987 when it published a final rule updating the Benzene standard (52 FR 34460). The Supreme Court, in its decision on an earlier version (1978) of OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). In the 1987 final rule, OSHA concluded workers were facing a significant risk of adverse health effects (52 FR 34460). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”)). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n v. N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”). Therefore, while OSHA is not making a preliminary finding of significant risk

for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Benzene standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA's economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule's] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted the current Benzene standard in 1987 (52 FR 34460). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835).

OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Benzene standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA's Benzene standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Benzene standard because they facilitate the use of new technology and better align with the Respiratory Protection standard, which is based on current technology and practices for respirator use. OSHA also believes that advances in technology have made the Benzene standard outdated in some areas. This revised standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety.

Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," E.O. 14192, "Unleashing Prosperity Through Deregulation," and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (g) of its general industry Benzene standard (29 CFR 1910.1028) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would improve comprehensibility and simplify compliance for employers by removing requirements in 1910.1028 that are duplicative of the requirements in 1910.134. The revisions would also provide more compliance options by removing unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions conform these standards, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goals of reducing undue burden and facilitating the use of new technology.

OSHA preliminarily determined that paragraphs (g)(1)(i) through (iv) of the Benzene standard, which specify when respirators must be used, unnecessarily duplicate the general provisions covered by 1910.134(a). Therefore, the agency is proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (g)(1). OSHA does not intend for these changes to add to or change the regulatory burden on employers; actions that comply with the requirements in 1910.1028(g) would also be in compliance with proposed paragraph (g).

Additionally, OSHA is proposing to remove paragraph (g)(3)(i)(C) of the Benzene standard, which specifies what type of respirator cartridge or canister must be used with particular types of respirators. OSHA preliminarily determined that these respirator-selection provisions duplicate the general provisions covered by 1910.134(d) of the Respiratory Protection standard and are unnecessarily restrictive by limiting employers who use full facepiece gas

masks to chin-style canisters only. Removing these provisions would allow employers to select from a wider range of respirators that provide equivalent worker protection.

OSHA is also considering (but not proposing) removing the requirements for replacement schedules of air-purifying elements in air-purifying respirators in the Benzene standard. Paragraphs (g)(2)(ii) and (iii) of the Benzene standard require the use of an end-of-service-life indicator or replacement of the air-purifying element at the expiration of its service life or at the beginning of each shift, whichever comes first. These provisions are similar to provisions contained in the Respiratory Protection standard at 1910.134(d)(3)(iii)(B), which requires that an air-purifying respirator be equipped with an end-of-service-life indicator (ESLI) certified by NIOSH for the contaminant or, if there is no ESLI appropriate for the working conditions, the employer must implement a change schedule for canisters and cartridges based on objective information or data that would ensure canisters and cartridges would be changed before the end of their service life. The employer would also need to include the basis for their determination in their respirator program. Essentially, if OSHA made this change it would result in a performance-based approach to cartridge and canister changes, rather than the prescriptive approach currently contained in the Benzene standard. OSHA believes that this change could improve consistency with other substance-specific standards without reducing employee safety and health, but is specifically requesting comment on this issue.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's construction industry, shipyard employment industry, marine terminals, and longshoring standards for benzene (see 29 CFR 1926.1128, 29 CFR 1917.1, 29 CFR 1918.1, and 29 CFR 1915.1028, which apply the requirements in 1910.1028 to construction, marine terminals, longshoring, and shipyards). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against benzene hazards in shipyards, marine terminals, construction, or longshoring that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The

agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, which provisions and why?

2. What equally protective respirator options will be available to employers based on the proposed revisions?

2. Are there alternative approaches OSHA should consider for any of these revisions?

3. Are there any concerns that removing any of the substance-specific provisions in the Benzene standard and relying on the generic requirements of the Respiratory Protection standard will inadequately capture the content and requirements of the current substance-specific provisions?

4. Should OSHA remove the requirements contained in the Benzene standard at (g)(2)(ii) and (g)(2)(iii) and require employers to instead comply with 1910.134(d)(3)(iii)(B)(1) and (2), specifically the provisions for ESLIs or the performance-based criteria for cartridge and canister changes? Would following the performance-based approach in 1910.134 sufficiently protect workers and would it provide significant cost savings or other benefits?

V. Economic Analysis

This proposed rule would eliminate redundant requirements for employers under the Benzene standard, 29 CFR 1910.1028, and therefore OSHA has preliminarily concluded that there will be no additional costs imposed by this proposed revision. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on a reduction of the burdens associated with reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

Based on the Supporting Statement for the Information Collection Request for the Benzene standard, OSHA estimates that there are 12,270 establishments affected by this standard.¹ This proposed rule would, among other things, simplify the regulatory text and may reduce the time

¹ See Document ID OSHA-2012-0005-0014 for additional detail.

necessary for employers to become familiar with the requirements for respirator use for employees exposed to benzene. Assuming a new entrant rate of 10 percent annually and 10 minutes less time spent on regulatory familiarization, at a loaded wage rate for a manager of \$48.98, this could mean about \$10,000 in saving annually (or about \$74,000 over 10 years at a 3 percent discount rate). OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How many employers were likely to have been impacted by the redundant provisions between the Respiratory Protection standard and the Benzene standard?
2. Are there any other savings for employers that would result from the proposed change?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?
4. Are there any costs for employers that would result from this change that OSHA has not considered?
5. Would there be savings to employers outside of general industry related to this proposal? If so, would they be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its

costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”²

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering

this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Benzene standards (OMB Control Number 1218–0129), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0129 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

² Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1028 is revised as follows:

■ a. Revise and republish paragraph (g)(1);

■ b. Remove paragraphs (g)(1)(i) through (iv);

■ c. Remove and reserve paragraph (g)(3)(i)(C).

The revisions and additions read as follows:

(g) * * *

(1) General. For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

* * * * *

(3) * * *

(i) * * *

(A) * * *

(B) * * *

(C) [Reserved]

* * * * *

[FR Doc. 2025–11634 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, and 1926

[Docket No. OSHA–2025–0025]

RIN 1218–AD68

Methylenedianiline

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA’s Methylenedianiline standards and better aligns these standards with OSHA’s Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0025, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0025). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0025) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This Federal Register notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's Methylenedianiline standards (29 CFR 1910.1050 and 29 CFR 1926.60). OSHA is proposing to revise some respirator-

related provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Methylenedianiline standard outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is ". . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related

deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1992 when it published the Methylenedianiline standards for general industry and construction (57 FR 35630–01). The Supreme Court, in its decision on OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate "whether significant risks are present and can be eliminated or lessened by a change in practices" (*Indus. Union Dep't, AFL–CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA concluded there was significant risk associated with occupational exposure to methylenedianiline when it published the Methylenedianiline standards (57 FR 35630–01, 35640). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must "find that each and every aspect of its standard eliminates a significant risk")). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL–CIO–CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) ("*Lead I*"). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Methylenedianiline standards as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be

able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA’s economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted general industry and construction standards regulating occupational exposure to methylenedianiline in 1992 (57 FR 35630–01). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the

Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Methylenedianiline standards, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA’s Methylenedianiline standards is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Methylenedianiline standards by removing unnecessarily specific respirator requirements that have, since OSHA last updated the standards, become outdated based on current technology, National Institute for Occupational Safety and Health (NIOSH) certification requirements, and knowledge about respirator technology. These revised standards are intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (h) of its Methylenedianiline general industry standard (29 CFR 1910.1050) and paragraph (i) of its Methylenedianiline construction standard (29 CFR 1926.60) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1050 and 1926.60 that are duplicative with the requirements in 1910.134 and updating respirator requirements to align with the revised NIOSH certification criteria in 42 CFR part 84. The proposed revisions would also provide more compliance options by removing unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions would conform these standards, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134, which would simplify review of these regulations for employers. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goals of facilitating technological innovation and reducing undue burden.

OSHA has preliminarily determined that 1910.1050(h)(1)(i) through (iv) and 1926.60(i)(1)(i) through (iv), which describe when respiratory protection must be used, unnecessarily duplicate the general provisions covered by 1910.134(a). OSHA is therefore proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph 1910.1050(h)(1) and 1926.60(i)(1). Employers in compliance with the current version of 1910.1050 and 1926.60 would not have to change any of their practices to remain in compliance with the changes OSHA is proposing.

Additionally, OSHA is proposing to remove and reserve paragraphs 1910.1050(h)(3)(i)(B) and 1926.60(i)(3)(i)(B) of the Methylenedianiline standards, which require HEPA filters for powered and non-powered air-purifying respirators. That requirement was included because HEPA filters were originally part of NIOSH’s certification standards for respirators. However, NIOSH published revised requirements for testing and certification procedures and recodified the previous certification standards for other respirator classes as 42 CFR part 84 on June 8, 1995 (60 FR 30336). The

HEPA filter requirement is not part of the revised 42 CFR part 84 because additional types of filters have been certified for protection from particulates and can be used with powered and non-powered air-purifying respirators. OSHA believes that these testing and certification requirements ensure that all particulate filters certified under 42 CFR part 84, including HEPA filters, are efficient in preventing the penetration of submicron-sized particles. OSHA recognized this when the Agency's revised Respiratory Protection standard was issued on January 8, 1998 (63 FR 1152). In fact, OSHA has issued other substance-specific regulations since the revised Respiratory Protection standard and NIOSH's revised certification requirements were issued and has not incorporated a requirement for HEPA filters in similar respirator provisions in those rules.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's shipyard employment, marine terminals, and longshoring requirements for methylenedianiline (*see* 29 CFR 1915.1050, 29 CFR 1917.1, and 29 CFR 1918.1, which apply the requirements in 1910.1050 to shipyards, marine terminals, and longshoring). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against methylenedianiline hazards in shipyards, marine terminals, and longshoring that OSHA should consider when finalizing this proposal. With respect to the proposed changes to the construction standard for methylenedianiline (29 CFR 1926.60), OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, which changes do you think would decrease worker safety and why?

2. Are there alternative approaches OSHA should consider?

3. Are there any concerns that removing any of the substance-specific provisions in the Methylenedianiline

standards and relying on the generic requirements of the Respiratory Protection standard will inadequately capture the content and requirements of the current substance-specific provisions?

V. Economic Analysis

This proposed rule would remove redundant requirements and expand compliance options for employers in the Methylenedianiline standards for general industry and construction, 29 CFR 1910.1050 and 29 CFR 1926.60. OSHA has preliminarily concluded that there would be no additional costs imposed by this proposed revision. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective filters and a reduction of the burdens associated with complying with and reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

Based on the Supporting Statement for the Information Collection Request for the Methylenedianiline standards, OSHA estimates there are 100 employees exposed to this chemical in general industry¹ and 200 exposed in the construction industry.² Under this proposal, employers could provide employees with P95 filters rather than P100 filters. OSHA determined that P95 filters are \$2 cheaper than P100 filters.^{3 4} Assuming that filters are replaced weekly over the course of a year (and that an employee works 5 shifts per week and 50 weeks per year) this means an annual difference in per-employee costs of \$100. If 50 percent of employers opt for P95 filters for their employees, the cost savings could be \$15,000 annually, based solely on equipment costs (or about \$112,000 over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?

2. Are there any other savings for employers that would result from the proposed change?

3. Are there any benefits for worker protection that can be anticipated from this proposed change?

4. Are there any costs for employers that would result from this change that OSHA has not considered?

5. Would there be savings to employers outside of general industry and construction related to this proposal? If so, would they be similar to what OSHA has estimated for general industry and construction employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, "Regulatory Planning and Review" (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing

¹ See Document ID OSHA-2012-0040-0016.

² See Document ID OSHA-2012-0031-0010.

³ <https://www.uline.com/Product/Detail/S-17119>. Accessed June 5, 2024.

⁴ <https://www.uline.com/Product/Detail/S-17120/3M-Reusable-Respirators/3M-2091-Particulate-Filter-P100>. Accessed June 5, 2025.

information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁵

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Methylenedianiline standards (OMB Control Numbers 1218–0183 and 1218–0184), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Numbers 1218–0183 and 1218–0184 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA

does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910 and 29 CFR Part 1926

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA proposes to amend 29 CFR parts 1910 and 1926 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the

⁵ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1050 is revised as follows

■ a. Revise and republish paragraph (h)(1)

■ b. Remove paragraphs (h)(1)(i)–(iv)

■ c. Remove and reserve paragraph (h)(3)(i)(B)

The revisions and additions read as follows:

(h) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * *

(3) * * *

(i) * * *

(A) * * *

(B) [Reserved]

* * * * *

PART 1926—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart D—Occupational Health and Environmental Controls

■ 3. The authority for 29 CFR 1926 subpart D continues to read as follows:

Authority: 40 U.S.C. 3704; 29 U.S.C. 653, 655, and 657; and Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

Sections 1926.59, 1926.60, and 1926.65 also issued under 5 U.S.C. 553 and 29 CFR part 1911.

Section 1926.61 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

Section 1926.62 also issued under sec. 1031, Public Law 102–550, 106 Stat. 3672 (42 U.S.C. 4853).

Section 1926.65 also issued under sec. 126, Public Law 99–499, 100 Stat. 1614 (reprinted at 29 U.S.C.A. 655 Note) and 5 U.S.C. 553.

■ 4. § 1926.60 is revised as follows:

■ a. Revise and republish paragraph (i)(1)

■ b. Remove paragraphs (i)(1)(i)–(iv)

■ c. Remove and reserve paragraph (i)(3)(i)(B)

The revisions and additions read as follows:

(i) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * *

(3) * * *

(i) * * *

(A) * * *

(B) [Reserved]

* * * * *

[FR Doc. 2025–11643 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928

[Docket No. OSHA–2025–0021]

RIN 1218–AD60

Cadmium

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's Cadmium standards and better aligns these standards with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified

by Docket No. OSHA–2025–0021, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0021). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0021) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A “100-word

summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA’s Cadmium standards (29 CFR 1910.1027 and 1926.1127). OSHA is proposing to revise some respirator-related provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA’s intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Cadmium standards outdated, and would allow employers to take advantage of future technological advances. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29

U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act’s enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard’s requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1992 when it issued the Cadmium standard (57 FR 42102). The Supreme Court, in its decision on OSHA’s Benzene standard, interpreted OSHA’s obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep’t, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally adopted a consensus standard to regulate cadmium in 1971 and later revised the standard because, even at the permissible exposure limit set in 1971, there was significant risk to employees (57 FR 42102). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”)). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass’n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass’n v. Sec’y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985);

United Steelworkers of Am., AFL-CIO-CLC v. Marshall, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”)). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Cadmium standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA’s economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted its Cadmium standards in 1992 (57 FR 42102). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Cadmium standards, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA’s Cadmium standards is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Cadmium standards, because they would allow employers to select from a wider range of equally protective respirators and would incorporate additional references to the Respiratory Protection standard, which is based on current technology and practices for respirator use. OSHA

also believes that advances in technology have made the Cadmium standards outdated in some areas. This revised standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (g) of its general industry Cadmium standard (29 CFR 1910.1027) and paragraph (g) of its Construction Industry standard (29 CFR 1926.1127) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1027 and 1926.1127 that are duplicative with the requirements in 1910.134, and update respirator requirements to align with the revised National Institute for Occupational Safety and Health (NIOSH) certification criteria in 42 CFR part 84. The revisions also would remove unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions would conform these standards, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goals of facilitating technological innovation and reducing undue burden.

OSHA has preliminarily determined that paragraphs (g)(1)(i) through (vii) of both the general industry and construction Cadmium standards, which describe when respiratory protection must be used, unnecessarily duplicate the general provisions covered by 1910.134(a). OSHA is therefore proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (g)(1) of both the general industry and construction standards. OSHA does not

intend for these changes to add to or change the regulatory burden on employers; actions that comply with the requirements in 1910.1027(g) would also be in compliance with proposed paragraph (g).

Additionally, OSHA is proposing to remove the requirements, in paragraph (g)(3)(i)(B) of both the general industry and construction standards, limiting employers to the use of full facepiece respirators when employees are experiencing eye irritation. OSHA has preliminarily determined that the requirement in paragraph (i)(1) in both standards for the use of personal protective equipment where skin or eye irritation from cadmium may occur is equally as protective as the requirement under paragraph (g)(3)(i)(B). As such, OSHA is proposing to remove paragraph (g)(3)(i)(B). This would provide greater compliance flexibility to employers, who could provide half mask respirators and appropriate eye protection where employees are experiencing eye irritation, which would be equally protective for workers.

OSHA is also proposing to remove paragraph (g)(3)(i)(C) of both the general industry and construction industry Cadmium standards, which require HEPA filters for powered and non-powered air-purifying respirators. That requirement was included when the Cadmium standards were promulgated because it was originally part of NIOSH’s certification standards for respirators. However, NIOSH published revised requirements for testing and certification procedures and recodified the previous certification standards for other respirator classes as 42 CFR part 84 on June 8, 1995 (60 FR 30336). The HEPA filter requirement is not part of the revised 42 CFR part 84 because additional types of filters have been certified for protection from particulates and can be used with powered and non-powered air-purifying respirators. OSHA believes that these testing and certification requirements ensure that all particulate filters certified under 42 CFR part 84, including HEPA filters, are efficient in preventing the penetration of submicron-sized particles; OSHA recognized this when the Agency’s revised Respiratory Protection standard was issued on January 8, 1998 (63 FR 1152). In fact, OSHA has issued other substance-specific regulations since the revised Respiratory Protection standard and NIOSH’s revised certification requirements were issued and has not incorporated a requirement for HEPA filters in similar respirator provisions in those rules.

OSHA has also preliminarily determined that paragraph (m)(4)(iii)(E)

in both the general industry and construction industry Cadmium standards, which require training regarding the purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing, unnecessarily duplicate the provisions for training on respirators covered by 1910.134(k) in the Respiratory Protection standard. OSHA therefore is proposing to remove the respirator language from those paragraphs while retaining the training requirements on protective clothing.

OSHA is also considering (but not proposing) removing the requirement under paragraph (g)(3)(ii) of both the general industry and construction Cadmium standards to provide an employee with a powered air-purifying respirator (PAPR) instead of a negative-pressure respirator when the employee chooses to use a PAPR and it provides adequate protection. OSHA believes that the removal of this provision would not compromise worker safety and health—the provision is about employee requests and, without it, workers would still be provided adequate protection. When OSHA updated the Respiratory Protection standard, the agency determined that it was appropriate to allow an employer to provide additional respiratory protection when requested, rather than mandate it (29 CFR 1910.134(c)(2)). Removing these requirements in the Cadmium standards would still allow for voluntary respirator use under some circumstances (*i.e.*, where the employer agrees to provide the equipment) and would better align with the general Respiratory Protection standard. However, the Agency acknowledges that user comfort affects workers' compliance with requirements to wear respiratory protection and questions whether the existing requirements in the Respiratory Protection standard, 1910.134(c)(2) and Table 1, offer equivalent access to alternative styles of respiratory protection. OSHA therefore seeks comment on the merits of removing these provisions.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's shipyard employment, marine terminals, longshoring, and agriculture standards for cadmium (*see* 29 CFR 1915.1027, 29 CFR 1917.1, 29 CFR 1918.1, and 29 CFR 1928.1027, which apply the requirements in 1910.1027 to shipyards, marine terminals, longshoring, and agriculture). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against

cadmium hazards in shipyards, marine terminals, longshoring, or agriculture that OSHA should consider when finalizing this proposal.

OSHA notes that, per current and longstanding Appropriations Act limitations, OSHA's existing agricultural standard for cadmium does not cover "any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees" (*see* Further Consolidated Appropriations Act, 2024, Pub. L. 118–47, Div. D, Title I (2024)).¹ In accordance with these limitations, OSHA's proposed revisions would also not cover any such persons. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety?
2. Are there alternative approaches OSHA should consider to any of the proposed revisions?
3. Are there any concerns that removing any of the substance-specific provisions in the Cadmium standards and relying on the generic requirements of the Respiratory Protection standard will inadequately capture the content and requirements of the current substance-specific provisions?
4. Should OSHA remove the requirement for employers to provide PAPRs when they are requested by employees?

V. Economic Analysis

This proposed rule would expand compliance options for employers under the Cadmium standards, 29 CFR 1910.1027 and 29 CFR 1926.1127, and therefore OSHA has preliminarily concluded that there will be no additional costs imposed by the proposed revisions. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective respirators and a reduction of the burdens associated with reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary

determination that the rule would be economically feasible.

Based on the Supporting Statement for the Information Collection Request for the Cadmium standard, OSHA estimates that there are 39,153 employees exposed to cadmium above the PEL in the U.S. in general industry and another 5,090 in construction.¹ This proposed rule would, among other things, allow employers to provide filtering facepiece respirators plus eye protection or half mask respirators plus eye protection rather than requiring full facepiece respirators. OSHA estimates that a 3M 6000 series respirator replaced annually, a 3M P100 particulate filter replaced every 40 hours of use (assumed to be weekly), and one cleaning wipe per shift results in an estimated per-use cost of \$2.61 for a full facepiece respirator. OSHA estimates that a 3M 5000 series half mask respirator replaced annually, a 3M P100 particulate filter replaced every 40 hours of use (assumed to be weekly), one pair of Uline safety goggles replaced every two months, and one cleaning wipe per shift results in an estimated per-use cost of \$1.96.² A 3M disposable N100 filtering facepiece mask replaced every 5 shifts and one pair of Uline safety goggles replaced every two months results in an estimated per-use cost of \$1.94.³ These mean a difference of \$0.65 and \$0.67 per use, respectively. Over the course of a year (assuming an employee works 5 shifts per week and 50 weeks per year) this means a difference in per-employee costs of \$167.50 and \$163, respectively.

OSHA does not currently have sufficient information to quantify how many of the exposed employees would use a half mask respirator. However, if 50 percent of the exposed employees were to use the N100 filtering facepiece respirators instead of the 3M 6000 Series full facepiece respirators, that could result in a savings, based on equipment alone, of approximately \$3.7 million annually (or \$27.6 million over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?

¹ See Document ID OSHA–2012–0005–0014, OSHA–2012–0004–0017 for additional detail.

² See Document ID OSHA–2012–0005–0014, OSHA–2012–0004–0017 for additional detail.

³ Based on price of \$170 for a case of 20 found at <https://safety-services-inc.com/3M-particulate-respirator-8233-n100-20-ea-case/>. Accessed June 3, 2025.

2. Are there any other savings for employers that would result from the proposed change?

3. Are there any benefits for worker protection that can be anticipated from this proposed change?

4. Are there any costs for employers that would result from this change that OSHA has not considered?

5. Are there cost savings associated with no longer being restricted to HEPA filters for powered and non-powered air-purifying respirators?

6. How much familiarization time would employers who are new entrants to the market expect to save based on the revisions?

7. Are there additional categories of cost savings that OSHA has not identified?

8. Would the savings to employers outside of general industry and construction be similar to what OSHA has estimated for general industry and construction employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in

choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁴

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their

standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Cadmium standards (OMB Control Numbers 1218–0185 and 1218–0186), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Numbers 1218–0185 and 1218–0186 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal

⁴ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910 and 29 CFR Part 1926

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR parts 1910 and 1926 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020

(85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1201 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1027 is revised as follows:

■ a. Revise and republish paragraphs (g)(1), (g)(3)(i), and (m)(4)(iii)(E)

■ b. Remove paragraphs (g)(1)(i)–(vii) and (g)(3)(i)(A)–(C).

The revisions and additions read as follows:

§ 1910.1027 Cadmium.

(g) * * *

(1) General. For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * * * *

(3) * * *

(i) Employers must select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

* * * * *

(m) * * *

(1) * * * * *

(2) * * * * *

(3) * * * * *

(4) * * *

(i) * * * * *

(ii) * * * * *

(iii) * * *

(A) * * * * *

(B) * * * * *

(C) * * * * *

(D) * * * * *

(E) The purpose, proper selection, fitting, proper use, and limitations of protective clothing;

* * * * *

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1926 subpart Z continues to read as follows:

Authority: 40 U.S.C. 3704; 29 U.S.C. 653, 655, 657; and Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

Section 1926.1102 not issued under 29 U.S.C. 655 or 29 CFR part 1911; also issued under 5 U.S.C. 553.

■ 2. § 1926.1127 is revised as follows:

■ a. Revise and republish paragraphs (g)(1), (g)(3)(i), and (m)(4)(iii)(E).

■ b. Remove paragraphs (g)(1)(i)–(vii) and (g)(3)(i)(A)–(C).

The revisions and additions read as follows:

(g) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * * * *

(3) * * *

(i) Employers must select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

* * * * *

(m) * * *

(1) * * * * *

(2) * * * * *

(3) * * * * *

(4) * * *

(i) * * * * *

(ii) * * * * *

(iii) * * *

(A) * * * * *

(B) * * * * *

(C) * * * * *

(D) * * * * *

(E) The purpose, proper selection, fitting, proper use, and limitations of protective clothing;

* * * * *

[FR Doc. 2025–11635 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928****[Docket No. OSHA–2020–0004]****RIN 1218–AD36****Occupational Exposure to COVID–19 in Healthcare Settings****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Proposed rule; request for comments.**SUMMARY:** OSHA is proposing to remove OSHA's COVID–19 Emergency Temporary Standard and its associated recordkeeping and reporting provisions from the Code of Federal Regulations.**DATES:** *Comments:* Comments in response to OSHA's proposal must be submitted in Docket No. OSHA–2020–0004 on or before September 2, 2025.**ADDRESSES:***Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2020–0004, electronically at <http://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2020–0004). All comments, including any personal information that is provided, are placed in the public docket without change and may be made available online at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.When uploading multiple attachments to <http://www.regulations.gov>, please number all of your attachments because <http://www.regulations.gov> will not automatically number the attachments. This numbering will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <http://www.regulations.gov>.*Docket:* To read or download comments or other materials in the docket, go to Docket No. OSHA–2020–0004 at <http://www.regulations.gov>. All comments and submissions are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through that website. All comments and submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Documents submitted to the docket by OSHA or stakeholders are assigned document identification numbers (Document ID) for easy identification and retrieval. The full Document ID is the docket number plus a unique four-digit code. For example, the Document ID number for OSHA's COVID–19 Healthcare ETS is OSHA–2020–0004–1033. Some Document ID numbers also include one or more attachments.When citing exhibits in the docket, OSHA includes the term “Document ID” followed by the last four digits of the Document ID number. For example, document OSHA–2020–0004–1033 would appear as “Document ID 1033.” Citations also include the attachment number or tab number, if applicable. In a citation that contains two or more Document ID numbers, the Document ID numbers are separated by semi-colons (e.g., “Document ID 1231, Attachment 1; 1383, Attachment 1”). OSHA may also cite items that appear in another docket. When that is the case, OSHA includes the full document ID for the corresponding docket entry. For example, a citation to OSHA's notice seeking public comments on its proposal to extend the approval of the information collection requirements in the COVID–19 Emergency Temporary standard, which is document number 0004 in Docket No. OSHA–2021–0003, would read “Document ID OSHA–2021–0003–0004.” This information can be used to search for a supporting document in the docket at www.regulations.gov. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: 877–889–5627) for assistance in locating docket submissions.**FOR FURTHER INFORMATION CONTACT:***For press inquiries:* Contact Frank Meilinger, Office of Communications, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–1999; email oshacomms@dol.gov.*For general information:* Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department ofLabor; telephone (202) 693–1950; email: osha.dsg@dol.gov.*For copies of this Federal Register document:* Electronic copies of this Federal Register notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, are also available at OSHA's web page at www.osha.gov. A 100-word summary of this proposed rule is available on <https://www.regulations.gov>.**SUPPLEMENTARY INFORMATION:****Table of Contents**

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I. Executive Summary

OSHA is proposing to remove from the Code of Federal Regulations (CFR), the recordkeeping and reporting provisions in 29 CFR 1910 subpart U that are still in effect (specifically 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)–(iv), and (r)). OSHA requests comment on the proposed removal. OSHA estimates annual cost savings of \$1,587,494 from the removal of these provisions. OSHA also intends to remove the rest of 29 CFR 1910 subpart U from the CFR upon finalization of this rulemaking. This is a deregulatory action per Executive Order 14192, “Unleashing Prosperity Through Deregulation” (90 FR 9065, Feb. 6, 2025).

II. Pertinent Legal Authority

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal

Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act’s enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard’s requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, *reasonably necessary or appropriate* to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8) (emphasis added)). The Secretary may also issue regulations requiring employers to keep records regarding their activities related to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

In addition, section 6(c) of the Act gives OSHA the authority to issue Emergency Temporary Standards where it finds a standard is necessary to protect workers from a grave danger (29 U.S.C. 665(c)). As described in more detail in the Background section, below, OSHA issued the bulk of the Emergency Temporary Standard (“ETS”) for COVID-19 pursuant to this rarely used provision. However, the recordkeeping and reporting provisions associated with the ETS were issued under OSHA’s authority to prescribe recordkeeping and reporting requirements in section 8(c)(1)–(3) of the Act (29 U.S.C. 657(c)(1)–(3)). OSHA is engaging in notice and comment rulemaking to remove the recordkeeping and reporting provisions pursuant to the Administrative Procedure Act (APA) (5 U.S.C. 553(b)–(c)). Rulemaking actions that require notice and comment under the APA include repealing a rule (5 U.S.C. 551(5)).

III. Background

On June 21, 2021, OSHA issued an ETS to protect workers in healthcare settings from exposure to SARS-CoV-2, the virus that causes COVID-19 (86 FR

32376, June 21, 2021).¹ At that time, OSHA found that COVID-19 presented a grave danger to healthcare and healthcare support workers and that the ETS was necessary to protect those workers from that grave danger. The ETS was codified at 29 CFR 1910 subpart U. It also served as a proposed rule for a rulemaking on occupational exposure to COVID-19 in healthcare settings, per section 6(c)(3) of the OSH Act (29 U.S.C. 655(c)(3)), so OSHA accepted comments and held an informal rulemaking hearing on the proposed rule (*see* 86 FR 32376; 87 FR 16426, Mar. 23, 2022).

In the same June 2021 **Federal Register** document in which OSHA issued the ETS, OSHA also promulgated COVID-19 recordkeeping and reporting provisions pursuant to a different provision of the OSH Act, section 8(c) (29 U.S.C. 657(c)). For these recordkeeping and reporting provisions, OSHA invoked an independent exemption from the notice and comment requirements of the APA (5 U.S.C. 553(b)(B)),² finding good cause to forgo notice and comment given the grave danger presented by the pandemic (*see* 86 FR 32559). These provisions, which require employers to establish, maintain, and provide copies of a COVID-19 log and to report COVID-19 fatalities and hospitalizations among their staff, were codified at 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)–(iv), and (r).

On December 27, 2021, OSHA announced on its website that the agency would be unable to finalize a COVID-19 standard for healthcare “in a timeframe approaching the one contemplated by the OSH Act” (*see* Document ID 2491) and stopped enforcing all of 29 CFR 1910 subpart U except for the recordkeeping and reporting provisions. At that time, OSHA also announced that the recordkeeping and reporting requirements in 29 CFR 1910.502 would remain in effect (*see* Document ID 2491). Several years later, on January 15, 2025, OSHA terminated the rulemaking that was initiated by OSHA’s issuance of the ETS and the related recordkeeping and reporting obligations, on the basis that the COVID-19 public

health emergency was over and any ongoing COVID-19 hazards would be better addressed in a rulemaking focusing on the broader hazard of infectious diseases (*see* 90 FR 3665, 3666). Terminating the rulemaking process, however, did not affect the status of either the recordkeeping and reporting requirements or the other provisions, all of which remain in the CFR. Subsequently, on February 5, 2025, OSHA issued a memo temporarily staying enforcement of the recordkeeping and reporting requirements (*see* Document ID 2888). Therefore, at this time, OSHA is not enforcing any of the COVID-19-related requirements that were promulgated in the initial June 2021 notice, although they remain in the text of the CFR at 29 CFR 1910 subpart U.

IV. Explanation of Agency Action

A. Explanation of the Proposed Removal of the Recordkeeping and Reporting Provisions From the Code of Federal Regulations

OSHA is proposing to remove the COVID-19 recordkeeping and reporting provisions that are in 29 CFR 1910 subpart U, specifically 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)–(iv), and (r). OSHA requests comment on this proposed action.

When these recordkeeping and reporting provisions were promulgated in June 2021, they were promulgated pursuant to section 8(c) of the OSH Act (29 U.S.C. 657(c)), which governs records and other information regarding occupational illnesses and injuries. While OSHA normally engages in notice and comment rulemaking before promulgating regulations pursuant to section 8(c), the agency invoked the “good cause” exemption in the APA (*see* 5 U.S.C. 553(b)(B)), which permitted OSHA to forgo notice and comment for these provisions given the grave danger posed by COVID-19 in the settings covered by the regulations (*see* 86 FR 32376, 32559).

The COVID-19 recordkeeping and reporting provisions require covered healthcare employers to: (1) establish and maintain a COVID-19 log to record all cases of COVID-19 among their employees, regardless of whether the cases are work-related (29 CFR 1910.502(q)(2)(ii)); (2) make the COVID-19 log or some version of it available to their employees, employee representatives, and OSHA (29 CFR 1910.502(q)(3)(ii)–(iv)); and (3) report work-related COVID-19 fatalities and hospitalizations among employees to OSHA, regardless of how much time passed between the work-related

¹ OSHA uses the terms SARS-CoV-2 and COVID-19 interchangeably in this notice.

² The APA notice requirement does not apply “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest” (5 U.S.C. 553(b)(B)). Because of ambiguity in the structure of this APA provision, this “good cause” exemption has sometimes been cited as 5 U.S.C. 553(b)(3)(B), as it was in OSHA’s June 2021 **Federal Register** document.

exposure to COVID-19 and the employer learning about the fatality or hospitalization (29 CFR 1910.502(r)). These provisions were important adjuncts to the COVID-19 ETS and were designed to work hand-in-hand with the ETS's requirements in order to prevent cases of COVID-19 among workers in the covered establishments. For example, under the health screening and management provisions of the ETS, 29 CFR 1910.502(l), employers had to screen their employees for COVID-19 symptoms as well as require employees to report COVID-19 symptoms and infections to their employers; infections would then be recorded on the COVID-19 log, per 29 CFR 1910.502(q)(2)(ii), to assist employers in quickly identifying potential exposures and outbreaks among staff. As OSHA stated in the ETS, "the requirement to establish and maintain a COVID-19 log will ultimately assist employers in preventing workplace transmission [of COVID-19]" (86 FR 32607).

After OSHA stopped enforcing the bulk of 29 CFR 1910 subpart U at the end of 2021, however, the recordkeeping and reporting provisions were no longer part of an integrated regulatory scheme. For instance, without the requirement for employee screening and notification of symptoms and infections in 29 CFR 1910.502(l), the recordkeeping and reporting provisions are of lesser utility, especially now that COVID-19 vaccines are widely available and the public health emergency has ended. COVID-19 cases and reporting are now treated by the Centers for Disease Control and Prevention (CDC) and medical professionals more like flu and other respiratory illnesses than when the ETS was promulgated. For example, in September of 2022 the CDC revised its prior guidance by removing previously recommended work restrictions for asymptomatic healthcare providers who experience "higher risk exposures," negating some of the purpose of tracking COVID-19 cases in healthcare workplaces (see Document ID 2411).

Further, detection of COVID-19 cases and the public health surveillance mechanisms for COVID-19 have changed dramatically since the recordkeeping and reporting provisions were promulgated in 2021. While cases of COVID-19 were initially detected solely through testing conducted by certified laboratories, which were required to report positive cases, most COVID-19 testing is now through self-administered tests at home and there is no requirement to report positive test results (see Document ID OSHA-2021-0003-0008). Commenting on OSHA's

October 9, 2024, **Federal Register** notice soliciting comments on the extension of the information collection requirements in the recordkeeping and reporting provisions ("ICR extension notice"; 89 FR 81949), the Association for Professionals in Infection Control and Epidemiology (APIC) stated that, for these reasons, the accuracy of the data collected by employers under the COVID-19 log provision has declined. "[W]ith the ending of the COVID-19 pandemic and the public health emergency, collection of COVID-19 infection data is not providing the value it once did. Routine workplace testing is not required, and employees are not reliably self-reporting COVID-19 infections, which results in incomplete and unreliable data" (Document ID OSHA-2021-0003-0008).

Even if the data obtained from employee self-reporting was sufficient for an employer to determine which of its employees might be exposed to COVID-19 at work, it is no longer as clear that it is important to provide this additional recordkeeping tool solely for this disease. OSHA notes that if 29 CFR 1910.502(q)(2)(ii) and (q)(3)(ii)-(iv) are removed, some employers that were covered by those requirements would still have an obligation to record work-related cases of COVID-19 on their OSHA Forms 300, 300A, and 301, per OSHA's standard recordkeeping regulations in 29 CFR part 1904 (see 29 CFR 1904 subparts B, C, and E). However, withdrawal of 29 CFR 1910.502(q)(2)(ii) and (q)(3)(ii)-(iv) would relieve employers of the burden of recording some cases of COVID-19 (the work-related ones) on two separate sets of forms (the standard OSHA injury and illness forms as well as the COVID-19 log). APIC urged OSHA to do just that in treating COVID-19 the same as other occupationally acquired illnesses, noting that "other respiratory illnesses which may yield similar outcomes and issues for healthcare workers are not singled out for reporting purposes, so OSHA does not have an accurate assessment of the actual impact of viral respiratory illnesses on the healthcare workforce" (Document ID OSHA-2021-0003-0008).

Similarly, removing the reporting requirements in 29 CFR 1910.502(r) does not eliminate the requirement to report work-related cases of COVID-19 to OSHA. Under OSHA's standard recordkeeping and reporting provisions in 29 CFR part 1904, employers are required to report hospitalizations and deaths that occur as a result of work-related incidents within 24 hours or 30 days, respectively, of an employee's exposure in the work environment (see

29 CFR 1904.39(b)(6)). The reporting requirements associated with the ETS eliminated those time limits, making deaths and hospitalizations caused by workplace exposures to COVID-19 reportable regardless of the time that elapsed between the exposure and the reportable event (see 29 CFR 1910.502(r)(1)-(2)). Returning to the requirements in part 1904, therefore, would mean that employers would have to report fatalities and hospitalizations related to workplace exposures to COVID-19 only if the fatality occurs within 30 days of the exposure or the hospitalization occurs within 24 hours of the exposure; fatalities or hospitalizations occurring outside of these time periods would not have mandatory reporting.

While this reversion is likely to reduce the number of COVID-19 cases reported to OSHA because the incubation time for COVID-19 would make it uncommon to cause hospitalization within 24 hours of exposure, the same is true for the vast majority of other respiratory illnesses. Moreover, this result does not seem inappropriate for COVID-19. OSHA's reporting provisions are primarily designed to assist the agency in its enforcement work; they provide OSHA with information to determine whether it is necessary for the agency to conduct an immediate investigation at the establishment that makes the report (86 FR 32611). Given the changed circumstances since the ETS COVID-19 reporting provisions were promulgated, the requirement to report COVID-19-related fatalities and hospitalizations has lost importance and no longer warrants a separate reporting system beyond that required for other diseases. And, as discussed above with respect to the recordkeeping provisions, employers' knowledge about COVID-19 cases among their employees is now much more limited, so reporting of hospitalizations and fatalities to OSHA would, similarly, be constrained. In addition, several other factors noted previously—the end of the COVID-19 public health emergency, the availability of COVID-19 vaccines, the treatment of COVID-19 more like other respiratory illnesses by medical professionals, and the elimination by the CDC of many COVID-19-related recommendations for healthcare facilities—indicate that the need for a COVID-19-specific reporting provision to trigger immediate OSHA inspections has declined.

Based on the reasons above, the agency believes it is no longer appropriate to apply recording and reporting regulations to COVID-19 that

are more burdensome than those already required for other infectious illnesses under OSHA's generally applicable reporting and recordkeeping requirements in 29 CFR part 1904. To the extent additional reporting or recordkeeping tools are necessary and appropriate, they could be considered as part of a broader rulemaking that would facilitate employer adoption of more cohesive and consistent recordkeeping and reporting policies to address workplace-transmissible diseases. But in the absence of additional evidence that recording and reporting continue to provide meaningful assistance to employers to an extent warranted by the burdens they place on those employers, OSHA proposes to remove these COVID-19-specific requirements. Therefore, OSHA has made a preliminary determination that 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)–(iv), and (r) should be removed from the CFR. OSHA requests comment on the proposed action.

B. Explanation of the Removal of the Non-Recordkeeping and Reporting Provisions From the Code of Federal Regulations

If OSHA finalizes this rulemaking by removing the recordkeeping and reporting provisions as proposed, OSHA also intends to remove the remaining provisions of 29 CFR 1910 subpart U (*i.e.*, the ones not discussed in section IV.A, above) from the CFR. OSHA is not requesting comment on this aspect of this notice because, as explained below, removing these provisions is simply an administrative formality, the purpose of which is to avoid confusion among the regulated community.

As noted above, OSHA issued the COVID-19 ETS in June 2021 pursuant to section 6(c) of the OSH Act (29 U.S.C. 655(c)), which allows OSHA to bypass the usual notice and comment rulemaking process. Section 6(c)(3) of the Act (29 U.S.C. 655(c)(2), (3)), however, provides that an ETS serves as a proposal for a permanent standard under the OSH Act, and indicates that a permanent standard should be promulgated within six months of publication of the ETS. Approximately six months after issuing the ETS, on December 27, 2021, OSHA announced that it could not complete a final rule “in a timeframe approaching the one contemplated by the OSH Act” and stopped enforcing the non-recordkeeping portions of the healthcare ETS (*see* Document ID 2491). OSHA specified, however, that “the COVID-19 log and reporting provisions, 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)–(iv), and (r), remain in effect” (*Id.*). Subsequently, in

January 2025, OSHA terminated the rulemaking process that was initiated by issuance of the ETS (*see* 90 FR 3665).

OSHA intends to remove the non-recordkeeping and reporting provisions of the ETS from the CFR upon finalization of this action, but removal of those provisions does not require public notice or comment. OSHA terminated the rulemaking that would have finalized these provisions and, because requirements issued under the OSH Act's ETS authority are time-limited (*see* 29 U.S.C. 655(c)(3)), OSHA can no longer enforce them. Thus, the removal of that language is a purely administrative action for which notice and comment is unnecessary (*see* 5 U.S.C. 553(b)(B)). Accordingly, any comments on removal of the non-recordkeeping and reporting provisions will be considered outside the scope of the rulemaking. If, as discussed in section IV.A, above, OSHA finalizes this action by removing the recordkeeping and reporting provisions as well, this would result in the removal from the CFR of all of 29 CFR 1910 subpart U, namely 29 CFR 1910.501[reserved], .502, .504, .505, and .509.

OSHA also intends to remove outdated references to 29 CFR 1910.501 as part of finalizing this rulemaking. Those references, in 29 CFR 1915.1501, 1917.31, 1918 subpart K, 1926.58, and 1928.21(a)(8) are outdated because they refer to provisions in the CFR which were removed when OSHA withdrew its ETS on COVID-19 Vaccination and Testing (*see* 87 FR 3928, Jan. 26, 2022). Because these references do not point to an existing regulation, they need to be removed from the CFR. As this is a purely administrative action for which notice and comment is unnecessary (*see* 5 U.S.C. 553(b)(B)), any comments on this issue will be considered outside the scope of this rulemaking.

V. Preliminary Economic Analysis

A. Introduction

This section presents OSHA's preliminary economic analysis of the cost savings and foregone benefits anticipated to result from OSHA's proposal to remove from the CFR the recordkeeping and reporting provisions in 29 CFR 1910 subpart U (specifically 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)–(iv), and (r)), as described in section IV above. OSHA estimates that the proposal to remove these provisions would result in annual cost savings of \$1,587,494 (2024 dollars) and present value cost savings of \$22,678,488 (2024 dollars, at 7 percent discount rate) to employers. This analysis demonstrates that this proposed rule is economically

feasible, as required by section 6(b)(5) of the OSH Act (29 U.S.C. 655(b)(5)); *see Am. Textile Mfrs. Inst., Inc. v. Donovan*, 452 U.S. 490, 513 n. 31 (1981), *United Steelworkers of Am. v. Marshall*, 647 F.2d 1189, 1272 (D.C. Cir. 1981)).

B. Cost Savings

I. Introduction

This section presents OSHA's preliminary estimated cost savings from the proposal to remove the COVID-19 recordkeeping and reporting provisions in 29 CFR 1910 subpart U. OSHA estimates that the proposal will result in annual cost savings of \$1,587,494 (2024 dollars) and present value cost savings of \$22,678,488 (2024 dollars, at 7 percent discount rate) to employers (*see* Document ID 2884 for calculations).³

II. Inputs for Cost Savings Analysis

This section presents the inputs used in the cost savings analysis.

a. Affected Entities, Establishments, and Employees

Table V.B.1. reproduces the industry profile of affected entities, establishments, and employees, by industry and entity size (all sizes, Small Business Administration (SBA)/Regulatory Flexibility Act (RFA)-defined small,⁴ and very small (fewer than 20 employees), respectively) from the preliminary economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483–32558). In that analysis, OSHA estimated that 562,510 entities, 748,816, establishments, and 10,338,353 employees were affected by the COVID-19 ETS and would be impacted by this proposed rule.⁵ OSHA notes that it has not attempted to account for growth in the number of entities and establishments that would be affected

³ Present value of cost savings is calculated using a 7 percent end-of-period discount rate per guidance from the Office of Management and Budget (Document ID 2886).

⁴ There are three types of small entities under the RFA definitions: (1) small businesses; (2) small non-profit organizations; and (3) small governmental jurisdictions. The SBA uses characteristics of businesses classified by NAICS industry as a basis for determining whether businesses are small. SBA-defined small entity size criteria vary by industry but are usually based on either number of employees or revenue. A non-profit organization is considered small if it is independently owned and operated and not dominant in its field (which suggests that some nonprofits might not be small entities, but in this preliminary economic analysis, as OSHA customarily does, all nonprofits are assumed to be small). A small governmental jurisdiction is a government of a city, county, town, township, village, school district, or special district with a population of less than 50,000.

⁵ Cost savings for the recordkeeping provision exclude employers with 10 or fewer employees because they were exempt from this requirement (*see* 29 CFR 1910.502(q)(2)).

by the removal of the COVID-19 recordkeeping and reporting	requirements, so these estimates do not	reflect cost savings realized by new entrants into the market since 2021.

TABLE V.B.1—NUMBER OF AFFECTED ENTITIES, ESTABLISHMENTS, AND EMPLOYEES, BY ENTITY SIZE
[2021]

NAICS code	NAICS title	Setting	All sizes			SBA/RFA-defined small				Very small (<20 employees)			
			Affected entities	Affected establishments	Covered employees	Affected entities	Affected establishments	Covered employees	Affected entities	Affected establishments	Covered employees	Affected entities	Affected establishments
446110	Pharmacies and Drug Stores	First Aid and Emergency Care	4,810	12,007	42,090	4,726	5,113	11,265	4,255	4,324	7,084	4,255	4,324
561210	Facility Support Services	Correctional Facility Clinics	536	1,680	15,007	466	642	3,637	283	285	299	283	285
561311	Employment Placement Agencies	Home Health Care and Temp Labor	1,415	1,588	4,032	1,328	1,374	1,870	1,135	1,141	311	1,135	1,141
611110	Elementary and Secondary Schools	School/Industry Clinics	14,909	15,596	66,703	6,787	7,351	16,218	5,546	5,551	2,323	5,546	5,551
611210	Junior Colleges	School/Industry Clinics	403	494	2,709	154	204	343	109	109	15	109	109
611310	Colleges, Universities, and Professional Schools	School/Industry Clinics	1,734	2,238	58,662	546	887	36,181	398	398	174	398	398
611710	Educational Support Services	School/Industry Clinics	494	541	176	479	498	111	451	453	39	451	453
621111	Offices of Physicians (except Mental Health Specialists)	Other Patient Care	161,977	212,620	1,425,789	158,777	170,727	838,683	145,362	146,650	374,414	145,362	146,650
621112	Offices of Physicians, Mental Health Specialists	Other Patient Care	10,568	10,817	23,789	10,562	10,811	23,705	10,170	10,218	14,956	10,170	10,218
621210	Offices of Dentists	Other Patient Care	125,335	136,468	635,139	124,962	129,598	585,112	119,903	121,553	480,976	119,903	121,553
621310	Offices of Chiropractors	Other Patient Care	38,696	39,340	72,557	38,679	39,292	71,933	38,364	38,610	67,048	38,364	38,610
621320	Offices of Optometrists	Other Patient Care	19,627	22,386	35,556	19,524	21,361	32,954	18,608	19,242	25,753	18,608	19,242
621330	Offices of Mental Health Practitioners (except Physicians), Occupational and Speech Therapists and Audiologists	Other Patient Care	24,251	25,370	9,288	24,240	25,359	9,239	23,029	23,146	4,086	23,029	23,146
621340	Offices of Physical, Occupational and Speech Therapists and Audiologists	Other Patient Care	26,746	40,431	237,533	26,045	28,976	118,847	23,945	24,491	63,632	23,945	24,491
621391	Offices of Podiatrists	Other Patient Care	7,304	8,092	17,344	7,283	7,915	16,716	7,032	7,278	13,186	7,032	7,278
621399	Offices of All Other Miscellaneous Health Practitioners	Other Patient Care	19,487	22,696	45,487	19,332	20,285	40,349	18,345	18,445	21,867	18,345	18,445
621410	Family Planning Centers	Other Patient Care	1,479	2,349	11,461	1,452	2,184	9,579	1,225	1,257	3,095	1,225	1,257
621420	Outpatient Mental Health and Substance Abuse Centers	Other Patient Care	6,664	11,967	45,022	6,381	10,511	39,061	4,147	4,207	3,164	4,147	4,207
621491	HMO Medical Centers	Other Patient Care	27	1,723	70,472	19	1,054	22,391	6	6	1	6	6
621492	Kidney Dialysis Centers	Other Patient Care	432	7,904	63,592	384	929	9,049	254	263	814	254	263
621493	Freestanding Ambulatory Surgical and Emergency Centers	First Aid and Emergency Care	4,401	7,660	86,472	3,934	4,489	41,134	2,652	2,665	10,113	2,652	2,665
621498	All Other Outpatient Care Centers	Other Patient Care	6,775	14,825	203,061	6,416	12,359	173,068	3,977	4,066	11,216	3,977	4,066
621610	Home Health Care Services	Home Health Care and Temp Labor	23,855	33,581	834,687	23,122	25,758	475,455	14,871	14,904	44,155	14,871	14,904
621910	Ambulance Services	First Aid and Emergency Care	3,230	5,672	145,161	3,102	4,318	94,763	1,661	1,678	10,106	1,661	1,678
621991	Blood and Organ Banks	Other Patient Care	339	1,587	48,473	289	959	31,527	173	178	650	173	178
621999	All Other Miscellaneous Ambulatory Health Care Services	First Aid and Emergency Care	3,587	4,387	41,463	3,287	3,486	17,993	2,918	2,945	6,419	2,918	2,945
622110	General Medical and Surgical Hospitals	General Hospitals	2,867	5,281	3,519,001	2,164	3,933	2,739,276	64	68	113	64	68
622210	Psychiatric and Substance Abuse Hospitals	Other Hospitals	1,275	1,443	89,079	192	242	25,481	41	41	76	41	41
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals	Other Hospitals	424	920	157,898	182	324	75,728	23	23	36	23	23
623110	Nursing Care Facilities (Skilled Nursing Facilities)	Nursing Homes	9,333	17,137	1,115,312	8,623	10,370	619,981	2,200	2,231	6,478	2,200	2,231
623210	Residential Intellectual and Developmental Disability Facilities	Long Term Care (excluding nursing homes)	7,597	35,213	411,523	6,729	27,482	313,858	3,664	3,729	14,333	3,664	3,729
623220	Residential Mental Health and Substance Abuse Facilities	Long Term Care (excluding nursing homes)	4,305	8,081	59,442	4,064	7,165	48,412	2,044	2,076	3,341	2,044	2,076
623311	Continuing Care Retirement Communities	Nursing Homes	3,899	5,570	273,792	3,661	4,383	221,064	1,369	1,374	5,117	1,369	1,374

TABLE V.B.1—NUMBER OF AFFECTED ENTITIES, ESTABLISHMENTS, AND EMPLOYEES, BY ENTITY SIZE—Continued
[2021]

NAICS code	NAICS title	Setting	All sizes			SBA/RFA-defined small			Very small (<20 employees)		
			Affected entities	Affected establishments	Covered employees	Affected entities	Affected establishments	Covered employees	Affected entities	Affected establishments	Covered employees
623312	Assisted Living Facilities for the Elderly	Nursing Homes	14,597	20,052	275,201	14,000	15,760	154,667	10,598	10,667	32,995
623990	Other Residential Care Facilities	Long Term Care (excluding nursing homes)	3,401	5,362	29,369	3,145	4,849	25,952	1,945	1,963	2,687
711211	Sports Teams and Clubs	School/Industry Clinics	79	85	95	66	68	13	50	50	3
922160	Public Firefighter-EMTs	First Aid and Emergency Care ..	5,648	5,648	165,915	5,005	5,005	91,820	917	917	7,046
Total			562,510	748,816	10,338,353	540,108	616,019	7,037,434	471,735	477,203	1,238,122

Source: Preliminary economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483-32558).

Notes: NAICS 922160 includes government and volunteer firefighters, including those cross-trained as EMTs. OSHA obtains estimates of the number of public firefighter-EMT entities and employees from the U.S. Fire Administration (USFA) National Fire Department Registry, rather than a NAICS-based data source.

Due to rounding, figures in the columns may not sum to the totals shown.

b. Compliance Rates

Table V.B.2. presents the rates of baseline compliance with the COVID-19 recordkeeping and reporting provisions estimated in the preliminary economic analysis of the COVID-19 Healthcare ETS (hereafter “pre-ETS rates of compliance”). Depending on the

provision, estimated pre-ETS rates of compliance (*i.e.*, share of establishments in compliance) vary by entity size. For reporting of hospitalizations and recordkeeping, estimated pre-ETS rates of compliance were zero for all affected establishments regardless of entity size.⁶ For reporting of fatalities, estimated pre-ETS rates of compliance were 50

percent for establishments of very small entities and 75 percent for all others. OSHA’s estimated cost savings from this proposal would result from the reduction in the share of establishments that are performing the relevant recordkeeping and reporting activities, from 100 percent of employers to pre-ETS rates of these activities.

TABLE V.B.2—PRE-ETS RATES OF COMPLIANCE BY PROVISION

Provision	Very small (<20 employees) (%)	SBA/RFA-defined small and not very small (%)	Large (%)
Recordkeeping	0	0	0
Reporting COVID-19 fatalities to OSHA	50	75	75
Reporting COVID-19 hospitalizations to OSHA	0	0	0

Source: Preliminary economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483–32558).

c. COVID-19 Cases

Per the preliminary economic analysis of the COVID-19 Healthcare ETS (86 FR 32376, 32483–32558), OSHA assumes that the following COVID-19 positive cases would no longer need to be recorded in the COVID-19 log and that the related hospitalizations and fatalities would no longer need to be reported to OSHA (*see* Document ID 1031, Attachment 4,

“Recordkeeping(Cur)” and “Reporting(Cur)” tabs):

- COVID-19 positive cases: 0.95 percent of employees per establishment⁷
- COVID-19 fatalities: 0.001 percent of employees per establishment
- COVID-19 hospitalizations: 8.4 hospitalizations per fatality

d. Unit Labor Burden

Table V.B.3. presents the unit labor burden estimates for General and

Operations Managers (SOC 11–1020) and Information and Records Clerks (SOC 43–4000) (*e.g.*, per COVID-19 case per establishment) for complying with the COVID-19 recordkeeping and reporting provisions. OSHA assumes that the unit labor burden and job categories have not changed from the preliminary economic analysis of the COVID-19 Healthcare ETS (86 FR 32376, 32483–32558).

TABLE V.B.3—UNIT LABOR BURDEN

Provision	Occupation	Unit	Labor burden
Recordkeeping	Information and Records Clerk	Hours per COVID-19 positive case per establishment.	0.17
Reporting COVID-19 fatalities and hospitalizations to OSHA.	General and Operations Manager	Hours per COVID-19 fatality or hospitalization per establishment.	0.75

Source: Preliminary economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483–32558).

e. Wage Rates

To estimate monetized cost savings from the proposal, OSHA took the loaded hourly wage rates (*i.e.*, base wages plus fringe benefits plus overhead) for General and Operations Manager (SOC 11–1020) and Information and Records Clerk (SOC 43–4000) from the preliminary

economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483–32558) and the accompanying spreadsheet (Document ID 1031, Attachment 4, “Labor Rates” tab) and adjusted these figures from 2018 dollars to 2024 dollars using the Bureau of Economic Analysis’s GDP deflator (Document ID 2885). Table V.B.4.

presents the loaded hourly wage rates (2024 dollars) for General and Operations Managers (SOC 11–1020) and Information and Records Clerks (SOC 43–4000) by industry.

⁶ The recordkeeping provision at 1910.502(q)(2)(ii) requires employers to “establish” (*i.e.*, create) as well as “maintain” a COVID-19 log. OSHA’s estimated annual total cost savings do not include savings for establishing a COVID-19 log because those costs have already been incurred (*see* Document ID 2886) for more detail on sunk costs). To the extent that employers newly entering the market would also incur the cost of establishing the COVID-19 log in absence of the proposed removal, OSHA’s estimated annual total cost savings would be an underestimate. Assuming that establishing the COVID-19 log incurs 0.5 hours of one-time labor

from a General and Operations Manager (SOC 11–1020) per establishment whose entity has more than 10 employees (as assumed in the preliminary economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483–32558)), an average newly entering employer (with more than 10 employees) would save \$54.75 per establishment (2024 dollars) due to no longer being required to establish a COVID-19 log.

⁷ For both the COVID-19 positive case rate and the fatality rate, the estimates from the COVID-19 Healthcare ETS were for a 6-month period, because that rule was only expected to be in effect for

approximately 6 months. In its calculations for this proposal, OSHA doubled the COVID-19 rates presented in the ETS in order to represent a full year of cost savings from removal of these provisions and provide consistency with how OSHA normally presents its regulatory cost figures.

⁸ OSHA used the COVID-19 positive case and fatality numbers from the COVID-19 Healthcare ETS because the CDC database upon which it relied for those numbers in 2021 is not currently providing equivalent data due to a number of factors, one of which is that most COVID-19 tests are performed at home and do not get reported.

TABLE V.B.4—LOADED WAGE RATES
[2024\$]

NAICS code	NAICS title	Setting	Loaded hourly wage (2024\$)	
			General and operations manager (SOC Code 11–1020)	Information and records clerk (SOC Code 43–4000)
446110	Pharmacies and Drug Stores	First Aid and Emergency Care	\$78.75	\$38.73
561210	Facility Support Services	Correctional Facility Clinics	111.49	43.47
561311	Employment Placement Agencies	Home Health Care and Temp Labor	111.49	43.47
611110	Elementary and Secondary Schools	School/Industry Clinics	114.78	45.98
611210	Junior Colleges	School/Industry Clinics	114.78	45.98
611310	Colleges, Universities, and Professional Schools	School/Industry Clinics	114.78	45.98
611710	Educational Support Services	School/Industry Clinics	114.78	45.98
621111	Offices of Physicians (except Mental Health Specialists)	Other Patient Care	114.03	43.50
621112	Offices of Physicians, Mental Health Specialists	Other Patient Care	114.03	43.50
621210	Offices of Dentists	Other Patient Care	114.03	43.50
621310	Offices of Chiropractors	Other Patient Care	114.03	43.50
621320	Offices of Optometrists	Other Patient Care	114.03	43.50
621330	Offices of Mental Health Practitioners (except Physicians)	Other Patient Care	114.03	43.50
621340	Offices of Physical, Occupational and Speech Therapists and Audiologists	Other Patient Care	114.03	43.50
621391	Offices of Podiatrists	Other Patient Care	114.03	43.50
621399	Offices of All Other Miscellaneous Health Practitioners	Other Patient Care	114.03	43.50
621410	Family Planning Centers	Other Patient Care	114.03	43.50
621420	Outpatient Mental Health and Substance Abuse Centers	Other Patient Care	114.03	43.50
621491	HMO Medical Centers	Other Patient Care	114.03	43.50
621492	Kidney Dialysis Centers	Other Patient Care	114.03	43.50
621493	Freestanding Ambulatory Surgical and Emergency Centers	First Aid and Emergency Care	114.03	43.50
621498	All Other Outpatient Care Centers	Other Patient Care	114.03	43.50
621610	Home Health Care Services	Home Health Care and Temp Labor	114.03	43.50
621910	Ambulance Services	First Aid and Emergency Care	114.03	43.50
621991	Blood and Organ Banks	Other Patient Care	114.03	43.50
621999	All Other Miscellaneous Ambulatory Health Care Services	First Aid and Emergency Care	114.03	43.50
622110	General Medical and Surgical Hospitals	General Hospitals	153.26	51.42
622210	Psychiatric and Substance Abuse Hospitals	Other Hospitals	153.26	51.42
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals	Other Hospitals	153.26	51.42
623110	Nursing Care Facilities (Skilled Nursing Facilities)	Nursing Homes	93.23	37.23
623210	Residential Intellectual and Developmental Disability Facilities	Long Term Care (excluding nursing homes)	93.23	37.23
623220	Residential Mental Health and Substance Abuse Facilities	Long Term Care (excluding nursing homes)	93.23	37.23
623311	Continuing Care Retirement Communities	Nursing Homes	93.23	37.23
623312	Assisted Living Facilities for the Elderly	Nursing Homes	93.23	37.23
623990	Other Residential Care Facilities	Long Term Care (excluding nursing homes)	93.23	37.23
711211	Sports Teams and Clubs	School/Industry Clinics	106.73	46.23
922160	Public Firefighter-EMTs	First Aid and Emergency Care	114.03	43.50

Sources: Preliminary economic analysis for the COVID–19 Healthcare ETS (86 FR 32376, 32483–32558); Document ID 1031, Attachment 4, “Labor Rates” tab; Document ID 2885.

Note: For NAICS 922160—Public Firefighter-EMT wages, OSHA assigns the same values estimated for Ambulance Services, as these values are judged to be more representative of wages for this specific service versus wages based on NAICS 922160 data.

III. Total Cost Savings

This section presents a preliminary estimate of annual total cost savings that would result from the proposal. Total cost savings are a product of the number of covered employees in the affected establishments (presented above in *Affected Entities, Establishments, and Employees*, Section V.B.II.a); the associated unit labor burden (presented above in *Unit Labor Burden*, Section V.B.II.d); the rates of COVID–19 cases (presented above in *COVID–19 Cases*, Section V.B.II.c); and the reduction in employers’ compliance, from 100%

current compliance to pre-ETS rates of compliance (presented above in *Compliance Rates*, Section V.B.II.b). Total cost savings in hours are monetized by the associated wage rates (presented above in *Wage Rates*, Section V.B.II.e).

Tables V.B.5., V.B.6., and V.B.7. present OSHA’s preliminary estimates of the annual total cost savings of the proposal (by industry, provision, and overall). OSHA estimates that the proposal will result in annual total cost savings of \$1,587,494 (2024 dollars). OSHA requests comments on all aspects of this preliminary economic analysis,

including whether OSHA should update the aspects of its analysis that were taken from the economic analysis for the COVID–19 Healthcare ETS to reflect more recent data (e.g., establishment numbers, COVID–19 case rate, COVID–19 fatality rate). OSHA also welcomes comment on data sources and methodologies that would be useful for allowing the most clear and direct comparison between the cost estimates in the COVID–19 Healthcare ETS and an analysis of cost savings for removing the recordkeeping and reporting requirements.

TABLE V.B.5—ANNUAL TOTAL COST SAVINGS—RECORDKEEPING
[2024\$]

NAICS code	NAICS title	Setting	Entity size		
			All entities	SBA/RFA-defined small	Very small (<20 employees)
446110	Pharmacies and Drug Stores	First Aid and Emergency Care	\$5,831.35	\$2,042.83	\$1,529.01
561210	Facility Support Services	Correctional Facility Clinics	2,116.02	547.49	87.08
561311	Employment Placement Agencies	Home Health Care and Temp Labor	703.16	404.86	189.83
611110	Elementary and Secondary Schools	School/Industry Clinics	12,784.06	5,417.80	3,390.49
611210	Junior Colleges	School/Industry Clinics	438.36	93.18	45.26
611310	Colleges, Universities, and Professional Schools.	School/Industry Clinics	8,666.30	5,386.14	132.38
611710	Educational Support Services	School/Industry Clinics	83.92	74.36	63.94
621111	Offices of Physicians (except Mental Health Specialists).	Other Patient Care	176,134.14	95,094.57	31,010.67
621112	Offices of Physicians, Mental Health Specialists.	Other Patient Care	1,849.41	1,837.70	630.06
621210	Offices of Dentists	Other Patient Care	57,589.43	50,684.07	36,309.97
621310	Offices of Chiropractors	Other Patient Care	3,598.80	3,512.68	2,838.45
621320	Offices of Optometrists	Other Patient Care	6,026.62	5,667.42	4,673.49
621330	Offices of Mental Health Practitioners (except Physicians).	Other Patient Care	2,348.12	2,341.30	1,630.03
621340	Offices of Physical, Occupational and Speech Therapists and Audiologists.	Other Patient Care	29,491.33	13,108.91	5,487.40
621391	Offices of Podiatrists	Other Patient Care	1,618.52	1,531.88	1,044.63
621399	Offices of All Other Miscellaneous Health Practitioners.	Other Patient Care	4,688.86	3,979.67	1,428.49
621410	Family Planning Centers	Other Patient Care	1,494.09	1,234.21	339.31
621420	Outpatient Mental Health and Substance Abuse Centers.	Other Patient Care	6,977.24	6,154.51	1,199.46
621491	HMO Medical Centers	Other Patient Care	9,727.35	3,090.71	0.20
621492	Kidney Dialysis Centers	Other Patient Care	8,774.66	1,245.96	109.24
621493	Freestanding Ambulatory Surgical and Emergency Centers.	First Aid and Emergency Care	11,950.28	5,692.18	1,410.40
621498	All Other Outpatient Care Centers	Other Patient Care	27,887.79	23,747.76	1,407.07
621610	Home Health Care Services	Home Health Care and Temp Labor	113,833.19	64,247.66	4,714.47
621910	Ambulance Services	First Aid and Emergency Care	19,708.10	12,751.46	1,066.14
621991	Blood and Organ Banks	Other Patient Care	6,673.96	4,334.94	72.93
621999	All Other Miscellaneous Ambulatory Health Care Services.	First Aid and Emergency Care	5,392.99	2,153.40	555.83
622110	General Medical and Surgical Hospitals	General Hospitals	574,111.87	446,899.59	4.46
622210	Psychiatric and Substance Abuse Hospitals.	Other Hospitals	14,539.50	4,163.41	18.51
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals.	Other Hospitals	25,761.35	12,355.33	6.07
623110	Nursing Care Facilities (Skilled Nursing Facilities).	Nursing Homes	131,570.14	73,050.30	569.24
623210	Residential Intellectual and Developmental Disability Facilities.	Long Term Care (excluding nursing homes).	48,153.63	36,615.16	1,228.37
623220	Residential Mental Health and Substance Abuse Facilities.	Long Term Care (excluding nursing homes).	7,378.33	6,075.25	750.33
623311	Continuing Care Retirement Communities	Nursing Homes	32,270.21	26,040.76	528.08
623312	Assisted Living Facilities for the Elderly	Nursing Homes	31,427.05	17,186.77	2,812.05
623990	Other Residential Care Facilities	Long Term Care (excluding nursing homes).	3,841.66	3,437.99	689.45
711211	Sports Teams and Clubs	School/Industry Clinics	26.22	14.07	12.65
922160	Public Firefighter-EMTs	First Aid and Emergency Care	22,657.93	12,430.51	728.94
Total ..	.....	.....	1,418,125.91	954,646.80	108,714.36

Sources: Preliminary economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483-32558); Document ID 1031, Attachment 4, "Labor Rates", "All Costs(Current)", "Recordkeeping(Cur)", and "SAS Output 10FEB" tabs; Document ID 2885.

Note: Due to rounding, figures in the columns may not sum to the totals shown.

TABLE V.B.6—ANNUAL TOTAL COST SAVINGS—REPORTING
[2024\$]

NAICS code	NAICS title	Setting	Entity size		
			All entities	SBA/RFA-defined small	Very small (<20 employees)
446110	Pharmacies and Drug Stores	First Aid and Emergency Care	\$439.27	\$119.13	\$75.71
561210	Facility Support Services	Correctional Facility Clinics	220.79	53.60	4.53
561311	Employment Placement Agencies	Home Health Care and Temp Labor	59.43	27.63	4.71
611110	Elementary and Secondary Schools	School/Industry Clinics	1,010.78	246.52	36.19
611210	Junior Colleges	School/Industry Clinics	41.01	5.20	0.23
611310	Colleges, Universities, and Professional Schools.	School/Industry Clinics	888.12	547.79	2.71
611710	Educational Support Services	School/Industry Clinics	2.69	1.70	0.61
621111	Offices of Physicians (except Mental Health Specialists).	Other Patient Care	21,605.22	12,775.71	5,793.57

TABLE V.B.6—ANNUAL TOTAL COST SAVINGS—REPORTING—Continued
[2024\$]

NAICS code	NAICS title	Setting	Entity size		
			All entities	SBA/RFA-defined small	Very small (<20 employees)
621112	Offices of Physicians, Mental Health Specialists.	Other Patient Care	364.27	362.99	231.42
621210	Offices of Dentists	Other Patient Care	9,760.93	9,008.57	7,442.46
621310	Offices of Chiropractors	Other Patient Care	1,120.32	1,110.94	1,037.48
621320	Offices of Optometrists	Other Patient Care	545.93	506.79	398.50
621330	Offices of Mental Health Practitioners (except Physicians).	Other Patient Care	141.46	140.72	63.22
621340	Offices of Physical, Occupational and Speech Therapists and Audiologists.	Other Patient Care	3,599.92	1,815.01	984.62
621391	Offices of Podiatrists	Other Patient Care	266.57	257.13	204.04
621399	Offices of All Other Miscellaneous Health Practitioners.	Other Patient Care	693.59	616.32	338.36
621410	Family Planning Centers	Other Patient Care	173.71	145.40	47.90
621420	Outpatient Mental Health and Substance Abuse Centers.	Other Patient Care	678.46	588.82	48.95
621491	HMO Medical Centers	Other Patient Care	1,059.83	336.74	0.02
621492	Kidney Dialysis Centers	Other Patient Care	956.71	136.44	12.59
621493	Freestanding Ambulatory Surgical and Emergency Centers.	First Aid and Emergency Care	1,304.84	623.01	156.49
621498	All Other Outpatient Care Centers	Other Patient Care	3,058.71	2,607.64	173.56
621610	Home Health Care Services	Home Health Care and Temp Labor	12,572.07	7,169.57	683.25
621910	Ambulance Services	First Aid and Emergency Care	2,187.48	1,429.53	156.38
621991	Blood and Organ Banks	Other Patient Care	729.27	474.42	10.06
621999	All Other Miscellaneous Ambulatory Health Care Services.	First Aid and Emergency Care	626.35	273.39	99.33
622110	General Medical and Surgical Hospitals	General Hospitals	71,129.97	55,369.32	2.34
622210	Psychiatric and Substance Abuse Hospitals.	Other Hospitals	1,800.61	515.09	1.57
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals.	Other Hospitals	3,191.63	1,530.72	0.74
623110	Nursing Care Facilities (Skilled Nursing Facilities).	Nursing Homes	13,715.79	7,625.37	81.95
623210	Residential Intellectual and Developmental Disability Facilities.	Long Term Care (excluding nursing homes).	5,065.04	3,864.18	181.32
623220	Residential Mental Health and Substance Abuse Facilities.	Long Term Care (excluding nursing homes).	732.07	596.45	42.26
623311	Continuing Care Retirement Communities	Nursing Homes	3,368.27	2,719.95	64.73
623312	Assisted Living Facilities for the Elderly	Nursing Homes	3,395.51	1,913.46	417.42
623990	Other Residential Care Facilities	Long Term Care (excluding nursing homes).	362.06	320.05	34.00
711211	Sports Teams and Clubs	School/Industry Clinics	1.34	0.18	0.04
922160	Public Firefighter-EMTs	First Aid and Emergency Care	2,498.26	1,383.95	109.03
Total ..			169,368.26	117,219.42	18,942.28

Sources: Preliminary economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483-32558); Document ID 1031, Attachment 4, "Labor Rates", "All Costs(Current)", and "Reporting(Cur)" tabs; Document ID 2885.

Note: Due to rounding, figures in the columns may not sum to the totals shown.

TABLE V.B.7—ANNUAL TOTAL COST SAVINGS—ALL PROVISIONS
[2024\$]

NAICS code	NAICS title	Setting	Entity size		
			All entities	SBA/RFA-defined small	Very small (<20 employees)
446110	Pharmacies and Drug Stores	First Aid and Emergency Care	\$6,270.63	\$2,161.96	\$1,604.71
561210	Facility Support Services	Correctional Facility Clinics	2,336.81	601.09	91.60
561311	Employment Placement Agencies	Home Health Care and Temp Labor	762.58	432.49	194.55
611110	Elementary and Secondary Schools	School/Industry Clinics	13,794.84	5,664.32	3,426.68
611210	Junior Colleges	School/Industry Clinics	479.37	98.38	45.49
611310	Colleges, Universities, and Professional Schools.	School/Industry Clinics	9,554.41	5,933.93	135.09
611710	Educational Support Services	School/Industry Clinics	86.61	76.06	64.55
621111	Offices of Physicians (except Mental Health Specialists).	Other Patient Care	197,739.35	107,870.28	36,804.23
621112	Offices of Physicians, Mental Health Specialists.	Other Patient Care	2,213.68	2,200.70	861.48
621210	Offices of Dentists	Other Patient Care	67,350.35	59,692.64	43,752.43
621310	Offices of Chiropractors	Other Patient Care	4,719.12	4,623.62	3,875.93
621320	Offices of Optometrists	Other Patient Care	6,572.55	6,174.21	5,071.99
621330	Offices of Mental Health Practitioners (except Physicians).	Other Patient Care	2,489.58	2,482.02	1,693.26
621340	Offices of Physical, Occupational and Speech Therapists and Audiologists.	Other Patient Care	33,091.25	14,923.92	6,472.01
621391	Offices of Podiatrists	Other Patient Care	1,885.09	1,789.01	1,248.67

TABLE V.B.7—ANNUAL TOTAL COST SAVINGS—ALL PROVISIONS—Continued
[2024\$]

NAICS code	NAICS title	Setting	Entity size		
			All entities	SBA/RFA-defined small	Very small (<20 employees)
621399	Offices of All Other Miscellaneous Health Practitioners.	Other Patient Care	5,382.44	4,595.99	1,766.85
621410	Family Planning Centers	Other Patient Care	1,667.80	1,379.61	387.21
621420	Outpatient Mental Health and Substance Abuse Centers.	Other Patient Care	7,655.70	6,743.34	1,248.41
621491	HMO Medical Centers	Other Patient Care	10,787.18	3,427.45	0.23
621492	Kidney Dialysis Centers	Other Patient Care	9,731.38	1,382.40	121.83
621493	Freestanding Ambulatory Surgical and Emergency Centers.	First Aid and Emergency Care	13,255.12	6,315.18	1,566.89
621498	All Other Outpatient Care Centers	Other Patient Care	30,946.50	26,355.40	1,580.62
621610	Home Health Care Services	Home Health Care and Temp Labor	126,405.25	71,417.23	5,397.72
621910	Ambulance Services	First Aid and Emergency Care	21,895.57	14,180.99	1,222.52
621991	Blood and Organ Banks	Other Patient Care	7,403.22	4,809.37	82.99
621999	All Other Miscellaneous Ambulatory Health Care Services.	First Aid and Emergency Care	6,019.34	2,426.78	655.15
622110	General Medical and Surgical Hospitals	General Hospitals	645,241.85	502,268.91	6.80
622210	Psychiatric and Substance Abuse Hospitals.	Other Hospitals	16,340.12	4,678.50	20.08
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals.	Other Hospitals	28,952.97	13,886.05	6.81
623110	Nursing Care Facilities (Skilled Nursing Facilities).	Nursing Homes	145,285.93	80,675.67	651.19
623210	Residential Intellectual and Developmental Disability Facilities.	Long Term Care (excluding nursing homes).	53,218.67	40,479.34	1,409.69
623220	Residential Mental Health and Substance Abuse Facilities.	Long Term Care (excluding nursing homes).	8,110.39	6,671.70	792.59
623311	Continuing Care Retirement Communities	Nursing Homes	35,638.48	28,760.70	592.82
623312	Assisted Living Facilities for the Elderly	Nursing Homes	34,822.55	19,100.23	3,229.47
623990	Other Residential Care Facilities	Long Term Care (excluding nursing homes).	4,203.72	3,758.04	723.45
711211	Sports Teams and Clubs	School/Industry Clinics	27.57	14.25	12.69
922160	Public Firefighter-EMTs	First Aid and Emergency Care	25,156.19	13,814.46	837.97
Total ..	.....	.....	1,587,494.18	1,071,866.22	127,656.65

Sources: Preliminary economic analysis for the COVID-19 Healthcare ETS (86 FR 32376, 32483-32558); Document ID 1031, Attachment 4, "Labor Rates", "All Costs(Current)", "Recordkeeping(Cur)", "Reporting(Cur)", and "SAS Output_10FEB" tabs; Document ID 2885.

Note: Due to rounding, figures in the columns may not sum to the totals shown.

C. Economic Feasibility

This section presents OSHA's preliminary findings on the economic feasibility of the proposal for affected industries. Because the proposal would remove existing recordkeeping and reporting requirements in 29 CFR 1910 subpart U, this proposed rule would not impose new costs on employers. Instead, as discussed above in *Cost Savings* (Section V.B. of this preamble) OSHA estimates the proposal would result in annual total cost savings of \$1,587,494 (2024 dollars), spread out among affected employers, and would impose no additional costs on employers. Because this proposal would result in cost savings, OSHA preliminarily finds that the proposal would be economically feasible for all affected industries.

D. Benefits

This section discusses potential foregone benefits that would stem from OSHA's proposal to remove the

recordkeeping and reporting provisions in 29 CFR 1910 subpart U.⁹

As discussed in *Explanation of Agency Action* (Section IV. of this preamble), the recordkeeping and reporting provisions in 29 CFR 1910 subpart U were intended to supplement the non-recordkeeping and reporting provisions in the COVID-19 Healthcare ETS and assist employers in effectively preventing workplace transmission of COVID-19 among employees in covered settings. In the COVID-19 Healthcare ETS, OSHA's benefits calculations were therefore performed on a per-case-prevented basis for the standard as a whole, with no attempt to quantify the specific benefits attributable to any particular provision of the standard. As a result, OSHA is unable to quantify any

⁹ In a typical regulatory impact analysis, strictly speaking, reduced costs to employers would be presented as a benefit of a rule while any potential negative impacts from removing requirements that resulted in those lower costs would be a cost of a rule. For the sake of maintaining comparability with the preliminary economic analysis that accompanied the ETS, OSHA is presenting cost savings in the cost section and potential foregone benefits in this benefits section.

benefit reduction, consistent with the 2021 analysis, from the removal of just the recordkeeping and reporting provisions of subpart U. OSHA welcomes comment on this determination.

E. Review Under Executive Order 12866

Executive Order (E.O.) 12866, "Regulatory Planning and Review" (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated

entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

F. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule proposes to eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

VI. Technological Feasibility

This proposed rule would remove recordkeeping and reporting requirements related to COVID-19 in the workplace. Workplaces that were covered by the COVID-19 Healthcare ETS and the related recordkeeping and reporting requirements in 29 CFR 1910 subpart U will no longer have to maintain a COVID-19 log, record cases of COVID-19 on the log, or report to OSHA some fatalities and hospitalizations caused by COVID-19. Because this rule would remove regulatory requirements, OSHA anticipates employers would have no technological issues complying with the rule. Accordingly, the agency preliminarily concludes that the proposed rule would be technologically feasible for affected employers.

VII. Additional Requirements

A. State Plans

Under section 18 of the OSH Act, 29 U.S.C. 651 *et seq.*, Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”¹⁰ Once approved, State Plans have an ongoing obligation to maintain an occupational safety and health program that is at least as effective as Federal OSHA’s program (*see* 29 CFR 1953.1(b)).

When Federal OSHA makes a significant change to the Federal program that would have an adverse impact on the “at least as effective” status of the State program if a parallel State program modification were not made, State adoption of a change in response to the Federal program change is required (29 CFR 1953.4(b)(1)). However, a change to the Federal program that would not result in any diminution of the effectiveness of a State Plan compared to Federal OSHA generally would not require adoption by the State (29 CFR 1953.4(b)(1)).

As explained previously in this preamble, OSHA is proposing a deregulatory action to remove the recordkeeping and reporting provisions in 29 CFR 1910 subpart U that are still in effect (specifically 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)–(iv), and (r)). OSHA has preliminarily determined the proposed change to the Federal program would not result in any diminution of the effectiveness of a State Plan compared to Federal OSHA, and therefore State Plans are not required to amend their regulations. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under Paperwork Reduction Act of 1995

The proposed standard would remove regulatory provisions that contain collection-of-information requirements

that have been reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) and OMB’s regulations at 5 CFR part 1320. The existing collection-of-information requirements were approved under OMB Control Number 1218–0277. OMB last renewed its approval of the requirements on April 22, 2025.

If OSHA removes 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)–(iv), and (r), as proposed, the underlying requirements for the information collections would no longer exist. In OSHA’s most recent supporting statement for the information collection requirements contained in these recordkeeping and reporting provisions, the burden on employers of complying with those provisions is 23,714 hours, with an associated cost of \$707,355. This rulemaking, if finalized, would therefore result in the removal of the burden and associated costs in those amounts. OSHA requests comment on this analysis.

C. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*), the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a deregulatory action that involves the removal of recordkeeping and reporting requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders.

List of Subjects in 29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928

COVID-19, Disease, Health facilities, Health, Health care, Occupational health and safety, Public health, Quarantine, Reporting and recordkeeping requirements, Respirators, SARS-CoV-2, Telework, Vaccines, Viruses.

VIII. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational

¹⁰ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

Safety and Health, authorized the preparation of this document under the authority granted by sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act) (40 U.S.C. 333); section 41 of the Longshore and Harbor Worker's Compensation Act (33 U.S.C. 941); 5 U.S.C. 553, Secretary of Labor's Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

Proposed Amendments

For the reasons stated in the preamble, OSHA proposes to amend 29 CFR parts 1910, 1915, 1917, 1918, 1926, and 1928 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart U—COVID–19

■ 1. The authority for 29 CFR part 1910, subpart U, continues to read as follows:

Authority: 29 U.S.C. 653, 655, and 657; Secretary of Labor's Order No. 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553.

■ 2. Remove Subpart U—COVID–19

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 3. The authority citation for 29 CFR part 1915 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754); 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

Subpart Z—Toxic and Hazardous Substances

■ 4. Remove § 1915.1501

PART 1917—MARINE TERMINALS

■ 5. The authority citation for 29 CFR part 1917 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

Sections 1917.28 and 1917.31 also issued under 5 U.S.C. 553.

Section 1917.29 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

Subpart B—Marine Terminal Operations

■ 6. Remove § 1917.31

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

■ 7. The authority citation for 29 CFR part 1918 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR 1911.

Sections 1918.90 and 1918.110 also issued under 5 U.S.C. 553.

Section 1918.100 also issued under 49 U.S.C. 5101 *et seq.* and 5 U.S.C. 553.

Subpart K—COVID–19

■ 8. Remove Subpart K—COVID–19

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart D—Occupational Health and Environmental Controls

■ 9. The authority citation for 29 CFR part 1926, subpart D, continues to read as follows:

Authority: 40 U.S.C. 3704; 29 U.S.C. 653, 655, and 657; and Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

Sections 1926.59, 1926.60, and 1926.65 also issued under 5 U.S.C. 553 and 29 CFR part 1911.

Section 1926.61 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

Section 1926.62 also issued under sec. 1031, Public Law 102–550, 106 Stat. 3672 (42 U.S.C. 4853).

Section 1926.65 also issued under sec. 126, Public Law 99–499, 100 Stat. 1614 (reprinted at 29 U.S.C.A. 655 Note) and 5 U.S.C. 553.

■ 10. Remove § 1926.58

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

■ 11. The authority citation for 29 CFR part 1928 continues to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's

Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 4–2010 (75 FR 55355), or 8–2020 (85 FR 58393), as applicable; and 29 CFR 1911.

Section 1928.21 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

Subpart B—Applicability of Standards

■ 12. Remove § 1928.21(a)(8)

[FR Doc. 2025–11625 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1917, and 1918

[Docket No. OSHA–2025–0011]

RIN 1218–AD62

Cotton Dust

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises some substance-specific respirator requirements to allow different types of respirators to be used under OSHA's Cotton Dust standard and better aligns this standard with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0011, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0011). When uploading multiple attachments to

regulations.gov, please number all of your attachments because *regulations.gov* will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0011) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this **Federal Register** notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and remove duplicative language in OSHA's Cotton Dust standard (29 CFR 1910.1043). OSHA is proposing to revise some respirator-related provisions where they are unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Cotton Dust standard outdated. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is ". . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably

necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1978 when it published the first Cotton Dust standard (43 FR 27394). The Supreme Court, in its decision on OSHA's benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate "whether significant risks are present and can be eliminated or lessened by a change in practices" (*Indus. Union Dep't, AFL–CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA determined that cotton dust presented a significant risk to employees when it first promulgated the standard (43 FR 27350). When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must "find that each and every aspect of its standard eliminates a significant risk")). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL–CIO–CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) ("Lead I")). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Cotton Dust standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted

technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA’s economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a Cotton Dust standard in 1978 (43 FR 27394). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265).

In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Cotton Dust standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA’s Cotton Dust standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve the Cotton Dust standard by removing unnecessarily specific respirator requirements that have, since OSHA last updated the standard, become outdated based on current technology, NIOSH certification requirements, and knowledge about respirator technology. This revised standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (f) of its general industry Cotton Dust standard (29 CFR 1910.1043) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1043 that are duplicative with the requirements in 1910.134 and updating respirator requirements to align with the revised NIOSH certification criteria in 42 CFR part 84. The proposed revisions would also provide more compliance options by removing unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions would also conform this standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134, which would simplify review of these regulations and improve comprehensibility. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goal of facilitating technological innovation and reducing undue burden.

OSHA has preliminarily determined that paragraphs (f)(1)(i) through (iii) unnecessarily duplicate the general provisions covered by 1910.134(a) and is proposing to remove and reserve those paragraphs and add a cross reference to 1910.134(a) in paragraph (f)(1). Employers in compliance with the current version of 1910.1043(f)(1) would not have to change any of their practices to remain in compliance with the changes OSHA is proposing.

Additionally, OSHA is proposing to revise paragraph (f)(3)(i)(A) to remove the prohibition on using filtering facepieces at cotton dust concentrations more than five times the PEL and to allow employees to use any respirator selected in accordance with paragraph (d)(3)(i)(A) of 29 CFR 1910.134. OSHA has preliminarily determined that the prohibition on filtering facepieces was based on outdated technology and certification data and the use of filtering facepieces will not reduce worker safety and health. OSHA is also proposing to remove paragraph (f)(3)(i)(B), which requires HEPA filters for powered and non-powered air-purifying respirators used at cotton dust concentrations greater than ten times the PEL. That requirement was included because HEPA filters were originally part of NIOSH’s certification standards for respirators under 30 CFR part 11. However, NIOSH published revised

requirements for testing and certification procedures and recodified the previous certification standards for other respirator classes as 42 CFR part 84 on June 8, 1995 (60 FR 30336). The HEPA filter requirement is not part of the revised 42 CFR part 84 anymore because additional types of filters have been certified for protection from particulates. OSHA believes that these testing and certification requirements ensure that all particulate filters certified under 42 CFR part 84 are efficient in preventing the penetration of submicron-sized particles and OSHA recognized this when the Agency's revised Respiratory Protection standard was issued on January 8, 1998 (63 FR 1152). In fact, OSHA has issued other substance-specific regulations since the revised Respiratory Protection standard and NIOSH's revised certification requirements were issued and has not incorporated a requirement for HEPA filters in similar respirator provisions in those rules.

OSHA is also considering removing the requirement under paragraph (f)(1)(v) to provide a respirator when an employee requests it. Similarly, OSHA is considering removing the requirement in paragraph (f)(3)(ii) for employers to provide an employee with a powered air-purifying respirator (PAPR) instead of a non-powered air-purifying respirator when the employee chooses to use a PAPR. OSHA believes that the removal of these provisions would not compromise worker safety and health—both provisions are about employee requests and without them workers would still be provided adequate protection. When OSHA updated the Respiratory Protection standard, it determined that it was appropriate to allow an employer to provide additional respiratory protection when requested, rather than mandate it (29 CFR 1910.134(c)(2)). Removing these requirements in the Cotton Dust standard would still allow for voluntary respirator use under some circumstances (*i.e.*, where the employer agrees to provide the equipment) and would better align with the general Respiratory Protection standard. However, the Agency acknowledges that user comfort affects workers' compliance with requirements to wear respiratory protection and questions whether the existing requirements under 1910.134(c)(2) and Table 1 offer equivalent access to alternative styles of respiratory protection. OSHA also understands that some employees may have come to rely on respiratory protection from cotton dust at work, even when the standard does not

require it. OSHA therefore seeks comment on the merits of removing these provisions.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's marine terminals and longshoring standards for cotton dust (*see* 29 CFR 1917.1 and 29 CFR 1918.1, which apply the requirements in 1910.1043 to longshoring and marine terminals). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against cotton dust hazards in marine terminals or longshoring, that OSHA should consider when finalizing this proposal.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, which changes do you think would decrease worker safety and why?

2. Is there an alternative approach OSHA should consider?

3. Should OSHA remove the requirements for employers to provide PAPRs when they are requested by employees? In your experience, how often do employees request PAPRs when the Cotton Dust standard does not require them?

4. Should OSHA remove the requirement for employers to provide respirators when requested by an employee? In your experience, how often do employees request to use respirators when the Cotton Dust standard does not require them?

5. Should OSHA maintain the prohibition on using filtering facepiece respirators at cotton dust concentrations more than five times the PEL?

6. Does cross-referencing 29 CFR 1910.134(a) in 1910.1043(f)(1) correctly capture all of the material that was previously specified in paragraphs (f)(1)(i)–(iii) of 1910.1043?

V. Economic Analysis

This proposed rule would expand compliance options for employers under the Cotton Dust standard, 29 CFR 1910.1043, and therefore OSHA has preliminarily concluded that there would be no additional costs imposed by this proposed revision. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective respirators and a reduction of the burdens associated with reviewing unnecessarily duplicative regulations. Because this rule would impose no new

costs, OSHA has made a preliminary determination that the rule would be economically feasible.

Based on the Supporting Statement for the Information Collection Request for the Cotton Dust standard, OSHA estimates that there are 3,810 employees exposed to cotton dust in the U.S.¹ This proposed rule would, among other things, allow employers to provide filtering facepiece respirators for exposures up to 10 times the permissible exposure limit (PEL), which would result in employers being able to select a more cost-effective respirator in some cases. For instance, OSHA estimates that a 3M 5000 Series half mask respirator, replaced annually, a 3M P100 particulate filter replaced every 40 hours of use (assumed to be weekly), and one cleaning wipe per shift results in an estimated per-use cost of \$1.72. A 3M industrial N95 filtering facepiece respirator costs \$1.15 and is assumed to be used for one shift.² Switching to the N95 filtering facepiece respirator would result in a difference of about \$0.57 per use or \$142 per employee per year (assuming an employee works 5 shifts per week, 50 weeks per year) (\$429.50 versus \$287.50 per employee per year).

OSHA does not currently have sufficient information to quantify how many of the exposed employees would use an N95 filtering facepiece respirator under the changes proposed in this rule. However, if 50 percent of the exposed employees were to use the N95 filtering facepiece respirators instead of the 3M 5000 Series half mask respirators, that could result in a savings, based on equipment alone, of approximately \$270,510 annually (or about \$2 million over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?

- a. How many employees would employers expect to use filtering facepiece respirators instead of a different respirator under the proposed revisions?

- b. Are there cost savings associated with no longer being restricted to HEPA filters for powered and non-powered air-purifying respirators?

2. Are there any other savings for employers that would result from the proposed change?

¹ See Document ID OSHA–2011–0194–0014 for additional detail.

² All prices based on those listed on uline.com, May 30, 2025.

3. Are there any benefits for worker protection that can be anticipated from this proposed change?

4. How much familiarization time would employers who are new entrants to the market expect to save based on the revisions?

5. Are there any costs for employers that would result from this change that OSHA has not considered?

6. Would the savings to employers outside of general industry be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or

marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”³

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

³ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Cotton Dust standard (OMB Control Number 1218–0061), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0061 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA

does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1043 is revised as follows:

■ a. Revise and republish paragraph (f)(1) and (f)(3).

■ b. Reserve paragraphs (f)(1)(i)–(iii).

■ c. Remove paragraphs (f)(3)(i)(A) and (B).

The revisions and additions read as follows:

(f) * * *

(1) *General.* For employees who are required to use respirators by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that it is necessary to protect the health of an employee as required under 29 CFR 1910.134(a) and during:

(i) [Reserved]

(ii) [Reserved]

(iii) [Reserved]

(iv) Work operations specified under paragraph (g)(1) of this section.

(v) Periods for which an employee requests a respirator.

(2) * * *

(3) * * *

(i) Employers must select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

(ii) * * *

* * * * *

[FR Doc. 2025–11637 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1917, and 1918

[Docket No. OSHA–2025–0014]

RIN 1218–AD61

Coke Oven Emissions

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would revise some substance-specific respirator requirements to allow different types of respirators to be used

under OSHA’s Coke Oven Emissions standard and better align this standard with OSHA’s Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0014, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0014). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0014) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web

page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693-1950; email: osha.dsg@dol.gov.

Copies of this **Federal Register** notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to provide greater compliance flexibility and clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA's Coke Oven Emissions standard (29 CFR 1910.1029). OSHA is proposing to revise a respirator-related provision that is unnecessarily prescriptive, which would result in employers having greater flexibility in the respirators they select for exposed workers, while providing equivalent worker protection. This proposal is also consistent with OSHA's intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

Additionally, OSHA believes that this proposed rule appropriately incorporates advances in technology, which have made some provisions of the Coke Oven Emissions standard outdated. This proposed standard is intended to account for modern knowledge and technology and to streamline the selection of respirators.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards)), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-transmittal provisions). An occupational safety and health standard is "... a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)-(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1976 when it published the Coke Oven Emissions standard (41 FR 46742). The Supreme Court, in its decision on OSHA's Benzene standard, interpreted OSHA's obligation under section 652(8) as requiring it to evaluate "whether significant risks are present and can be eliminated or lessened by a change in practices" (*Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). In the 1976 final rule, OSHA determined that coke oven emissions posed a significant risk of cancer to exposed workers (41 FR 46744). When, as here, OSHA has previously determined that

its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must "find that each and every aspect of its standard eliminates a significant risk")). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237-38 (D.C. Cir. 1980) ("*Lead I*"). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Coke Oven Emissions standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170-71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA "must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms" (*Am. Iron and Steel*

Inst., 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is expected to reduce costs for employers. OSHA's economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted "a concise general statement of [the rule's] basis and purpose" (5 U.S.C. 553(c)); *cf.* 29 U.S.C. 655(e) (requiring the Secretary to publish a "statement of reasons" for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a Coke Oven Emissions standard in 1976 (41 FR 46742). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to "serve as a 'building block' standard with respect to future standards that may contain respiratory protection requirements" (63 FR 1265). In 2006, OSHA revised the Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122–01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Coke Oven Emissions standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific

standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA's Coke Oven Emissions standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates would improve these substance-specific standards, including Coke Oven Emissions, because they will allow employers to select from a wider range of respirators, based on current technology and practices for respirator use, to protect workers. OSHA also believes that advances in technology have made the substance-specific standards outdated in some areas. This revised standard is intended to take account of new knowledge and technology.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community, without compromising worker safety. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," E.O. 14192, "Unleashing Prosperity Through Deregulation," and the goal of removing regulations that harm the national interest by impeding technological innovation or private enterprise and entrepreneurship.

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraphs (g) and (k) of its general industry Coke Oven Emissions standard (29 CFR 1910.1029) to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would improve comprehensibility and simplify compliance for employers by removing requirements in 1910.1029 that are duplicative with the requirements in 1910.134. The proposed revisions would also provide more compliance options by removing unnecessary restrictions on respirator selection where another equally protective option exists. Finally, these revisions would also conform this standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134, which would simplify review of these regulations by employers. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goal of facilitating the use of new technology and reducing undue burden.

OSHA has preliminarily determined that paragraphs (g)(1)(i) through (iv) of the Coke Oven Emissions standard unnecessarily duplicate the general provisions covered by 1910.134(a) and is proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (g)(1). OSHA does not intend for these changes to add to or change the regulatory burden on employers; actions that comply with the requirements in 1910.1029(g) would also be in compliance with proposed paragraph (g).

OSHA is also proposing to remove the portion of paragraph (g)(3) requiring employers to provide a filtering facepiece respirator "only when it functions as a filter respirator for coke oven emissions particulates." OSHA has preliminarily determined that the respirator-selection provisions for coke oven emissions are covered by 1910.134(d), the prohibition on filtering facepieces was based on outdated technology and certification data, and the use of filtering facepieces will not reduce worker safety and health.

Finally, the agency has preliminarily determined that two respiratory protection training requirements in the Coke Oven Emissions standard are unnecessary. First, OSHA is proposing to remove a provision in paragraph (k)(1)(iii) that requires more frequent employee training on the hazards of exposure to coke oven emissions, which expired in 1978. Second, paragraph (k)(1)(iv)(b) of the Coke Oven Emissions standard, which requires training on "The purpose, proper use, and limitations of respiratory protection devices," unnecessarily duplicates the training requirements in the Respiratory Protection standard at 1910.134(k). OSHA is therefore proposing to remove and reserve paragraph (k)(1)(iv)(b).

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's marine terminals and longshoring standards for coke oven emissions (*see* 29 CFR 1917.1 and 29 CFR 1918.1, which apply the requirements in 1910.1029 to longshoring and marine terminals). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against coke oven emissions hazards in marine terminals or longshoring, that OSHA should consider when finalizing this proposal.

OSHA requests comments on the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety?

2. Should OSHA retain the prohibition on using filtering facepiece respirators unless they function as a filter respirator for coke oven emissions particulates?

3. Will references to 1910.134 adequately capture the material in the current provisions that OSHA is proposing to remove?

4. Are there alternative approaches OSHA should consider to the revisions it is proposing?

V. Economic Analysis

This proposed rule would expand compliance options for employers under the Coke Oven Emissions standard, 29 CFR 1910.1029, and therefore OSHA has preliminarily concluded that there will be no additional costs imposed by this proposed revision. OSHA also anticipates that there would be some cost savings associated with this rule, including savings based on employers being able to choose more cost-effective respirators and a reduction of the burdens associated with reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

Based on the Supporting Statement for the Information Collection Request for the Coke Oven Emissions standard, OSHA estimates that there are 1,196 employees exposed to coke oven emissions in the U.S.¹ This proposed rule would, among other things, remove the limitations on employees using filtering facepiece respirators under the standard. Assuming that employers were previously providing half face respirators, OSHA estimates that a 3M model 5000 half face respirator replaced annually, a 3M P100 particulate filter replaced every 40 hours of use (assumed to be weekly), and one cleaning wipe per shift results in an estimated per-use cost of about \$1.72.² An N95 respirator replaced every shift costs of \$1.15.³ Over the course of a year (assuming an employee works 5 shifts per week and 50 weeks per year) this means a difference in per-employee costs of \$142. Assuming 50 percent of employers opt for disposable N95 respirators, the cost savings could be \$85,000 annually (or about \$632,000 over 10 years at a 3 percent discount rate).

¹ See Document ID OSHA–2011–0181–0014 for additional detail.

² Prices based on those listed on *uline.com*, accessed June 3, 2025.

³ Prices based on those listed on *uline.com*, accessed June 3, 2025.

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How much do employers expect to save based on the increased flexibility in respirator selection?

2. Are there any other savings for employers that would result from the proposed change?

3. Are there any benefits for worker protection that can be anticipated from this proposed change?

4. Are there any costs for employers that would result from this change that OSHA has not considered?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the

desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁴

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

⁴ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect only minor changes to the existing information collections in the Coke Oven Emissions standard (OMB Control Number 1218–0128), OMB has waived the requirements of 5 CFR part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218–0128 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA

does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor’s Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008); 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of § 1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106–430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

■ 2. § 1910.1029 is revised as follows:

■ a. Revise and republish paragraphs (g)(1), (g)(3), and (k)(1)(iii)

■ b. Remove paragraphs (g)(1)(i)–(iv)

■ c. Remove and reserve paragraph (k)(1)(iv)(b).

The revisions and additions read as follows:

(g) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee with an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

(2) * * *

(3) *Respirator selection.* Employers must select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

* * * * *

(k) * * *

(1) * * *

(i) * * *

(ii) * * *

(iii) The training program shall be provided at least annually for all employees who are employed in the regulated area.

(iv) * * *

(a) * * *

(b) [Reserved]

* * * * *

[FR Doc. 2025–11636 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1917

[Docket No. OSHA–2025–0008]

RIN 1218–AD52

House Falls in Marine Terminals

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule removes OSHA's House Falls in Marine Terminals Standard from the Code of Federal Regulations.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA-2025-0008, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA-2025-0008). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA-2025-0008) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web

page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693-1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A "100-word summary" is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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- IV. Explanation of the Proposed Removal of the House Falls in Marine Terminals Standard From the Code of Federal Regulations
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- VI. Additional Requirements
- VII. Authority and Signature

I. Executive Summary

The intent of this proposed rule is to remove the House Falls in Marine Terminals Standard, 29 CFR 1917.41 ("House Falls Standard"), from the Code of Federal Regulations because that standard is no longer necessary to protect employees working in marine terminals from occupational safety and health hazards. This is a deregulatory action per Executive Order 14192, "Unleashing Prosperity Through Deregulation" (90 FR 9065, Feb. 6, 2025).

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) ("the Act" or "the OSH Act") is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651(b)). To achieve this goal Congress authorized the Secretary of Labor ("the Secretary") to promulgate standards to protect workers, including the authority "to set mandatory occupational safety and health

standards applicable to businesses affecting interstate commerce" (29 U.S.C. 651(b)(3); see also 29 U.S.C. 654(a)(2) requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), and 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment)). An occupational safety and health standard is ". . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment" (29 U.S.C. 652(8)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act. As required by the OSH Act, OSHA originally determined that the Standards for Marine Terminals would substantially reduce a significant risk of material harm when promulgating those standards (see 48 FR 30886, 30887 (July 5, 1983)). Once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole. See *Asbestos Info. Ass'n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n v. Sec'y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237-38 (D.C. Cir. 1980) ("*Lead I*").

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (see *Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)).

Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (see, e.g., *Public Citizen v. OSHA*, 557 F.3d 165, 170-71 (3d Cir. 2009) (citing *Lead I*, 647 F.2d at 1272)).

Because this proposed rule would remove an existing OSHA requirement from the CFR, OSHA anticipates employers would have no technological issues complying with the rule. Accordingly, the agency preliminarily finds that the proposed rule is

technologically feasible for affected employers.

In determining economic feasibility, OSHA must consider the cost of compliance in an industry rather than on individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I*, 647 F.2d at 1272). OSHA has preliminarily determined that this proposed rule is economically feasible because this action is deregulatory and imposes no additional costs. OSHA’s economic analysis of the cost savings are presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); cf. 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Background

OSHA first adopted the House Falls Standard in 1983, as part of its Marine Terminals rulemaking, to address serious occupational safety and health hazards in the marine terminals industry (see 48 FR 30886 (July 5, 1983)). The House Falls Standard requires that: span beams be secured to prevent accidental dislodgement; a safe means of access be provided for employees working with house fall blocks; and designated employees inspect chains, links, shackles, swivels, blocks and other loose gear used in house fall operations before each day’s use. Defective gear is not to be used (29 CFR 1917.41). House falls are spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel’s cargo gear to load or unload by means of married falls (29 CFR 1917.2).

The House Falls standard is one of several that protects employees working in marine terminals from the occupational safety and health hazards to which they are exposed (see 29 CFR pt. 1917). For example, in addition to containing the House Falls Standard, the Marine Terminals Standards contain standards protecting employees from slippery conditions (29 CFR 1917.12) and hazardous cargo (29 CFR 1917.22). The Marine Terminals Standards apply to work such as loading, unloading,

movement or other handling of cargo in marine terminals (29 CFR 1917.1).

Marine terminals are wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel including structures which are devoted to receiving, handling, holding, consolidating and loading or delivery of waterborne shipments or passengers, including areas devoted to the maintenance of the terminal or equipment.

IV. Explanation of the Proposed Removal of the House Falls in Marine Terminals Standard From the Code of Federal Regulations

OSHA is proposing to remove the House Falls Standard from the CFR because that standard is no longer necessary to protect employees working in marine terminals from occupational safety and health hazards. When OSHA first promulgated the Marine Terminals Standards in 1983, house falls were generally employed by the marine terminals industry to load and unload cargo. It is OSHA’s understanding that the marine terminals industry does not currently employ house falls because most cargo has been containerized and is moved by cranes. Moreover, OSHA has not issued a citation for a violation of this standard since 2012 or earlier. Therefore, consistent with Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” and the goal of significantly reducing the private expenditures required to comply with Federal regulations to secure America’s economic prosperity and national security and the highest possible quality of life for each citizen, OSHA preliminarily concludes that removing the House Falls Standard from the CFR will reduce the compliance burden on the regulated community, without compromising worker safety.

Questions:

1. Is the House Falls Standard still necessary to protect employees working in marine terminals from occupational safety and health hazards? Will removal of the House Falls Standard from the CFR compromise worker safety? Please explain.

2. Is OSHA’s understanding correct that the marine terminals industry does not currently employ house falls because most cargo has been

containerized and is moved by cranes? Please explain.

V. Preliminary Economic Analysis

Executive Orders 12866 and 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1532(a)) require that OSHA estimate the benefits, costs, and net benefits of regulations, and analyze the impacts of certain rules that OSHA promulgates. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

This proposed rule is not a “significant regulatory action” under Executive Order 12866 or UMRA, or a “major rule” under the Congressional Review Act (5 U.S.C. 801 *et seq.*). Neither the benefits nor the costs of this proposed rule would exceed \$100 million in any given year. This proposal would, however, result in a net cost savings for employers in marine terminal and longshoring operations, which are the only industries throughout OSHA’s jurisdiction affected by the rescission of 29 CFR 1917.41.

Furthermore, as discussed below in Review Under the Regulatory Flexibility Act, because the proposed rule would not impose any costs, OSHA certifies that it would not have a significant economic impact on a substantial number of small entities.

OSHA estimates that there are currently 2,617 establishments in maritime affected by OSHA standards addressing house falls (U.S. Census Bureau, 2024). Those establishments are found in the following industries: Port and Harbor Operations (NAICS 488310), Marine Cargo Handling (NAICS 488320), Navigational Services to Shipping (NAICS 488330), and Other Support Activities for Water Transportation (NAICS 488390). The proposed rescission of the standards addressing house falls will, among other things, eliminate the time necessary for new establishments and newly hired occupational health and safety specialists at existing establishments to familiarize themselves with the requirements found in 29 CFR 1917.41. Based on an average annual establishment entry rate of 10 percent (U.S. Census Bureau, 2025), an average hire rate of 43.9 percent (BLS, 2025), and 10 minutes less time spent on regulatory familiarization at a loaded hourly wage rate for an occupational health and safety specialist of \$65.41, OSHA estimates that this deregulatory action would result in \$15,377 in cost savings annually.

OSHA also estimated the impacts under an alternative scenario where only new entrants into the industry would be affected by the rescission of 29 CFR 1917.41. This scenario assumes that for non-entrant (*i.e.*, existing) establishments within an industry, the familiarization time saved for newly hired occupational health and safety specialists is negligible due to knowledge of the requirements in section 1917.41 retained institutionally within the business entity by team leaders and other senior staff. For this scenario, costs savings that result from rescinding section 1917.41 would be \$2,853 annually.

A third impacts scenario, one that is likely closer to the real-world environment for the retention and communication of safety and health information in most workplaces, would be the midpoint of the two extreme cases described above. Under this mid-range scenario, approximately half of affected establishments would retain staff whose complete knowledge of the rescinded standards would substitute for the familiarization time needed by the newly hired health and safety specialists. Viewed alternatively, under this mid-range scenario, all affected establishments retain veteran staff who can briefly inform the new safety and health specialist of the status of standards such as section 1917.41 in less time (roughly five minutes) than would be necessary in the absence of institutional knowledge (ten minutes). OSHA estimates that this would result in cost savings of \$9,115 annually.

OSHA's estimate of cost savings may underestimate total cost savings if the elimination of the labor burden for regulatory familiarization extends to the avoidance of unnecessary safety training of employees.

OSHA requests public comment on this preliminary analysis of the cost savings for employers affected by the rescission of the standards addressing house falls in maritime industries under OSHA's jurisdiction. Specifically, OSHA seeks comments and data on the following questions:

1. How much do employers expect to save as a consequence of the rescission of requirements in the current standard?
2. How much familiarization time would employers who are new entrants to the market expect to save based on the revisions?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?
4. Are there any costs for employers that would result from this change that OSHA has not considered?

Sources

- Bureau of Labor Statistics (BLS). (2025). Occupational Employment and Wage Statistics—May 2024 (Released April 2, 2025). Available at <https://www.bls.gov/oes/tables.htm> (Accessed April 11, 2025).
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Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rescission under the provisions of the Regulatory Flexibility Act. This rule eliminates a burdensome regulation. Therefore, OSHA preliminarily concludes that the rescission would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are "at least as effective" as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as "State Plans."¹

¹ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina,

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or "at least as effective as," the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is "at least as effective" as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) defines "collection of information" to mean "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format" (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320. This proposed rule would impose no new information collection requirements and does not affect the currently approved information collections in Marine Terminals (29 CFR pt. 1917) and Longshoring (29 CFR pt. 1918) (OMB Control Number 1218–0196). Accordingly, OMB approval is not required for this proposed rule.

Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

C. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

D. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has preliminarily determined that this proposed rule will have no impact on the quality of the human environment.

E. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety

Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposed rule is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR 1917

Health, Longshore and Harbor workers, Occupational safety and health.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); section 41 of the Longshore and Harbor Worker’s Compensation Act (33 U.S.C. 941); Secretary of Labor’s Order No. 8–2020 (85 FR 58383); and 29 CFR part 1911.

Dated: June 20, 2025

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1917 as follows:

PART 1917—MARINE TERMINALS

■ 1. The authority for part 1917 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

Sections 1917.28 and 1917.31 also issued under 5 U.S.C. 553.

Section 1917.29 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

Subpart C—Cargo Handling Gear and Equipment

§ 1917.41 [Removed and reserved]

■ 2. Remove and reserve § 1917.41.

* * * * *

[FR Doc. 2025–11628 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1917

[Docket No. OSHA–2025–0007]

RIN 1218–AD51

Open Fires in Marine Terminals

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule removes OSHA’s Open Fires in Marine Terminals Standard from the Code of Federal Regulations.

DATES: Comments and other information, including requests for a hearing, must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0007, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0007). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document,

Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0007) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This Federal Register notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Executive Summary
- II. Legal Authority and Preliminary Findings
- III. Background
- IV. Explanation of the Proposed Removal of the Open Fires in Marine Terminals Standard From the Code of Federal Regulations
- V. Preliminary Economic Analysis
- VI. Additional Requirements
- VII. Authority and Signature
- VIII. Regulatory Text

I. Executive Summary

The intent of this proposed rule is to remove the Open Fires in Marine

Terminals Standard, 29 CFR 1917.21 (“Open Fires Standard”), from the Code of Federal Regulations because that standard is no longer necessary to protect employees working in marine terminals from occupational safety and health hazards. This is a deregulatory action per Executive Order 14192, “Unleashing Prosperity Through Deregulation” (90 FR 9065, Feb. 6, 2025).

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); see also 29 U.S.C. 654(a)(2) requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act’s enactment), and 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act. As required by the OSH Act, OSHA originally determined that the Standards for Marine Terminals would substantially reduce a significant risk of material harm when promulgating those standards (see 48 FR 30886, 30887 (July 5, 1983)). Once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole. See *Asbestos Info. Ass’n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass’n v. Sec’y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL–CIO–CLC v. Marshall*, 647 F.2d

1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”).

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (see *Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (see, e.g., *Public Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *Lead I*, 647 F.2d at 1272)).

Because this proposed rule would remove an existing OSHA requirement from the CFR, OSHA anticipates employers would have no technological issues complying with the rule. Accordingly, the agency preliminarily finds that the proposed rule is technologically feasible for affected employers.

In determining economic feasibility, OSHA must consider the cost of compliance in an industry rather than on individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I*, 647 F.2d at 1272). OSHA has preliminarily determined that this proposed rule is economically feasible because this action is deregulatory and imposes no additional costs. OSHA’s economic analysis of the cost savings are presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); cf. 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Background

OSHA first adopted the Open Fires Standard in 1983, as part of its Marine Terminals rulemaking, to address serious occupational safety and health hazards in the marine terminals industry (see 48 FR 30886 (July 5, 1983)). The Open Fires Standard prohibits open fires and fires in drums and similar containers (29 CFR 1917.21). The standard is one of several

that protects employees working in marine terminals from the occupational safety and health hazards to which they are exposed (see 29 CFR pt. 1917). For example, in addition to containing the Open Fires Standard, the Marine Terminals Standards contain standards protecting employees from slippery conditions (29 CFR 1917.12) and hazardous cargo (29 CFR 1917.22). The Marine Terminals Standards apply to work such as loading, unloading, movement or other handling of cargo in marine terminals (29 CFR 1917.1). Marine terminals are wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel including structures which are devoted to receiving, handling, holding, consolidating and loading or delivery of waterborne shipments or passengers, including areas devoted to the maintenance of the terminal or equipment.

IV. Explanation of the Proposed Removal of the Open Fires in Marine Terminals Standard From the Code of Federal Regulations

OSHA is proposing to remove the Open Fires Standard from the CFR because that standard is no longer necessary to protect employees working in marine terminals from occupational safety and health hazards. When OSHA first promulgated the Marine Terminals Standards in 1983, affected employees made open fires in drums or similar containers to stay warm when they were exposed to the elements. It is OSHA's understanding that this is no longer a typical practice. Because of containerization and technology improvements in the marine terminals industry, employees today are not exposed to the elements as they once were. Moreover, to the extent employees are still exposed to the elements, they can wear heated jackets, which were not available when the Open Fires Standard was issued. Moreover, OSHA has not issued a citation for a violation of this standard since 2012 or earlier. Therefore, consistent with Executive Order (E.O.) 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," E.O. 14192, "Unleashing Prosperity Through Deregulation," and the goal of significantly reducing the private expenditures required to comply with Federal regulations to secure America's economic prosperity and national security and the highest possible quality

of life for each citizen, OSHA preliminarily concludes that removing the Open Fires Standard from the CFR will reduce the compliance burden on the regulated community, without compromising worker safety.

Questions

1. Is the Open Fires Standard still necessary to protect employees working in marine terminals from occupational safety and health hazards? Will removal of the Open Fires Standard from the CFR compromise worker safety? Please explain.

2. Is OSHA's understanding correct that employees are no longer exposed to the elements as they once were in the marine terminals industry because of containerization and technology improvements? Please explain.

3. Is OSHA's understanding correct that, to the extent employees are exposed to the elements, they now can wear heated jackets, which were not available when the Open Fires Standard was issued? Please explain.

4. Even if OSHA's understanding regarding questions 2 and 3 is correct, is there some other reason why employees in the marine terminals industry would want to make open fires and fires in drums or similar containers? Please explain.

V. Preliminary Economic Analysis

Executive Orders 12866 and 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1532(a)) require that OSHA estimate the benefits, costs, and net benefits of regulations, and analyze the impacts of certain rules that OSHA promulgates. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

This proposed rule is not a "significant regulatory action" under Executive Order 12866 or UMRA, or a "major rule" under the Congressional Review Act (5 U.S.C. 801 *et seq.*). Neither the benefits nor the costs of this proposed rule would exceed \$100 million in any given year. This proposal would, however, result in a net cost savings for employers in marine terminal and longshoring operations, which are the only industries throughout OSHA's jurisdiction affected by the rescission of 29 CFR 1917.21.

Furthermore, as discussed below in Review Under the Regulatory Flexibility Act, because the proposed rule would not impose any costs, OSHA certifies that it would not have a significant economic impact on a substantial number of small entities.

OSHA estimates that there are currently 2,617 establishments in maritime affected by OSHA standards addressing open fires (U.S. Census Bureau, 2024). These establishments are found in the following industries: Port and Harbor Operations (NAICS 488310), Marine Cargo Handling (NAICS 488320), Navigational Services to Shipping (NAICS 488330), Other Support Activities for Water Transportation (NAICS 488390). The proposed rescission of the standards addressing open fires will, among other things, eliminate the time necessary for new establishments and newly hired occupational health and safety specialists at existing establishments to familiarize themselves with the requirements found in 29 CFR 1917.21. Based on an average annual establishment entry rate of 10 percent (U.S. Census Bureau, 2025), an average hire rate of 43.9 percent (BLS, 2025), and 10 minutes less time spent on regulatory familiarization at a loaded hourly wage rate for an occupational health and safety specialist of \$65.41, OSHA estimates that this deregulatory action would mean \$15,377 in cost savings annually.

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A third impacts scenario, one that is likely closer to the real-world environment for the retention and communication of safety and health information in most workplaces, would be the midpoint of the two extreme cases described above. Under this mid-range scenario, approximately half of affected establishments would retain staff whose complete knowledge of the rescinded standards would substitute for the familiarization time needed by the newly hired health and safety specialists. Viewed alternatively, under this mid-range scenario, all affected establishments retain veteran staff who can briefly inform the new safety and health specialist of the status of standards such as section 1917.21 in less time (roughly five minutes) than would be necessary in the absence of

institutional knowledge (ten minutes). OSHA estimates that this would result in cost savings of \$9,115 annually.

OSHA's estimate of cost savings may underestimate total cost savings if the elimination of the labor burden for regulatory familiarization extends to the avoidance of unnecessary safety training of employees.

OSHA requests public comment on this analysis of the cost savings for marine terminal and longshoring operations from the rescission of the standards addressing open fires in 29 CFR 1917.21. Specifically, OSHA seeks comments and data on the following questions:

1. How much do employers expect to save as a consequence of the rescission of requirements in the current standard?
2. How much familiarization time would employers who are new entrants to the market expect to save based on the revisions?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?
4. Are there any costs for employers that would result from this change that OSHA has not considered?

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OSHA reviewed this proposed rescission under the provisions of the Regulatory Flexibility Act. This rule eliminates a burdensome regulation. Therefore, OSHA preliminarily concludes that the rescission would not have a “significant economic impact on a substantial number of small entities,”

and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

VI. Additional Requirements

A. Requirements for States With OSHA-Approved State Plans

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The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or

opinions by or for an agency, regardless of form or format” (44 U.S.C.

3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320. This proposed rule would impose no new information collection requirements and does not affect the currently approved information collections in Marine Terminals (29 CFR pt. 1917) and Longshoring (29 CFR pt. 1918) (OMB Control Number 1218–0196). Accordingly, OMB approval is not required for this proposed rule.

C. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

¹ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

D. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor's NEPA procedures (29 CFR part 11). OSHA has preliminarily determined that this proposed rule will have no impact on the quality of the human environment.

E. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of requirements, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposed rule is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation” and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1917

Health, Longshore and harbor workers, Occupational safety and health.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); section 41 of the Longshore and Harbor Worker's Compensation Act (33 U.S.C. 941); Secretary of Labor's Order No. 8–2020 (85 FR 58383); and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1917 as follows:

PART 1917—MARINE TERMINALS

■ 1. The authority for part 1917 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

Sections 1917.28 and 1917.31 also issued under 5 U.S.C. 553.

Section 1917.29 also issued under 49 U.S.C. 1801–1819 and 5 U.S.C. 553.

Subpart B—Marine Terminal Operations

§ 1917.21 [Reserved]

■ 2. Remove and reserve § 1917.21.

* * * * *

[FR Doc. 2025–11627 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. OSHA–2025–0040]

RIN 1218–AD70

Construction Illumination

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of Proposed Rulemaking (NPRM); request for comments.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is proposing to rescind the construction illumination requirements, codified in 29 CFR 1926.26 and 1926.56.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0040, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the

instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0040). When uploading multiple attachments to [regulations.gov](https://www.regulations.gov), please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0040) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION: 29 CFR 1926.26 requires construction areas,

aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress to be lighted with either natural or artificial illumination. 29 CFR 1926.56 states that construction areas, ramps, runways, corridors, offices, shops, and storage areas must “be lighted to not less than the minimum illumination intensities listed” in a table. The table sets out minimum illumination intensities in foot candles for various areas of operation. 29 CFR 1926.56(a). For areas not covered by the table, the regulation directs employers to use the “American National Standard A11.1–1965, R1970, Practice for Industrial Lighting. 29 CFR 1926.56(b). The requirements of 29 CFR 1926.56 are incorporated by reference in 29 CFR 1926.800, Underground Construction, and 29 CFR 1926.1204, Permit-required confined space program. The incorporation by reference is noted in 29 CFR 1926.6(e)(4), Incorporation by Reference.

OSHA proposes rescinding sections 1926.26 and 1926.56 in their entirety and removing all cross-references to those sections. OSHA seeks all comment on that proposal. OSHA’s statutory authority for the proposed rescissions can be found in 40 U.S.C. 3704 and 29 U.S.C. 655 and 657.

OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee’s recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

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I. Executive Summary

The intent of this proposed rule is to remove from the Code of Federal Regulations OSHA’s Construction Illumination Standard, 29 CFR 1926.26 and 1926.56. OSHA’s Illumination Standard, 29 CFR 1926.26, requires that construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress are lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in Subpart D, 29

CFR 1926.56.¹ OSHA proposes to remove the Construction Illumination Standard because it has determined that the standard is not reasonably necessary or appropriate under section 3(8) of the OSH Act, 29 U.S.C. 652, because it does not reduce a significant risk to workers.

II. Pertinent Legal Authority

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651, *et seq.*) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act’s enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, *reasonably necessary or appropriate* to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8) (emphasis added)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act. To impose a safety or health standard “the Secretary is required to make a threshold finding that a place of employment is unsafe—in the sense that significant risks are present and can be eliminated or lessened by a change in practices.” *Indus. Union Dep’t, AFL–CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (“Benzene”). OSHA exercises significant discretion in carrying out its responsibilities under the Act. Indeed, “[a] number of terms of the statute give OSHA almost unlimited

discretion to devise means to achieve the congressionally mandated goal” of ensuring worker safety and health. *See* Lead I, 647 F.2d at 1230 (citation omitted). Thus, where OSHA has chosen some measures to address a significant risk over other measures, parties challenging the OSHA standard must “identify evidence that their [alternative] proposals would be feasible and generate more than a de minimis benefit to worker health.” *N. Am.’s Bldg. Trades Unions v. OSHA*, 878 F.3d 271, 282 (D.C. Cir. 2017).

OSHA standards must be both technologically and economically feasible. A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Pub. Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *United Steelworkers of Am.*, 647 F.2d 1189, 1272)). Because this proposed rule would remove existing OSHA requirements from the CFR, OSHA anticipates employers would have no technological issues complying with the rule. Accordingly, the agency finds that the proposed rule is technologically feasible for affected employers.

In determining economic feasibility, OSHA must consider the cost of compliance in an industry rather than on individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *United Steelworkers of Am.*, 647 F.2d at 1272)). OSHA has determined that this proposed rule is economically feasible because this action is deregulatory and imposes no additional costs.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); cf. 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

¹ These requirements are incorporated by reference in 29 CFR 1926.800, Underground Construction, and 29 CFR 1926.1204, Permit-required confined space program. They are also cross-referenced in an explanatory note to section 1926.967 of the Electric Power Transmission and Distribution Standard (*see* 29 CFR 1926.967(d) Note).

III. Explanation of the Proposed Rescission

In OSHA's judgment, the Construction Illumination Standard is not reasonably necessary or appropriate under section 3(8) of the OSH Act because it does not substantially reduce a significant risk to workers. The OSHA standard does not provide significant protection beyond what would exist without the standard because the hazard—lack of illumination—is obvious to employers and employees, as is the means to address it.

Because adequate illumination is important to performing work well, OSHA expects that employers would identify and correct working conditions where inadequate illumination exists, eliminating any potential risk. However, if employers do not identify and correct the working conditions on their own, OSHA may still issue citations for this hazard under the General Duty Clause of the OSH Act, 29 U.S.C. 654(a)(1) (employers “shall furnish to each of his employees employment and a place of employment which are free from recognized hazards which are causing or likely to cause death or serious physical harm”). A specific standard for illumination is not necessary because a lack of illumination is a prototypical “recognized hazard . . . likely to cause serious death or serious physical injury” under the General Duty Clause. Moreover, OSHA has cited the illumination standard only 79 times since October 1, 2012 (for comparison, OSHA issues approximately 7,000 citations a year for fall protection violations).

For these reasons, OSHA finds that the standard is neither necessary nor appropriate under section 3(8) of the OSH Act.

IV. Preliminary Economic Analysis

Executive Orders 12866 and 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1532(a)) require that OSHA estimate the benefits, costs, and net benefits of regulations, and analyze the impacts of certain rules that OSHA promulgates. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

This proposed rule is not a “significant regulatory action” under Executive Order 12866 or UMRA, or a “major rule” under the Congressional Review Act (5 U.S.C. 801 *et seq.*). Neither the benefits nor the costs of this proposed rule would exceed \$100 million in any given year. Furthermore,

as discussed below in Review Under the Regulatory Flexibility Act, because the proposed rule would not impose any costs, OSHA certifies that it would not have a significant economic impact on a substantial number of small entities.

For this analysis, OSHA considered the cost savings associated with no longer having to review these standards post-rescission. To estimate this annual cost savings, OSHA first estimated the number of establishments affected by these standards. The construction illumination standards impact all construction entities in the U.S. OSHA used 2022 County Business Patterns data (U.S. Census Bureau, 2024a) to represent the total number of establishments in the Construction sector. In total, there are 800,651 construction establishments as of 2022 (See OSHA, 2025, for a list of affected industries).

The proposed rescission of the standards addressing illumination will, among other things, eliminate the time necessary for new establishments and newly hired occupational health and safety specialists at existing establishments to familiarize themselves with the requirements of OSHA's Construction Illumination Standard, 29 CFR 1926.26 and 1926.56. Based on an average annual establishment entry rate of 10 percent (U.S. Census Bureau, 2024b), an average hire rate of 43.9 percent (BLS, 2025a) and 20 minutes less time spent on regulatory familiarization at a loaded hourly wage rate for a construction manager of \$81.49, OSHA estimates that this deregulatory action would mean about \$11.7 million in cost savings annually.

OSHA also estimated the impacts under an alternative scenario where only new entrants into the industry would be affected by the rescission of the illumination standards in construction. This scenario assumes that for non-entrant (*i.e.*, existing) establishments within an industry, the familiarization time saved for newly hired construction managers is negligible due to knowledge of the requirements in the illumination standards retained institutionally within the business entity by team leaders and other senior production staff. For this scenario, cost savings that result from rescinding the standards in construction addressing illumination would be \$2.2 million.

A third impacts scenario, one that is likely closer to the real-world environment for retention and communication of safety and health information in most workplaces, would be the midpoint of the two extreme cases described above. Under this mid-

range scenario, approximately half of affected establishments would retain staff whose complete knowledge of the rescinded standards would substitute for the familiarization time needed by the newly hired construction managers. Viewed alternatively, under this mid-range scenario, all affected establishments retain veteran staff who can briefly inform the new construction manager of the status of standards such as the illumination standards in less time (roughly ten minutes) than would be necessary in the absence of institutional knowledge (twenty minutes). OSHA estimates that this would result in cost savings of \$6.9 million annually.

OSHA's estimate of cost savings may underestimate total cost savings if the elimination of the labor burden for regulatory familiarization extends to the avoidance of unnecessary safety training of employees.

OSHA requests public comment on this preliminary analysis of the cost savings for employers affected by the rescission of the standards addressing illumination. Specifically, OSHA seeks comments and data on the following questions:

1. How much do employers expect to save as a consequence of the rescission of requirements in the current standard?
2. How much familiarization time would employers who are new entrants to the market be expected to save based on the revisions?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?
4. Are there any costs for employers that would result from this change that OSHA has not considered?

Sources

- Bureau of Labor Statistics (BLS). (2025b). Occupational Employment and Wage Statistics—May 2024 (Released April 2, 2025). Available at <https://www.bls.gov/oes/tables.htm> (Accessed April 11, 2025)
- Bureau of Labor Statistics (BLS). (2025c). Employer Costs for Employee Compensation—December 2024 (Released March 14, 2025). Available at https://www.bls.gov/news.release/archives/ecec_03142025.htm (Accessed April 18, 2025)
- Environmental Protection Agency (EPA). (2002). Revised Economic Analysis for the Amended Inventory Update Rule: Final report. August, 2002. Docket ID: EPA-HQ-OPPT-2002-0054-0260. Available at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2002-0054-0260> (Accessed January 28, 2015)
- Rice, C. (2002). Wage Rates for Economic Analysis of the Toxics Release Inventory Program. June 10, 2002
- U.S. Census Bureau. (2024a). County Business Patterns 2022 (Released June

27, 2024). Available at <https://www.census.gov/programs-surveys/chp.html> (Accessed July 17, 2024).

U.S. Census Bureau. (2024b). Business Dynamics Statistics. Available at https://bds.explorer.ces.census.gov/?xaxis-id=year&xaxis-selected=2018,2019,2020,2021,2022&group-id=none&measure-id=estabs_entry_rate&chart-type=bar (Accessed June 6, 2025).

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rescission under the provisions of the Regulatory Flexibility Act. This rule eliminates a burdensome regulation. Therefore, OSHA preliminarily concludes that the rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b). OSHA requests comment on this regulatory flexibility certification.

V. Additional Requirements

i. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 (“PRA”) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320. This proposed rule would impose no new information

collection requirements because it is a deregulatory action. Accordingly, OMB review under the PRA is not required.

ii. State Plans

Under section 18 of the OSH Act, 29 U.S.C. 651 *et seq.*, Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”²

When federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

iii. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed the proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). Under the Department’s NEPA regulations, the “[p]romulgation, modification or revocation of any [OSHA] safety standard” is categorically

² Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

excluded from the requirement to prepare an environmental assessment absent extraordinary circumstances indicating the potential for significant environmental effects (29 CFR 11.10(a)(1)). OSHA has preliminarily determined that no such extraordinary circumstances exist, and that this proposal would have no impact on the quality of the human environment.

iv. Other Statutory and Executive Order Considerations

OSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation.” This proposed rule is expected to be an Executive Order 14192 deregulatory action.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct

regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*), and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders.

VI. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); 5 U.S.C. 553; Secretary of Labor’s Order No. 8–2020 (85 FR 58383); and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

List of Subjects in 29 CFR Part 1926

Construction industry, Occupational Safety and Health, Lighting.

VII. Proposed Regulatory Text

Amendments

For the reasons set forth in the preamble, OSHA is proposing to amend 29 CFR part 1926 as follows:

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

■ 1. The authority citation for part 1926 continues to read in part as follows:

Authority: 40 U.S.C. 3704; 29 U.S.C. 653, 655, and 657; and Secretary of Labor’s Order

No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911, unless otherwise noted

Subpart A—General

■ 2. In § 1926.6, reserve paragraph (e)(4) to read as follows:

§ 1926.6 Incorporation by reference.

(e) * * *

(4) [Reserved]

* * * * *

Subpart C—General Safety and Health Provisions

■ 3. Section 1926.26 is removed and reserved to read as follows:

§ 1926.26 [Reserved]

* * * * *

Subpart D—Occupational Health and Environmental Controls

■ 4. Section 1926.56 is removed and reserved to read as follows:

§ 1926.56 [Reserved]

* * * * *

Subpart S—Underground Construction, Caissons, Cofferdams and Compressed Air

■ 5. Section 1926.800 is amended by revising paragraph (l) to read as follows:

§ 1926.800 Underground construction.

* * * * *

(l) Illumination. Only acceptable portable lighting equipment shall be used within 50 feet (15.24 m) of any underground heading during explosives handling.

* * * * *

Subpart V—Electric Power Transmission and Distribution

■ 6. Section 1926.967 is amended by removing the note to paragraph (d).

Subpart AA—Confined Spaces in Construction

■ 7. Section 1926.1204 is amended by revising paragraph (d)(5) to read as follows:

§ 1926.1204 Permit-required confined space program.

(d) * * *

(5) Lighting equipment that is approved for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present, and that is sufficient to enable employees to see well enough to work

safely and to exit the space quickly in an emergency;

* * * * *

[FR Doc. 2025–11645 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1975

[Docket No. OSHA–2025–0041]

RIN 1218–AD71

Occupational Safety and Health Standards; Interpretation of the General Duty Clause: Limitation for Inherently Risky Professional Activities

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: OSHA proposes to clarify its interpretation of the General Duty Clause, 29 U.S.C. 654(a)(1), to exclude from enforcement known hazards that are inherent and inseparable from the core nature of a professional activity or performance.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0041, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0041). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because <https://www.regulations.gov> will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA

cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA–2025–0041) is available at <https://www.regulations.gov>; the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: osha.dsg@dol.gov.

Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

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I. Background

Section 5(a)(1) of the Occupational Safety and Health Act (OSH Act)—commonly referred to as the General Duty Clause—requires that each employer furnish a workplace “free from recognized hazards that are causing or are likely to cause death or serious physical harm.” 29 U.S.C. 654(a)(1). This provision has historically functioned as an enforcement mechanism when no specific OSHA standard applies to a particular hazard.

In *SeaWorld of Florida, LLC v. Perez*, 748 F.3d 1202 (D.C. Cir. 2014), OSHA relied on the General Duty Clause to prohibit SeaWorld from exposing its trainers to the recognized hazard of close contact with orca whales during live performances. The D.C. Circuit upheld the citation, holding that SeaWorld was required to abate the hazard by requiring a barrier or minimum distance between trainers and orcas. *Id.* at 1215. But then-Judge Brett Kavanaugh dissented, arguing that the General Duty Clause does not authorize OSHA to regulate hazards arising from normal activities that are intrinsic to professional, athletic, or entertainment occupations. *Id.* at 1217 (Kavanaugh, J., dissenting).

In light of the issues raised in that dissent and subsequent developments in administrative and constitutional law, OSHA has reexamined its authority under Section 5(a)(1). The agency now preliminarily concurs with the dissent's concerns. This Notice of Proposed Rulemaking (NPRM) responds to those concerns and codifies the principle that the General Duty Clause does not authorize OSHA to prohibit, restrict, or penalize inherently risky activities that are intrinsic to professional, athletic, or entertainment occupations.

II. Discussion

Then-Judge Brett Kavanaugh's *SeaWorld* dissent argued that OSHA's attempt to regulate the inherent risks of SeaWorld's animal performances raised serious questions about the scope of the agency's delegated authority under the Occupational Safety and Health (OSH) Act. He concluded:

The Congress that enacted the Act in 1970 was certainly aware of the hazards in many popular sports such as football, baseball, ice hockey, and boxing. It was also well aware of the hazards in entertainment shows such as the circus. Yet . . . Congress did not in any way indicate or even hint that the Clause's vague terms encompassed an implicit grant of authority to the Department of Labor to regulate and re-make some undefined swath of America's sports and entertainment behemoth. In the real world, it is simply not plausible to assert that

Congress, when passing the Occupational Safety and Health Act, silently intended to authorize the Department of Labor to eliminate familiar sports and entertainment practices, such as punt returns in the NFL, speeding in NASCAR, or the whale show at SeaWorld. *See FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 160 (2000) (“[W]e are confident that Congress could not have intended to delegate a decision of such economic and political significance to an agency in so cryptic a fashion.”).

This reasoning presaged what has since become binding Supreme Court doctrine. In *National Federation of Independent Business v. OSHA*, 142 S. Ct. 661 (2022), the Supreme Court invalidated OSHA's vaccine-or-test mandate, holding that the agency had exceeded its statutory authority under the OSH Act. The Court emphasized that OSHA was asserting regulatory power over a question of vast “economic and political significance” without a clear congressional mandate.

This principle—now known as the major questions doctrine—requires that Congress speak clearly when authorizing an agency to decide issues of significant national consequence. The Court reaffirmed this doctrine in *West Virginia v. EPA*, 142 S. Ct. 2587 (2022), striking down EPA's Clean Power Plan, and *Biden v. Nebraska*, 600 U.S. 477 (2023), striking down the Department of Education's loan-forgiveness plan. As applied here, OSHA's use of the General Duty Clause to regulate professional activities that are inherently risky and central to entire sectors of the economy (e.g., professional sports, marine shows, stunt performance) and could implicate the major questions doctrine if that authority were broadly exercised. These are not ordinary workplace hazards, but policy-sensitive judgments with far-reaching consequences for culture, commerce, and individual liberty.

The General Duty Clause, enacted in 1970, contains no specific delegation or language suggesting that Congress intended OSHA to prohibit the core design of performances or sports through a general phrase like “recognized hazards.” OSHA acknowledges that regulating such activities under § 5(a)(1) could constitute an unlawful extension of authority absent a clear congressional directive.

Accordingly, in light of the Supreme Court's recent jurisprudence, OSHA believes it must reassess and appropriately narrow its interpretation of the General Duty Clause to remain within lawful bounds. This NPRM is intended to codify that understanding.

Proposed Section 1975.7(a) states that the General Duty Clause does not

authorize citations against employers for hazards arising from inherently risky activities that are integral to the essential function of a professional or performance-based occupation and the hazard cannot be eliminated without fundamentally altering the activity. Proposed Section 1975.7(b) contains a non-exhaustive list of sectors where this limitation may apply. The agency seeks public comment on whether and how the regulatory text could be revised to make it clearer or more specific. The agency also seeks public comments on, and asks the following questions in connection with, its proposed approach:

- (1) What are examples of workplace conditions in the industry sectors identified in Section 1975.7(b) that are inherently risky and integral to the essential function of a professional or performance-based occupation, where the hazard cannot be addressed without fundamentally altering the activity? Please provide information and data, including injury, illness, or fatality data, on why the hazard cannot be addressed without fundamentally altering the activity, and information and data on measures taken to protect employees from these hazards.
- (2) What are examples of workplace conditions in the industry sectors identified in Section 1975.7(b) that are inherently risky but either: (a) are not integral to the essential function of the occupation; or (b) the hazard can be addressed without fundamentally

- altering the activity? Please provide information and data, including injury, illness, or fatality data and information and data on measures taken to protect employees from these hazards.
- (3) Which professional and performance-based occupations perform inherently risky activities that are integral to the essential function of the occupation? Please provide information and data to support your response.
- (4) In its economic analysis, below, OSHA identifies industry sectors (identified by North American Industry Classification System (NAICS) code) and occupations (identified by Standard Occupation Classification (SOC) code) to which, it has preliminarily concluded, proposed section 1975.7 would apply. Are there any other potential industry sectors or occupations to which the proposed provision may apply? Please identify those industry sectors and occupations by description, as well as NAICS and SOC codes, as applicable, and include information and data about the nature of the risks in those industry sectors and occupations, how the hazards in those industry sectors and occupations arise from inherently risky activities that are integral to the essential function of a professional or performance-based occupation, and how these hazards cannot be addressed without fundamentally altering the activity.
- (5) Should OSHA consider limiting the application of this proposed rule to

only those industries identified in the regulatory text? If so, should the list of industries be expanded to reflect that it is exclusive rather than illustrative.

(6) OSHA did not define key terms in the regulatory text and welcomes comment on which terms could benefit from definition as well as potential definitions for such terms.

III. Economic Analysis

This proposed rule would provide that the General Duty Clause does not require employers to remove hazards arising from inherently risky employment activities, where: the activity is integral to the essential function of a professional or performance-based occupation; and the hazard cannot be eliminated without fundamentally altering or prohibiting the activity. This proposal would impose no new burden on employers and therefore OSHA has preliminarily concluded that there would be no additional costs imposed by the proposed rule. OSHA also preliminarily concludes that there would be cost savings associated with this proposed rule. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

The agency preliminarily concludes that the following arts and entertainment occupations would be affected by this proposed rule.

ENTERTAINERS AND PERFORMERS, SPORTS AND RELATED WORKERS
[SOC 27–2000]

Code	Title	Employees
27–2021	Athletes and Sports Competitors	14,370
27–2011	Actors	38,800
27–2031	Dancers	9,060
27–2042	Musicians and Singers	38,350
27–2099	Entertainers and Performers, Sports and Related Workers, All Other	15,040
		115,620

Source: BLS Occupational Employment and Wage Statistics (OEWS), May 2024. Accessed June 17, 2025.

However, in OSHA’s preliminary judgment, the vast majority of employees in these occupations are not engaged in the inherently risky employment activities that are within the scope of the proposed rule. Moreover, many employees in these occupations are engaged in employment activities that are covered by existing OSHA standards. Thus, OSHA preliminarily estimates that this proposal would affect one percent of employees in affected occupations, or about 1,100 employees who are entertainers and performers, sports and

related workers. This estimate does not include individuals who are independent contractors who are outside OSHA’s jurisdiction, nor does it include sole proprietorships with no employees.

OSHA also believes that this proposal would apply to employers in NAICS 71 Arts, Entertainment, and Recreation, who employ SOC 39–2000 Animal Care and Service Workers of which there are 22,120, employers in NAICS 71390 All Other Amusement and Recreation Industries who employ SOC 39–9032 Recreation Workers of which there are

26,900, employers in NAICS 611699 All Other Miscellaneous Schools and Instruction who employ SOC 25–3099 Teachers and Instructors, All Other of which there are 12,030, and employers in NAICS 51300 Publishing Industries who employ 27–3023 News Analysts, Reporters, and Journalists of which there are 15,880.¹ As with entertainers and performers, sports and related workers, employees engaged in the inherently risky employment activities

¹ All employment figures from BLS OEWS, May 2024. Accessed June 17, 2025.

that are within the scope of the proposed rule and whose activities are not covered by existing OSHA standards are likely to be only a very small minority of employees. For this group, OSHA estimates that 0.5 percent of employees, or 385 employees, in these occupations and NAICS industries are engaged in such activities. As with entertainers and performers, sports and related workers, this number does not include independent contractors, nor does it include sole proprietorships with no employees.

OSHA is unable to determine at this time precisely how many employers this would represent and must thus estimate this number. OSHA preliminarily concludes, based on agency judgment, that affected employers employ multiple employees who would be engaged in the inherently risky employment activities that are within the scope of the proposed rule and whose activities are not covered by existing OSHA standards. OSHA preliminarily estimates that each affected employer would have, on average, three employees that meet this definition, meaning that about 514 employers would be affected by this proposed rule. The agency also examines the potential cost savings if employers have one or ten employees affected by this proposal, below.

Given the inherent difficulty in determining the number of employers affected by this proposed standard, OSHA is also unable to precisely estimate the number of small employers who may be affected, and therefore must estimate this number as well. The size standards set by the Small Business Administration define small entities in NAICS 711 Performing Arts, Spectator Sports, and Related Industries at the six-digit NAICS level and based on revenue. For these industries, small entities are defined as those with revenues of less than between \$9 million and \$47 million, depending on the industry. Based on these definitions, OSHA estimates that about 97 percent of entities in the industries potentially affected by this proposal are small entities based on SBA definitions. This means that about 499 small employers might be affected by this proposed rule.

It is difficult to estimate the potential burden reduction from this proposed rule. Many General Duty Clause citations to employers who may employ employees in the previously mentioned occupations are for violations that do not involve inherently risky employment activities that are within the scope of the proposed rule (e.g., grounds maintenance employees exposed to hazardous machinery,

struck-by, or other physical hazards; employees exposed to hazards related to improper use of forklifts or employee transport vehicles like cargo vans or golf carts). Therefore, OSHA preliminarily assumes that this proposed rule might result in cost savings of \$1,000 annually per affected employer. Based on this estimate, the agency estimates this rule might result in cost savings of about \$514,000 annually, based on the assumption that 514 employers would be affected by this proposed rule (see above analysis).

The rule may also result in costs for rule familiarization. OSHA estimates that it would take 15 minutes for a manager to review this rule. This cost would only be incurred one time upon promulgation of the rule. OSHA estimates that the fully loaded wage for a manager (SOC code 11-0000) would be \$112.49 an hour (\$69.20 base wage² plus fringe benefits representing 31.3 percent of total compensation³ plus overhead representing 17 percent of base wages⁴). Based on this, OSHA estimates that there may be one-time familiarization costs of about \$14,500 for all affected employers. Adding this to the previously estimated cost savings yield potential total cost savings of about \$499,500 in the first year (or about \$3.8 million over ten years at a three percent discount rate).

Assuming only one employee who is engaged in the inherently risky employment activities that are within the scope of the proposed rule and whose activities are not covered by existing OSHA standards is employed by each affected employer, about 1,541 employers would be affected and cost savings would be about \$1.46 million annually (or about \$11.1 million over ten years at a three percent discount rate). Were employers to have, on average, ten employees who met this definition, this rule would affect 154 employers and result in about \$150,000 in annual savings (or about \$1.1 million over ten years at a three percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How many employees would this rule affect? In which industries are those employees employed?

2. How many employers are affected by this rule? In which industries are those employers?

3. How many affected employees are employed by each affected employer?

4. Based on the language of the proposal, are there other occupations and industries OSHA should include in this analysis?

5. OSHA welcomes information on data sources, trade associations representing the employers in potentially affected industries, or unions representing potentially affected employees who could offer OSHA assistance in refining the estimates in this analysis.

6. How much do employers expect to save based on this proposed rule?

7. Would this proposed rule impose any costs on employers that OSHA has not considered?

8. OSHA did not attempt to estimate benefits for this proposed rule. Are there any benefits that OSHA should attempt to quantify?

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed rule is a “significant regulatory action” under the criteria in section 3(f) of E.O. 12866. Accordingly, this proposed rule was submitted to OIRA for review under E.O. 12866.

² Based on BLS Occupational Employment and Wage Statistics, Cross-industry, Private Ownership Only, SOC occupation—Management Occupations (11-0000), available at <https://data.bls.gov/oes/#/home>. Accessed June 25, 2025.

³ Based on BLS’ Employer Costs for Employee Compensation data for December 2024.

⁴ Based on EPA’s Revised Economic Analysis for the Amended Inventory Update Rule: Final report. August, 2002. Docket ID: EPA-HQ-OPPT-2002-0054-0260.

OSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14192, "Unleashing Prosperity Through Deregulation."

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule proposes to eliminate burdensome regulations. Therefore, DOL initially concludes that the impacts of the rule would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. DOL will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This proposed rule would impose no new information or record-keeping requirements. (44 U.S.C. 3501 *et seq.*)

D. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform," imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104-4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a "significant intergovernmental

mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this proposed rule according to UMRA and its statement of policy and determined that the rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105-277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 18, 1988), DOL has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this proposed rule under the OMB guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Requirements for States With OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the

development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”⁵ Once approved, State Plans have an ongoing obligation to maintain an occupational safety and health program that is at least as effective as Federal OSHA’s program (*see* 29 CFR 1953.1(b)).

When Federal OSHA makes a significant change to the Federal program that would have an adverse impact on the “at least as effective” status of the State program if a parallel State program modification were not made, State adoption of a change in response to the Federal program change is required (29 CFR 1953.4(b)(1)). However, a change to the Federal program that would not result in any diminution of the effectiveness of a State Plan compared to Federal OSHA generally would not require adoption by the State (29 CFR 1953.4(b)(1)). OSHA has preliminarily determined this proposed rule would not result in any diminution of the effectiveness of a State Plan compared to Federal OSHA, and therefore State Plans are not required to amend their program. OSHA seeks comment on this assessment of its proposal.

K. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor’s NEPA procedures (29 CFR part 11). OSHA has preliminarily determined that this proposed rule will have no impact on the quality of the human environment.

L. Review Under Additional Executive Orders and Presidential Memoranda

This proposed rule is expected to be an Executive Order 14192 deregulatory action. It also implements Presidential

Memorandum *Directing the Repeal of Unlawful Regulations*, dated April 9, 2025.

OSHA has considered its obligations under the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these executive orders.

List of Subjects in 29 CFR 1975

Occupational safety and health.

V. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 2, 3, 4, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, 652, 653, and 657); 5 U.S.C. 552; and Secretary of Labor’s Order No. 8–2020 (85 FR 58383).

Signed at Washington, DC, on June 26, 2025.

Amanda Laihow,
Acting Assistant Secretary of Labor for Occupational Safety and Health.

VI. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA proposes to amend 29 CFR part 1975 as follows:

PART 1975—COVERAGE OF EMPLOYERS UNDER THE WILLIAMS–STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

■ 1. The authority citation for part 1975 is revised to read as follows:

Authority: Secs. 2, 3, 4, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 651, 652, 653, 657); Secretary of Labor’s Order No. 12–71 (36 FR 8754) or 8–2020 (85 FR 58383), as applicable. Section 1975.7 also issued under 5 U.S.C. 552.

■ 2. Add § 1975.7 to read as follows:

§ 1975.7 Application of the General Duty Clause to Inherently Risky Professional Activities.

(a) The General Duty Clause does not require employers to remove hazards arising from inherently risky employment activities, where:

(1) the activity is integral to the essential function of a professional or performance-based occupation; and

(2) the hazard cannot be eliminated without fundamentally altering or prohibiting the activity; and

(3) the employer has made reasonable efforts that do not alter the nature of the activity to control the hazard (*e.g.*, through engineering controls, administrative controls, personal protective equipment).

(b) Such sectors may include, but are not limited to:

(1) Live entertainment and performing arts;

(2) Animal handling and performance;

(3) Professional and extreme sports;

(4) Motorsports and high-risk recreation;

(5) Tactical, defense, and combat simulation training; and

(6) Hazard-based media and journalism activities.

[FR Doc. 2025–12236 Filed 6–30–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR part 47

[Docket No. MSHA–2025–0077]

RIN 1219–AC08

Improving and Eliminating Regulations; Hazardous Communication

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to revise 30 CFR part 47 to allow electronic access to all Hazard Communication (HazCom) materials at no cost to miners. This change would ensure miners have access to information about the chemical hazards where they work while reducing paperwork burdens for operators.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC08 or Docket No. MSHA–2025–0077. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change,

⁵ Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219-AC08 or Docket No. MSHA-2025-0077, by any of the following methods:

1. *Federal E-Rulemaking Portal*: <https://www.regulations.gov>. Follow the online instructions for submitting comments.

2. *Email*: zzMSHA-comments@dol.gov. Include “RIN 1219-AC08” in the subject line of the message.

3. *Regular Mail or Hand Delivery*: MSHA, Office of Standards, Regulations, and Variances, 200 Constitution Avenue NW, Room C3522, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment. No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202-693-9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

MSHA is proposing to remove existing provisions from title 30 of the Code of Federal Regulations (30 CFR). The existing MSHA standard in 30 CFR 47.71, requires mine operators, upon request, to provide access to all hazard communication (HazCom) materials required by part 47 to the miners and designated representative. The existing standard in § 47.72 requires operators to provide the first copy of each revision of the hazard communication materials without a cost to the miners, and all fees for subsequent copies of materials to be non-discriminatory and reasonable. Amending these provisions would not reduce protections afforded to miners.

The proposed changes would decrease paperwork burdens on mine operators while also maintaining the current protections miners receive by accessing information on hazardous chemicals.

II. Discussion

MSHA proposes to revise § 47.71 to allow mine operators to make HazCom materials available to miners electronically, without cost to miners. Under the Agency’s proposed revision, a new paragraph (a) would be added to allow operators to choose to make HazCom materials available either electronically or as hard copies in paper form. The language in proposed paragraph (a) is substantially similar to the existing language in this section

with the addition of allowing electronic access. This is a change from existing § 47.71 which requires operators to provide hard copies of HazCom materials. Section 47.71 would be further revised by adding a new paragraph (b) which would, if the operator chooses, make HazCom material available as hard copies and require the operator to provide the first copy and each revision of the HazCom material without cost. Paragraph (b) would also allow operators to charge fees that are non-discriminatory and reasonable for subsequent hard copies of HazCom material. This proposed addition to existing § 47.71 is substantially similar to the language in existing § 47.72. As a result of the proposed revisions and additions to § 47.71, MSHA proposes to remove § 47.72 as it would no longer be necessary.

The proposed changes would decrease paperwork burdens on mine operators while also maintaining the current protections miners receive by accessing information on hazardous chemicals. These actions reflect MSHA’s experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comment on any aspect of this proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing

information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

- (1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);
- (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Background

The proposed regulations would allow all mine operators to provide electronic access to HazCom materials to miners and designated representatives, at their request. The existing standard in 30 CFR 47.72 requires operators to provide the first copy of each revision of the hazard communication materials without a cost to the miners. The proposed changes would decrease paperwork burdens on mine operators while also maintaining the current protections miners receive by accessing information on hazardous chemicals.

On average, each year there are 12,529 mine operations and mining contractors that employ 138,586 miners affected by

this proposed rule. All estimated figures are expressed in 2024 dollars.

Benefits

This proposed rule would allow mine operators to provide electronic access to HazCom materials to the miners and designated representatives. The proposal would provide miners and their designated representatives easy access to information about chemical hazards and the measures they can take to protect themselves from these hazards. Electronic copies (instead of paper copies) would reduce the time needed to access HazCom materials and increase efficiency in mine operations, without diminishing safety in underground mines.

Costs Savings

The Agency estimates that each year there are an average of 12,529 mine operations and mining contractors that employ 138,586 miners, that would be affected by this proposed rule. MSHA assumes that approximately 2 percent of these miners (including their designated representatives) request HazCom information each year, meaning there are 2,772 copies being provided to miners. MSHA estimates that, under this proposed rule, 75 percent of these requested copies, or 2,079, would be provided electronically.

MSHA used data from the May 2024 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates¹ and adjusted the

rates for benefits,² wage inflation,³ and overhead costs.⁴

The total cost savings associated with this proposed rule would result from allowing mine operators to provide electronic copies of HazCom materials, instead of hard copies. The cost savings include:

1. Providing Copies of HazCom Materials to Miners

On average, MSHA estimates that it takes a clerk, earning \$45.33 per hour, 12 minutes to prepare a physical copy in response to a request for HazCom information, while the time needed to provide an electronic copy is deemed de minimis. Under the proposed rule, mine operators' annual time burden would be reduced by 416 hours, creating a cost saving of \$18,848.⁵

2. Printing Copies of HazCom Materials

Additionally, there are cost savings from reduced materials costs to the mine operator or contractor if electronic and not printed copies are provided. On average, each HazCom safety data sheet set is 20 pages. Assuming printing costs are \$0.15 per page, MSHA estimates that mine operators and contractors would save \$6,237⁶ in printing costs annually.

Summary

The total compliance cost that would have been incurred during the 10-year

² The benefit multiplier comes from BLS Employer Costs for Employee Compensation accessed by menu at <http://data.bls.gov/cgi-bin/srgate> or directly at <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. Insert the data series CMU2030000405000D and CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, which is divided by 100 to convert to a decimal value. MSHA uses the latest 4-quarter moving average 2024Q1–2024Q4 to determine that 31.2 percent of total loaded wages are benefits. MSHA computes the benefit multiplier with a number of detailed calculations, but it may be approximated with the formula $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$. The benefit multiplier is $1.453 = 1 + (0.312 / (1 - 0.312))$.

³ Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (<https://data.bls.gov/cgi-bin/srgate>; Inflation Multiplier = (Current Quarter Cost Index Value/OEWS Wage Base Quarter Index Value). The inflation multiplier is determined by using the employment price index from the most current quarter, 2024Q4, divided by the base year and quarter of the OEWS employment and wage statistics, 2024Q2. The inflation multiplier is $1.022 = 166.7/163.1$.

⁴ MSHA uses an overhead rate of 17 percent. This overhead rate is based on a 2002 EPA report by Cody Rice, "Wage Rates for Economic Analysis of the Toxics Release Inventory Program", available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0387-0064>.

⁵ \$18,848 = 2,079 hard copies that are now electronic $\times$ 0.2 hours per copy $\times$ \$45.33 per hour.

⁶ \$6,237 = 2,079 hard copies that are now electronic $\times$ 20 pages per copy $\times$ \$0.15 per page.

analysis period is \$0.25 million, undiscounted. For this proposed rule, the Agency estimates that the annualized cost saving across the three discount rates of 0 percent, 3 percent, and 7 percent would be \$25,085.

Significant Rules

Under section 6(a) of E.O. 12866, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit significant regulatory actions to OIRA for review. Under this proposed rule, mine operators are required to provide miners and designated representatives with access to HazCom material electronically or in hardcopy. The annualized cost saving of \$25,085 is far below the threshold of \$100 million put forth in E.O. 12866. This proposed rule is determined to not constitute a "significant regulatory action" because it does not meet any of the four "significant regulatory action" criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analyses (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations.

MSHA initially concludes that the impacts of this proposed rule would not have a 'significant economic impact on a substantial number of small entities,' and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

¹ To obtain OEWS data, follow BLS's directions in its Frequently Asked Questions: "E. How to get OEWS data. 4. What are the different ways to obtain OEWS estimates from this website?" at https://www.bls.gov/oes/oes_ques.htm.

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government's collection, use, and dissemination of information. The goals of the PRA include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring "a collection of information" from the public.

This proposed rule does not create new information collections, but results in substantive changes to one currently approved information collection request under OMB Control Number 1219–0133 titled "Hazard Communication." The currently approved information collection request covers requirements in 30 CFR 47.71 and 47.72, which mandate mine operators and contractors provide all HazCom materials to miners and their designated representatives upon request, without cost to miners.

Under this proposed rule, MSHA amends 30 CFR 47.71 and 47.72 to allow mine operators and contractors to make HazCom information available to miners electronically. This proposed change would decrease paperwork burden and cost to mine operators and contractors when providing miners with copies of HazCom information, while maintaining protection for miners from hazardous chemicals. MSHA proposes to revise the supporting statement for the information collection request 1219–0133 to reflect these changes and seek public comment on these changes.

Type of Review: Substantive Change to currently approved information collection.

OMB Control Number: 1219–0133.

Title: Hazard Communication.

Description of the ICR:

Background

Under 30 CFR 47.71 and 47.72, MSHA's standards require mine operators to provide information to miners concerning chemical hazards by means of a written HazCom program including a list of all hazardous chemicals.

MSHA estimates that there are 15,021 mining operations impacted by this information collection, of which 1,913 are coal mine operations and 13,108 are MNM mine operations. Among 15,021 coal and MNM mines, there are 12,235 mines with 1 to 19 employees and 2,786 mines employed 20 or more workers.

Summary of Changes

This substantive change request will change the supporting statement for this information collection request due to a modification in the recordkeeping requirements in 30 CFR 47.71 and 47.72. The existing standards require contractors and operators to provide, upon request, access to all HazCom materials required by part 47 to miners and designated representatives. The first copy and each revision of the HazCom material must be provided without cost. Operators and contractors may charge fees for subsequent copies of the HazCom material if the fees are non-discriminatory and reasonable. The proposed revisions would allow mine operators to provide HazCom materials to miners and their designated representatives in both electronic and physical form. This change does not modify the authority or number of affected mine operators and contractors, but it decreases the paperwork burden and costs associated with providing copies of HazCom materials to miners as captured by this information collection request.

The number of respondents, frequency of response, annual hour burden, and recordkeeping cost are described in this section.

1–1. Developing New HazCom Programs (30 CFR 47.31(a) and 47.32)

Under 30 CFR 47.31(a), operators must develop and implement written HazCom programs for as long as a hazardous chemical is known to be at the mine. 30 CFR 47.32(a) requires programs to include hazard determination, labels and other forms of warning, MSDSs, and miner training. Under 30 CFR 47.32(b), operators must have a list or other records identifying all hazardous chemicals known to be at the mine. The list must use a chemical identity that permits cross-referencing between the list, a chemical's label, and its MSDS; and be compiled for the whole mine or by individual work areas.

All new mine operators are required to develop HazCom programs under this provision. MSHA estimates that 518 new operations that employ between 1 to 19 employees and 22 operations that employ 20 or more employees will need develop new HazCom programs annually.

On average, the estimated time to develop a HazCom program is 8 hours of a mining supervisor's time and 4 hours of a clerical worker's time for operations that employ between 1 to 19 employees, and 16 hours of a mining supervisor's time and 8 hours of a

clerical worker's time for operations that employ 20 or more employees.

MSHA estimates that it takes a mining supervisor, earning \$82.31 per hour, 8 hours for operations employing between 1 to 19 employees and 16 hours for operations with 20 or more employees to develop a HazCom program. MSHA estimates that it takes a clerk, earning \$45.33 per hour, 4 hours for operations employing between 1 to 19 employees and 8 hours for operations with 20 or more employees to record and file to a new HazCom program.

Additionally, mine operators need to mail the new HazCom programs to MSHA. Material costs, copying, and distribution for developing the HazCom program are estimated to be \$2.40 per operation for that employ between 1 to 19 employees and \$4 per operation that employing 20 or more employees.

The proposed rule does not impact this information collection cost. The number of annual respondents is 540, the number of annual responses is 540, the annual burden hours is 6,744, and the annual recordkeeping cost to respondents is \$1,331 to develop new HazCom programs.

1–2. Updating Existing HazCom Programs (30 CFR 47.31(b) and 47.32)

Under 30 CFR 47.31(b), operators are required to maintain written HazCom programs for as long as a hazardous chemical is known to be at the mine. Under 30 CFR 47.32(a), programs must include hazard determination, labels and other forms of warning, MSDSs, and miner training. Mine operators (which includes contractors) working on mine property periodically need to update their HazCom programs including creating lists of all hazardous chemicals. Under 30 CFR 47.31(c), operators must share relevant HazCom information with other on-site operators whose miners can be affected.

MSHA estimates that there are 12,235 mining operations that employ between 1 to 19 employees and 2,786 mining operations that employ 20 or more employees. MSHA estimates that every mine will update their HazCom programs at least annually.

MSHA estimates that it takes a mining supervisor, earning \$82.31 per hour, 1 hour for operations employing 1 to 19 employees and 2 hours for operations with 20 or more employees to update an existing HazCom program. MSHA estimates that it takes a clerk, earning \$45.33 per hour, 30 minutes for operations employing between 1 to 19 employees and 1 hour for operations with 20 or more employees to record and file updates to an existing HazCom program.

The proposed rule does not impact this information collection cost. The number of annual respondents is 15,021, the number of annual responses is 15,021, the annual burden hours is 26,711, and the annual recordkeeping cost to respondents is \$0 to update existing HazCom programs.

1–3. Recordkeeping HazCom Training (30 CFR 47.32(a)(4))

Under 30 CFR 47.32(a)(4), miner must complete training for the HazCom program. Mine operators need time to manage and administer HazCom training programs each year. The administrative time requirements include preparing, copying, distributing, and maintaining training certificates, transcripts, maintaining the list of hazardous chemicals known at the mine, and other associated records. MSHA estimates that 12,235 mining operations that employ between 1 to 19 employees and 2,786 mining operations that employ 20 or more employees will need to administer HazCom training programs annually.

MSHA estimates that it takes a mining supervisors, earning \$82.31 per hour, 15 minutes for operations employing between 1 to 19 employees and 30 minutes for operations with 20 or more employees to update any changes to and certify that miners have received HazCom training. MSHA estimates that it takes a clerk, earning \$45.33 per hour, 30 minutes for operations employing between 1 to 19 employees and 1 hour for operations with 20 or more employees to record and file and update records of HazCom training. The proposed rule does not impact this information collection cost. The number of annual respondents is 15,021, the number of annual responses is 15,021, the annual burden hours is 13,355, and the annual recordkeeping cost to respondents is \$0 to make records of HazCom training.

2. Labeling Containers (30 CFR 47.41, 47.43, and 47.44)

Under 30 CFR 47.41(a), operators are required to ensure that each container of a hazardous chemical has a label. Under 30 CFR 47.41(b), for each hazardous chemical produced at the mine, operators must prepare a container label and update this label with any significant, new information about the chemical's hazards within 3 months of becoming aware of this information. Under 30 CFR 47.41(c), for each hazardous chemical brought to the mine, operators must replace an outdated label when a revised label is received from the chemical's manufacturer or supplier.

Under 30 CFR 47.43, operators are allowed to use signs, placards, process sheets, batch tickets, operating procedures, or other label alternatives for individual, stationary process containers provided that the alternative identifies the container to which it applies, communicates the same information as required on the label, and is readily available throughout each work shift to miners in the work area.

Under 30 CFR 47.44, operators need to label temporary, portable containers if miners using the portable container do not know what is in the container or if the container is not empty at the end of the shift.

Mine operators are required to ensure that all containers of hazardous chemicals are appropriately labeled. MSHA estimates that 12,235 mining operations that employ between 1 to 19 employees and 2,786 mining operations that employ 20 or more employees will need to label containers annually as well as revise and update them.

On average, there are 5 containers, on-site, at mining operations that employ between 1 to 19 employees, and 62 containers, on-site, at mining operations that employ 20 or more employees. MSHA estimates that 50 percent of the containers at mining operations employing between 1 to 19 employees and 33 percent of the containers at operations employing 20 or more employees will need new or updated labeling. This leads to 30,588 labels ($=12,235 \text{ mines} \times 5 \text{ containers} \times 50\%$) at mining operations employing between 1 to 19 employees, and 57,002 labels ($=2,786 \text{ mines} \times 62 \text{ containers} \times 33\%$) at mining operations employing 20 or more employees.

For all operations, MSHA estimates it takes a mining supervisor, earning \$82.31 per hour, 12 minutes to verify or fill-out the label information and apply it to a container.

MSHA estimate that at mines with 1–19 employees, 50 percent of containers will need new labels created, and mines with 20 or more employees, thirty-three percent of containers will need new labels created. This leads to 7,563 labels ($=3,025 \text{ mines} \times 5 \text{ containers} \times 50\%$) to be printed at mining operations employing between 1 to 19 employees, and 16,839 labels ($=823 \text{ mines} \times 62 \text{ containers} \times 33\%$) mining operations employing 20 or more employees.

Material costs for labeling are estimated to be \$0.10 per container labeled and do not differ for an initial label or a label update. These material costs include copying costs (including any special copy media such as plasticized or weather-proof material) and distribution costs.

The proposed rule does not impact this information collection cost. The number of annual respondents is 15,021, the number of annual responses is 87,590, the annual burden hours is 17,518, and the annual recordkeeping cost to respondents is \$2,440 to make records of HazCom training.

3–1. Developing New MSDS (30 CFR 47.51(a) and 47.53)

Under 30 CFR 47.51(a), operators must develop a Material Safety Data Sheet (MSDS) for each hazardous chemical which they produce or use. If the mine produces or uses hazardous waste, under 30 CFR 47.53, operators must provide potentially exposed miners and designated representatives access to available information for the hazardous waste that identifies its hazardous chemical components, describes its physical or health hazards, or specifies appropriate protective measures.

Mine operators must create an MSDS for each hazardous chemical produced at a new mine site. MSHA estimates that 518 mining operations employing between 1 to 19 employees and 22 mining operations employing 20 or more employees will begin producing chemicals annually.

On average, MSHA estimates that operations that employ between 1 to 19 employees create, annually, one new chemical; and operations that employ 20 or more employees create, annually, four new chemicals. MSHA estimates that it takes a mining supervisor, earning \$82.31 per hour, 2 hours to develop an MSDS and a clerical worker, earning \$45.33 per hour, 1 hour to prepare the sheet. Material costs for developing MSDS are estimated to be \$2 per MSDS. Materials costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs.

The proposed rule does not impact this information collection cost. The number of annual respondents is 540, the number of annual responses is 606, the annual burden hours is 1,818, and the annual recordkeeping cost to respondents is \$1,212 to develop new MSDS.

3–2. Updating MSDS (30 CFR 47.51(c))

Although operators are not responsible for an inaccurate MSDS obtained from the chemical's manufacturer, supplier, or other source, under 30 CFR 47.51(c) operators are required to replace an outdated MSDS upon receipt of an updated revision and obtain an accurate MSDS as soon as

possible after becoming aware of an inaccuracy.

MSHA estimates that 12,235 mining operations employing between 1 to 19 employees and 2,786 mining operations employing 20 or more employees will need to update MSDS for the chemicals they produce or use at the mine annually.

MSHA estimates that 25 percent of mines with 1 to 19 employees that and 75 percent of mines with 20 or more employees will need to update for chemicals produced at the mine site.

On average, MSHA estimates that it takes a mining supervisor, earning \$82.31 per hour, 1 hour and a clerk, earning \$45.33 per hour, 30 minutes to update an MSDS.

MSHA estimates that 6,196 mining operations employing between 1 to 19 employees and 1,306 mining operations employing 20 or more employees will need to update MSDS annually using physical copies as opposed to electronic versions. Material costs for updating MSDS are estimated to be \$1 per MSDS. The material costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs.

The proposed rule does not impact this information collection cost. The number of annual respondents is 15,021, the number of annual responses is 5,149, the annual burden hours is 7,724, and the annual recordkeeping cost to respondents is \$2,529 to update MSDS.

3-3. Providing Hazardous Waste Information to Miners (30 CFR 47.53)

If the mine produces or uses hazardous waste, under 30 CFR 47.53, operators must provide potentially exposed miners and designated representatives access to available information that identifies the hazardous chemical components for the hazardous waste, describes its physical or health hazards, or specifies appropriate protective measures. The burden for this is de minimis.

The proposed rule does not impact this information collection cost. The number of annual respondents is 15,021, the number of annual responses is 0, the annual burden hours is 0, and the annual recordkeeping cost to respondents is \$0 to provide hazardous waste information to miners.

3-4. Providing MSDS Copies to Miners (30 CFR 47.54)

Under 30 CFR 47.54, operators must have copies of MSDS for all hazardous chemicals present at the mine and to maintain availability of those MSDS for all affected miners. OSHA and other

federal and state regulatory agencies require chemical manufacturers to supply one or more copies of applicable MSDS on purchase and delivery of their products.

Therefore, MSHA has determined that there is no additional burden to operators that has not been addressed by the requirements to develop, update, and maintain a HazCom Program.

The proposed rule does not impact this information collection cost. The number of annual respondents is 15,021, the number of annual responses is 0, the annual burden hours is 0, and the annual recordkeeping cost to respondents is \$0 to provide hazardous waste information to miners.

Under 30 CFR 47.55(a), operators must retain its MSDS for as long as the hazardous chemical is known to be at the mine. Part of retaining a mine's MSDS. MSHA also estimates that the cost burden of maintaining a mine's MSDS differs between mines with internet access versus without.

3-5A. Maintaining MSDS With Internet (30 CFR 47.55(a))

MSHA estimates that 11,272 mining operations will need to maintain MSDS annually through internet. In addition, MSHA estimates that it takes a clerk, earning \$45.33 per hour, 3 minutes to maintain the MSDS.

The proposed rule does not impact this information collection cost. The number of annual respondents is 11,272, the number of annual responses is 11,272, the annual burden hours is 564, and the annual recordkeeping cost to respondents is \$0 to maintain MSDS with internet.

3-5B. Maintaining MSDS Without Internet (30 CFR 47.55(a))

With respect to mining operations without internet access, MSHA estimates that 3,680 operations employing between 1 to 19 employees and 69 operations employing 20 or more employees will need to maintain MSDS annually without internet. On average, the MSHA estimates there are 40 MSDS per mining operation that employs between 1 to 19 employees and 70 MSDS per operation that employs 20 or more employees that need maintenance.

For all mining operations without internet access in all mine size categories, MSHA estimates that it takes a clerk, earning \$45.33 per hour, 3 minutes to maintain the MSDS.

The proposed rule does not impact this information collection cost. The number of annual respondents is 3,749, the number of annual responses is 152,030, the annual burden hours is 7,602, and the annual recordkeeping

cost to respondents is \$0 to maintain MSDS without internet.

3-6. Removing MSDS (30 CFR 47.55(b))

Under 30 CFR 47.55(b), operators are required to notify miners at least 3 months before disposing of the MSDS.

MSHA assumes that only some operators without internet access will remove MSDS every year. Operations with internet access are assumed to retain all the MSDS in their electronic database and any burden for that is de minimis.

With respect to mining operations without internet access, MSHA estimates that 1,272 operations that employ between 1 to 19 employees will prepare, on average, 10 MSDS removal announcements annually. In addition, MSHA estimates that 24 operations employing 20 or more employees will prepare, on average, 18 MSDS removal announcements annually.

For all operations without internet access in all size categories, MSHA estimates that it takes a mining supervisor, earning \$82.31 per hour, 3 minutes to remove the MSDS.

The proposed rule does not impact this information collection cost. The number of annual respondents is 1,296, the number of annual responses is 13,152, the annual burden hours is 658, and the annual recordkeeping cost to respondents is \$0 to remove MSDS.

4. Making HazCom Available (30 CFR 47.71)

Under 30 CFR 47.71, operations must provide the first copy and each revision of the HazCom material without cost to miners and designated representatives.

MSHA estimates that 10,563 mining operations employing between 1 to 19 employees, 1,966 mining operations employing 20 or more employees will need to provide copies of HazCom information to employees that request them annually. MSHA estimates that 2 percent of miners (including designated representatives) will request such information. The average numbers of miners per operation are as follows: 4 miners per mining operation employing between 1 to 19 employees; 49 miners per mining operation employing 20 or more employees. This results in on average 845 requests ($=10,563 \text{ mins} \times 4 \text{ miners} \times 2\%$) per mining operation employing between 1 to 19 employees and 1,927 requests ($=1,966 \text{ mines} \times 49 \text{ miners} \times 2\%$) per mining operation employing 20 or more employees, for a total of 2,772 requests annually.

Under the proposed rule mine operators will be able to provide electronic copies of the HazCom to miners instead of physical copies.

MSHA assumes that 75 percent of the 2,772 requests (2,079 requests) will receive electronic copies due to the proposed rule. MSHA assumes that the cost to mine operators to provide these electronic copies is *de minimis*. For the 693 requests that will receive physical copies, MSHA assumes that it takes a clerk, earning \$45.33 per hour, 12 minutes to process each physical HazCom information request.

Photocopy costs are estimated to be \$3 per request while the copies that are provided electronically don't incur any additional costs.

This proposed rule would result in a reduction of information collection cost. The number of annual respondents remains unchanged at 12,529, the number of annual responses decreases from 2,772 to 693, the annual burden hour decreases from 555 to 139 hours, and the annual recordkeeping cost to respondents decreases from \$8,316 to \$2,079 to make HazCom available.

5. Providing Copies of Label Information and MSDS to Customers (30 CFR 47.73)

For a hazardous chemical produced at the mine, under 30 CFR 47.73, operators must provide customers, upon request, with the chemical's label or a copy of the label information, and the chemical's MSDS.

MSHA estimates that 10,714 operations that employ between 1 to 19 employees and 1,966 mining operations that employ 20 or more employees need to provide copies of HazCom labeling information and MSDS to customers annually.

On average, MSHA estimates 22 customers make requests per operation employing between 1 to 19 employees, and 42 customers per operation employing 20 or more employees. MSHA assumes there will be 58,927, for mines with 1 to 19 employees, and 20,643, for mines with 20 or more employees, requests for physical HazCom copies.

On average, MSHA estimates that it takes a clerk, earning \$45.33 per hour, 12 minutes to copy and distribute HazCom labeling information or MSDS to a customer. Photocopy costs are estimated to be \$0.60 per request.

The proposed rule does not impact this information collection cost. The number of annual respondents is 12,680, the number of annual responses is 318,280, the annual burden hours is 63,656 and the annual recordkeeping cost to respondents is \$47,742 to provide copies of label information and MSDS to customers.

6. Withholding Trade Secrets (30 CFR 47.81, 47.82, and 47.84)

Under 30 CFR 47.81, operators are allowed to withhold the identity of a trade secret chemical, including the name and other specific identification, from the written list of hazardous chemicals, the label, and the MSDS, provided that operators can support the claim that the chemical's identity is a trade secret, identifies the chemical in a way that it can be referred to without disclosing the secret, indicates in the MSDS that the chemical's identity is withheld as a trade secret, and discloses in the MSDS information on the properties and effects of the hazardous chemical.

Under 30 CFR 47.82, operators must make the chemical's identity available to miners, the miner's designated representatives, and health professionals in accordance with the provisions listed in 30 CFR 47.84.

MSHA is aware that most operators produce single substances that are not proprietary. Furthermore, there are few if any requests to mines to withhold or disclose trade secrets. MSHA assumes the burden for this is *de minimis*.

The proposed rule does not impact this information collection cost. The number of annual respondents is 0, the number of annual responses is 0, the annual burden hours is 0, and the annual recordkeeping cost to respondents is \$0 for withholding trade secrets.

7. Denying Requests To Disclose Trade Secrets (30 CFR 47.86)

Under 30 CFR 47.86(a), operators can deny a request to disclose the identity of trade secret chemicals.

MSHA is aware that most operators produce single substances that are not proprietary. Furthermore, there are few if any denials to disclose trade secrets by mine operators. MSHA assumes the burden for this is *de minimis*.

The proposed rule does not impact this information collection cost. The number of annual respondents is 0, the number of annual responses is 0, the annual burden hours is 0, and the annual recordkeeping cost to respondents is \$0 to deny a request to disclose trade secrets.

8. Submitting to MSHA To Appeal Denial of Request To Disclose Trade Secrets (30 CFR 47.87)

Under 30 CFR 47.87(a), the health professional, miner, or designated representative may refer the written denial to MSHA for review.

Since MSHA assumes there are no requests for mines to disclose trade

secrets there would be no denials to disclose this information or appeals. MSHA thus assumes that the burden for this is *de minimis*.

The proposed rule does not impact this information collection cost. The number of annual respondents is 0, the number of annual responses is 0, the annual burden hours is 0, and the annual recordkeeping cost to respondents is \$0 to appeal a denial of a request to disclose trade secrets.

Summary of the Collection of Information

Under the proposed rule, the estimated number of responses, burden hours and recordkeeping costs to respondents would decrease from the currently approved information collection request. The reduction in information collection cost comes from making HazCom available electronically.

Affected Public: Businesses or For-Profit.

Estimated Number of Respondents: 15,021 (0 from this proposed rule).

Frequency: On occasion.

Estimated Number of Responses: 619,354 (– 2,079 from this proposed rule).

Estimated Number of Burden Hours: 146,487 (– 416 from this proposed rule).

Estimated Recordkeeping Costs to Respondents: \$57,333 (– \$6,237 from this proposed rule).

D. Review Under Executive Order 13132

E.O. 13132, "Federalism" 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of

new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996) imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing

any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 47

Chemicals, Hazardous substances, Labeling, Mine safety and health, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

PART 47—HAZARD COMMUNICATION (HazCom)**Subpart H—Making HazCom Information Available**

- 1. The authority citation for part 47 continues to read as follows:

Authority: 30 U.S.C. 811, 825.

- 2. Revise § 47.71 to read as follows:

§ 47.71 Access to HazCom materials.

(a) Upon request, the operator must provide access electronically or in hardcopy to all HazCom materials required by this part to miners and designated representatives without cost, except as provided in § 47.81 through § 47.87 (provisions for trade secrets).

(b) If the mine operator provides access for miners and designated representatives to HazCom materials in hardcopy:

- (1) The operator must provide the first copy and each revision of the HazCom material without cost; and
- (2) Fees for a subsequent copy of the HazCom material must be non-discriminatory and reasonable.

§ 47.72 [Removed and Reserved]

- 3. Remove and reserve § 47.72.

James P. McHugh,

Deputy Assistant Secretary for Policy Mine Safety and Health Administration.

[FR Doc. 2025–11617 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 48**

[Docket No. MSHA–2025–0085]

RIN 1219–AC19

Training and Retraining of Miners

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA proposes to revise its regulations to eliminate provisions that allow District Managers to require changes in, or additions to, training programs. The current regulations appear to violate statutory authority; the Appointments Clause, by vesting significant regulatory authority in District Managers; and the Administrative Procedure Act (APA), by skipping notice and comment related to undesignated and unpredictable requirements.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC19 or Docket No. MSHA–2025–0085. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC19 or Docket No. MSHA–2025–0085, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0085. A brief summary of this document will be available at <https://www.regulations.gov/docket/MSHA-2025-0085>.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC19” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

By statute, “[e]ach operator of a coal or other mine shall have a health and safety training program which shall be approved by the Secretary.” 30 U.S.C. 825(a). Further, by statute, the Secretary of Labor must set out “mandatory health

or safety standards for the protection of life and prevention of injuries in coal or other mines.” 30 U.S.C. 811(a).

MSHA has adopted regulations to implement 30 U.S.C.825(a) to include the mandatory requirements for submitting and obtaining approval of programs for training and retraining miners working in underground mines. 30 CFR 48.1. Each mine operator must “have an MSHA approved plan containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners. . . .” 30 CFR 48.3(a).

MSHA regulations also set out detailed criteria for the information required in training programs. For example, each operator must submit “the name and position of the person designated by the operator who is responsible for health and safety training at the mine.” 30 CFR 48.3(c)(2). “The operator shall furnish to the representative of the miners a copy of the training plan two weeks prior to its submission to the District Manager.” 30 CFR 48.3 (d). “The training shall include instruction in the health and safety aspects and the safe operating procedures related to the assigned tasks, including information about the physical and health hazards of chemicals in the miner’s work area, the protective measures a miner can take against these hazards, and the contents of the mine’s HazCom program.” 30 CFR 48.7(a)(1). “The annual refresher training program for all miners shall include the following courses of instruction: Mandatory health and safety standard; Transportation Controls and communication systems; Barricading; Roof or ground control, ventilation, emergency evacuation and firefighting plans; First aid, Electrical hazards; Prevention of accidents; Self-rescue and respiratory devices; Explosives; Mine gases, Health.” 30 CFR 48.8(b)(1)–(11).

The regulations also include detailed requirements for instruction including, for example, hazard recognition and avoidance; emergency and evacuation procedures; health and safety standards, safety rules, and safe working procedures; and use of self-rescue and respiratory devices. 30 CFR 48.11(a)(1)–(4). Miners must receive instruction on these subjects “at least once every 12 months.” 30 CFR 48.11(b). The training and retraining plan has the force and effect of “law” at the mine. The mine may be cited for violation of the training and retraining plan and mine personnel may be held personally liable, civilly and criminally for violations of the training and retraining plan.

Various regulations in Part 48 also give the District Manager broad authority to add regulatory requirements to the training plan, which are neither described, nor required, by regulations or 30 U.S.C. 825. Specifically, several regulations currently state, without limitation, that mine operators must include in the training and retraining plan “[s]uch other courses as may be required by the District Manager based on circumstances and conditions at the mine.” 30 CFR 48.5(b)(14), 48.6(b)(13), 48.8(b)(12), 48.7(a)(4), 48.11(a)(5), 48.25(b)(13), 48.26(b)(12), 48.27(a)(4), 48.28(b)(11) and 48.31(a)(5). Moreover, 30 CFR 48.3 provides: “If it is deemed necessary, the District Manager may require changes in, or additions to, programs.” 30 CFR 48.3.

II. Discussion

MSHA is proposing to remove the power of District Managers to require additional courses to training and retraining plans, beyond the criteria set out in 30 U.S.C. 825, and 30 CFR part 48. MSHA has reevaluated its regulations and tentatively concluded that the significant authority and discretion granted to District Managers in 30 CFR 48.5(b)(14), 48.6(b)(13), 48.8(b)(12), 48.7(a)(4), 48.11(a)(5), 48.25(b)(13), 48.26(b)(12), 48.27(a)(4), 48.28(b)(11), 48.31(a)(5) and 30 CFR 48.3, to require undesignated additions to training plans, violates 30 U.S.C. 825, the Appointments Clause and the APA.

While mine operators are required by statute to prepare and submit “training plans,” and while MSHA has promulgated regulations setting forth specific contents and requirements for training plans, nothing in the plain text of the underlying statutes, including 30 U.S.C. 825 and 30 U.S.C. 811(a), can be read to permit the unfettered addition of “[s]uch other courses as may be required by the District Manager based on circumstances and conditions at the mine” or undesignated additions to the safety training programs, simply because they are deemed necessary by the District Manager. This lack of statutory authority is contrary to *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) and is an adequate reason to rescind these regulatory clauses.

Government officials that exercise significant discretion when carrying out important functions are officers of the United States, and thus subject to the Appointments Clause. See *Lucia v. SEC*, 585 U.S. 237, 248 (2018); U.S. Const. Art. II, § 2, cl. 2. Under §§ 48.5(b)(14), 48.6(b)(13), 48.7(a)(4), 48.25(b)(13), 48.26(b)(12), and 48.27(a)(4), District Managers are granted nearly unlimited

discretion to add additional courses to training and retraining plans as they deem appropriate. Accordingly, because District Managers are not appointed pursuant to the Appointments Clause, that substantial authority is unlawful.

Independently, the significant discretion in §§ 30 CFR 48.5(b)(14), 48.6(b)(13), 48.8(b)(12), 48.7(a)(4), 48.11(a)(5), 48.25(b)(13), 48.26(b)(12), 48.27(a)(4), 48.28(b)(11) and 48.31(a)(5) appear to violate the APA. The authority given to District Managers to add courses essentially amounts to the unfettered ability to draft and create “laws” which are civilly and criminally enforceable, without bicameral presentment, and without notice and comment rulemaking. Various statutory provisions, including 30 U.S.C. 811 and 825 give the Secretary authority to issue health and safety regulations for mines including requirements for mines to have a health and safety training program which must be approved by the Secretary. When these regulations are substantive rules, with “general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy,” 5 U.S.C. 551(4), they are subject to the notice and comment process. MSHA must present the rulemaking to the public for comment, then issue a final rule responding to any comments. See 5 U.S.C. 553. 30 CFR 48.5(b)(14), 48.6(b)(13), 48.7(a)(4), 48.25(b)(13), 48.26(b)(12), 48.27(a)(4) and 48.28(b)(11) skip this process entirely when they vest District Managers with the authority to require undesignated training plan provisions. The District Manager, by adding additional courses for training and retraining plans, is promulgating new substantive rules of particular applicability, without any of the necessary process. Thus, §§ 30 CFR 48.5(b)(14), 48.6(b)(13), 48.8(b)(12), 48.7(a)(4), 48.11(a)(5), 48.25(b)(13), 48.26(b)(12), 48.27(a)(4), 48.28(b)(11) and 48.31(a)(5) appear to violate the APA.

MSHA seeks comment on any aspects of this proposed rule, including the statutory authority, appointments clause issues and APA requirements, and the costs and benefits of the District Manager’s vague authority.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only

upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Background

The proposed rule would apply to all underground and surface mines. The existing rule allows the District Manager to add courses as deemed necessary and not specified in statute or regulations to training and retraining programs, while the proposed rule would rescind the power of District Managers to do so. The proposed change would decrease the burden currently faced by mine operators of having to add extra courses not specified in the statute or regulations to their training programs when required by the District Manager.

On average each year, MSHA reports that there are 1,719 underground mines that employ 97,158 miners (excluding office employees). Additionally, there are 3,213 contractor companies that employ 45,867 miners who work at

underground mines. For surface mines, there are 11,969 mines that employ 151,322 miners (excluding office employees). Additionally, there are 5,496 contractor companies that employ 78,552 miners who worked at surface mines. Therefore, MSHA estimates that there would be each year a total of 4,932 underground mines/contractor companies employing 143,025 underground miners, and 17,465 surface mines/contractor companies employing 229,874 surface mining workers be impacted by this proposed rule.¹ All estimated figures below are expressed in 2024 dollars.

Under the baseline scenario mine operators would continue their current practice of making changes to their training programs as deemed necessary by their District Manager, not required elsewhere in existing regulations. Under the proposed rule mine operators would no longer need to add courses as deemed necessary by the District Manager and not specified in statute or regulations to training and retraining programs.

Benefits

Under this proposed rule mine operators would no longer be required to make additional changes to their training programs at the discretion of the District Manager. This change does not impact the existing requirements for the training programs that mine operators are required to implement. This action will remove improper regulatory burden from and reduce arbitrary and unforeseen demands on mine operators.

The benefits associated with the proposed rule cannot be easily quantified due to existing information gaps and challenges with quantifying the incremental shifts in costs and benefits under the proposed rule. However, benefits are discussed in a qualitative manner as described below. The potential benefits of the proposed rule include:

(1) reduced production delays for mines—faster plan approval can enable earlier initiation or resumption of mining operations, reducing downtime, and increasing operational efficiency;

(2) improved resource allocation—predictable and consistent plan requirements reduce the need for mine operators to hire consultants or devote engineering resources to anticipate or respond to unpredictable District Managers' additional criteria;

(3) regulatory certainty—by aligning plan requirements strictly with the regulations, operators can better plan capital expenditures, staffing, and compliance investments, improving long-term planning and cost efficiency;

(4) increased domestic energy production—more predictable plan approval processes may allow mines to optimize coal output, supporting national energy goals and supply chain stability; and;

(5) prevents unauthorized rulemaking—preventing extra-statutory, unaccountable and unauthorized rulemaking restores confidence in the administrative process.

MSHA requests public comments on potential benefits associated with this proposed rule.

Cost Savings

MSHA estimates that mine operators would accrue a cost reduction from no longer having to add courses or subjects, not specifically identified in the standard, to training programs at the request of the District Manager. The Agency estimates that each year 351 new training plans and 140 revised training plans are submitted to MSHA. Of which, 50 percent (246² new and revised plans) would need to be revised specifically at the discretion of the District Manager. MSHA requests comments on the estimated number of plans that would be impacted by this proposal.

MSHA used data from the May 2024 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates³ and adjusted the rates for benefits,⁴ wage inflation,⁵ and

² 246 = (351 new training plans + 140 revised training plans) × 50% (Rounded).

³ To obtain OEWS data, follow BLS's directions in its Frequently Asked Questions: "E. How to get OEWS data. 4. What are the different ways to obtain OEWS estimates from this website?" at https://www.bls.gov/oes/oes_ques.htm.

⁴ The benefit multiplier comes from BLS Employer Costs for Employee Compensation accessed by menu at <http://data.bls.gov/cgi-bin/srgate> or directly at <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. Insert the data series CMU2030000405000D and CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, which is divided by 100 to convert to a decimal value. MSHA uses the latest 4-quarter moving average 2024Q1–2024Q4 to determine that 31.2 percent of total loaded wages are benefits. MSHA computes the benefit multiplier with a number of detailed calculations, but it may be approximated with the formula $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$. The benefit multiplier is $1.453 = 1 + (0.312 / (1 - 0.312))$.

⁵ Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (<https://>

overhead costs.⁶ The analysis period is 10 years.

The cost savings generated by the proposed rule consists of the following:

1. Revising Training Plans Required by the District Manager

MSHA assumes that under the baseline each year there are 246 new and revised training plans that are revised at the District Managers discretion. MSHA estimates that it takes a mine supervisor, earning \$82.31 per hour, 1 hour to make the requested revisions. Under the proposed rule these revisions would no such revisions, creating an annual cost saving of \$20,248.⁷

2. Providing Copies of Revised Plans to Miners, Their Representatives, or Posting at the Mine Sites After District Manager's Requirements

MSHA assumes mine operators provide miners or their representatives with one copy of the training plan at each stage of the approval process. Currently, the mine operator needs to provide a copy of the plan to miners or their representatives prior to submitting it to the District Manager for approval and another copy after the plan is approved. Under the baseline, if the District Manager requires revisions, mine operators would have to provide a further copy before resubmitting the plan to the District Manager, after the requested changes have been made. Under the proposed rule mine operators would still need to provide a copy of the training plan to miners or their representatives before submission to MSHA and after MSHA approval. However they would no longer be resubmitting them in order to address the District Manager's requirements, and would thus no longer need to provide a copy before that resubmission.

MSHA estimates that it takes a clerk, earning \$45.33 per hour, 5 minutes to generate a copy of the training plan, provide it to miners or their representatives, or post it on the mine's bulletin boards. Under the proposed rule, this step would not be necessary

data.bls.gov/cgi-bin/srgate; Inflation Multiplier = (Current Quarter Cost Index Value/OEWS Wage Base Quarter Index Value). The inflation multiplier is determined by using the employment price index from the most current quarter, 2024Q4, divided by the base year and quarter of the OEWS employment and wage statistics, 2024Q2. The inflation multiplier is $1.022 = 166.7/163.1$.

⁶ MSHA uses an overhead rate of 17 percent. This overhead rate is based on a 2002 EPA report by Cody Rice, "Wage Rates for Economic Analysis of the Toxics Release Inventory Program", available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0387-0064>.

⁷ $\$20,248 = 246 \text{ revisions} \times \$82.13 \text{ per hour} \times 1 \text{ hour}$.

¹ Number of mines inspected at least once in 2024 and the mine's current status is listed as active, intermittent, or nonproducing active on April 14, 2025.

for the 246 plans that would have to be revised at the District Manager's distraction. Thus, the required time would be reduced by 20.5⁸ hours and there would be an annual cost saving of \$929.⁹

MSHA also assumes that an average copy would have a materials cost of \$0.50. The proposed rule would reduce mine operators' costs by \$123¹⁰ per year by no longer requiring them to provide physical copies of training plans that have been revised as requested by the District Manager.

3. Copying and Mailing Training Plans

In the process of submitting training plans to MSHA, the operator is expected to incur a cost to mail in any physical new plans or revisions. Under the baseline, MSHA assumes that 65 percent of plans and plan revisions are submitted to MSHA electronically and have no associated copying or mailing costs. The remaining 35 percent would be mailed in. This translates to 86 of the 246¹¹ plans that are revised at the District Manager's request. At a cost of \$2 per plan for copying and mailing, by removing this requirement regarding the District Manager, would lead to a cost saving of \$172¹² every year.

Summary

Removing the provisions concerning District Manager requirements for training programs would result in cost savings to mine operators through avoided revisions to training plans that would have been requested by the District Manager under the existing regulation. Under the proposed rule, incremental cost savings are estimated at \$0.213 million over 10 years undiscounted. These cost savings include no longer revising training plans to meet non-statutory or regulatory requirements imposed by the District Manager, providing copies of revised plans to miners and their representatives, and the avoided costs of copying and mailing revised training plans. For this proposed rule, the Agency estimates that the annualized cost saving across the three discount rates of 0 percent, 3 percent, and 7 percent would be \$21,473.

While the potential cost savings are quantified, potential benefits such as reduced production delays, improved resource allocation, regulatory certainty, and increased domestic energy

production, ore and minerals production, and unauthorized rulemaking are addressed qualitatively. More efficient approval of training plans is expected to result in other cost savings, including earlier initiation (or resumption) of production and revenue due to simplified plan and amendment approvals, lower costs associated with subject matter expert consultants and trainers hired by mine operators in response to unanticipated Agency requirements, and other efficiencies generated by increased regulatory predictability resulting from this action. Benefits of the proposed rule could also result from a more efficient Agency review and approval of training plans for mines. Mine operators are expected to benefit from the proposed rule that clarifies the information and provisions required in training plans. This is expected to help ease operator confusion regarding what content is required when developing training plans for MSHA approval and to result in an increase in the time value of revenues generated by mine production. Another potential benefit to the public is the increased opportunity to improve production of ore and minerals, including critical minerals, and coal which would improve American energy production. The proposed rule is deregulatory because it reduces qualitative burdens for mine operators. Additionally, the Agency's experience supports further cost savings that are not yet quantified. MSHA requests comments on potential disbenefits or costs associated with this proposed action.

Significance Determination

Under section 6(a) of E.O. 12866, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Under section 3(f) of E.O. 12866, a "significant regulatory action" is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees,

or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

OIRA has determined that the proposed rule constitutes a "significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, it will be reviewed by OMB.

No alternatives are considered for this proposed deregulatory action. MSHA requests public comments on alternatives to this proposal within the Agency's authority that would generate similar or greater benefits.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that, by law, must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

Under the RFA, MSHA uses the Small Business Administration's (SBA) definition to set thresholds for small business sizes for the mining industry defined at the 6-digit North American Industry Classification System (NAICS) level. For MNM mines the thresholds range from 500–1,500 employees depending on the specific commodity. For underground coal mines the threshold is 1,500 employees, and for surface coal mines the threshold is 1,250 employees. MSHA estimates that there are 5,984 small mines, including 5,232 small MNM mines and 752 small coal mines.

MSHA estimates the total annual revenues for MNM commodities to be \$105.6 billion. This was calculated using the 2024 production values for all metal and industrial minerals reported in U.S. Geological Survey' Mineral Commodity Summaries 2025 Report. Using MSHA internal data the agency estimates that \$44.0 billion of total revenues were generated by small MNM mines.

MSHA evaluated data routinely provided by mine operators related to the number of mines, employment, and production from MSHA's Standardized Information System (MSIS) for underground coal mines. MSHA

⁸ 20.5 hours = 5 minutes per plan × 246 plans.

⁹ \$929 = 20.5 hours × \$45.33 per hour.

¹⁰ \$123 = \$.50 cost per copy × 246 plans.

¹¹ 86 mailed plans = 246 plans × 35 percent (Rounded).

¹² \$172 = 86 mailed in training plan revisions × \$2 mailing cost per revision.

calculated revenue as production times the average price of coal. Using internal data, MSHA estimates that small coal mines produce roughly 92.1 million tons of coal annually. Using U.S Energy Information Administration Annual Coal Report 2023 Table 28, Average Sales Price of Coal by State and Mine Type, the average coal price for was \$54.04 per short ton in 2023. The price was then adjusted to 2024 dollars using CPI-U, \$55.63 per short ton, to estimate that national coal revenues generated by small coal mines of \$5.1 billion in revenue.

MSHA assesses the impacts on small entities by comparing the estimated costs, in this case cost saving, of the proposed rule on small entities affected by the rule to the estimated revenues for those small entities. When estimated compliance costs are less than 1 percent of the estimated revenues, the Agency believes it is generally appropriate to conclude that there is no significant economic impact on a substantial number of small entities. When estimated compliance costs exceed 1 percent of revenues, MSHA investigates whether further analysis is required. The impact of the proposed rule, as a percentage of revenues, is essentially zero: for small mine operators the total annualized cost is estimated to be \$21,473, while their annual revenue is estimated at \$49.1 billion (MNM and coal mines combined), resulting in the ratio of 0.00004 percent. This proposed rule has little impact on revenues for small mine operators. Thus, no further analysis is required.

MSHA considered the compliance costs on small mines when developing the proposed rule and reviewed this proposed rule under the provisions of the RFA. The proposed rule eliminates burdensome regulations and results in cost savings of less than 1 percent of annual revenues. Therefore, MSHA certifies that the proposed rule would not have a 'significant economic impact on a substantial number of small entities'. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government's collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the

information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from the Office of Management and Budget (OMB) before requesting or requiring "a collection of information" from the public.

Background

By no longer requiring mine operators to add courses to training plans at the sole discretion of the District Manager this proposed rule imposes no new information or record-keeping requirements. It does result in substantive changes to a currently approved information collection request, OMB Control Number 1219-0009 "Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines."

Summary of Changes

On average, MSHA estimates that under the proposed rule that annually there would be 1,719 underground mines employing 97,158 miners (excluding office employees). Additionally, MSHA estimates that there would be 3,213 contractor companies employing 45,867 miners who work at underground mines. For surface mines, MSHA estimates that there would be 11,969 mines employing 151,322 miners (excluding office employees). Additionally, MSHA estimates that there would be 5,496 contractor companies employing 78,552 miners who worked at surface mines. Therefore, MSHA estimates that there would be each year a total of 4,932 underground mines/contractor companies employing 143,025 underground miners, and 17,465 surface mines/contractor companies employing 229,874 surface mining workers be impacted by this proposed rule, totaling 22,397 operations employing 372,899 miners.

The number of respondents, frequency of response, annual hour burden, and recordkeeping cost are described below.

1. Developing and Revising Training Plans (30 CFR 48.3 and 48.23)

Under 30 CFR 48.3 and 48.23, underground and surface mine operators are required to have an MSHA-approved training plan. When new task training is required, mine operators must revise their training plan to include each new task. This revision must include a complete list of task assignments, the titles of personnel conducting the training, the outline of training procedures used, and the evaluation procedures used to

determine the effectiveness of the training.

MSHA assumes 491 training plan submissions annually, including 351 new training plans and 140 revised training plans. MSHA estimates that 35 percent of the new training plans (123 plans) will be submitted by paper and 65 percent (228 plans) electronically. MSHA assumes that the District Manager requires revisions for 246 training plans including new and revised plans.

The plans are usually prepared by mine operator personnel. Although the burden on the mine operator is dependent to some degree upon a particular mine's size, MSHA estimates that on average it takes a mine safety specialist, earning \$78.46, 8 hours to prepare and submit a new paper plan, 2.25 hours to complete a new plan online, and 1 hour to revise any existing plan.

This proposed rule would decrease the burden related to developing and revising training plans as requested by the District Manager. There would be a decrease the number of new plans from 351 to 175 and the number of revised plans would drop from 140 to 70, which corresponds to a decrease of time burden of 815 hours. This proposed rule would result in a reduction of information collection costs. The annual number of respondents would decrease from 491 to 245, the annual number of responses would decrease from 491 to 245, the annual burden hour would decrease from 1,637 to 815 hours, and the annual recordkeeping cost to respondents would remain unchanged at \$0 to develop and revise training plans.

2. Providing Copies of Training Records to Miners—MSHA Form 5000-23 (30 CFR 48.9 and 48.29)

Under 30 CFR 48.9 & 48.29, upon a miner completing each MSHA-approved training program, the operator must record and certify that the miner has received the specified training. The mine operator uses MSHA Form 5000-23, Certificate of Training, to record and certify that the miner has received the specified training. The form is completed by the instructor after the completion of each training program. All training courses completed within the miner's 12-month training cycle may be recorded on one form, including the courses required by the District Manager.

A copy of the form is given to the miner at the end of the 12-month cycle. Additionally, a copy of the form is given to the miner after the completion of a training program at the miner's request.

MSHA assumes that the copies of these training certificates are provided electronically to miners and that operators incur no cost associated with producing copies of training certificates.

MSHA estimates that 45 percent of the miners' training (64,361 out of 143,025 miners) is conducted by an employee of the mine operator. Another 25 percent of the training (35,776 miners) is conducted by independent training contractors hired by the mine operator. The remaining 30 percent of the training is conducted by State trainers funded by sources that include Federal grants and incur no cost to main operators.

Although all the training completed by a miner within a one-year period may be recorded on one form, training specialists estimate that for each miner, 2 forms will probably be completed annually. If the training program is conducted by an employee of the mine operator, MSHA estimates that it takes a safety specialist, earning \$78.46 per hour, 5 minutes to prepare and complete the form. If the training is conducted by independent training contractors hired by the mine operator, MSHA estimates that it takes a safety specialist, earning \$69.32 per hour, 5 minutes to prepare and complete the form.

The proposed rule does not impact this information collection cost. The number of annual respondents would remain 64,361 miners; a mine employee, the annual number of responses is 128,722 (2 forms per respondent), the annual burden hours is 10,727, and the annual recordkeeping cost to respondents is \$413,101.

3. Providing Copies of Plans to Miners, Their Representatives, or Posting at the Mine Bulletin Boards (30 CFR 48.3 and 48.23)

Under 30 CFR 48.3 & 48.23, the operator is required to provide the representative of the miners a copy of the training plan or post a copy on the mine bulletin board at different stages of a plan: before its submission to the District Manager, after MSHA approval, and MSHA revisions and decision.

MSHA estimates that each year under the proposed rule there are 175 new training plans and 70 revised training plans are submitted. MSHA assumes an operator would produce one copy of the training plan on average at each stage of the plan. MSHA estimates that it takes a clerk, earning \$45.33 per hour, 5 minutes to provide a copy of the training plan or post a copy on the mine bulletin board. Each of these copies is estimated to cost \$0.50 to make. Using the above parameters from rescinding

the power of the District Manager, the number of annual respondents would decrease from 491 to 245, the number of annual responses decreases from 842 to 420, and the annual burden hours would decrease from 70 to 35, and the associated annual recordkeeping cost to respondents decreases from \$421 to \$123.

4. Copying and Mailing Training Plans to MSHA (30 CFR 48.3 and 48.23)

The operator is also expected to incur a cost to produce one copy of the training plans prior to submission to MSHA, after MSHA approval, and MSHA revisions and decision. Operators also need to provide the representative of the miners a copy of the training plan or post a copy on the mine bulletin board. Upon submitting the training plan to MSHA, operators and contractors may incur a cost to copy and mail their plan to MSHA Headquarters. MSHA estimates that under the proposed rule 35 percent of the 245 new and revised training plans, or 86 will be submitted by mail. This is a decrease from the 172 copies that would be submitted by mail under the current rule. The estimated mailing cost is \$2.00 per training plan by paper. Thus, the annual recordkeeping cost to respondents is anticipated to fall from \$344 to \$172.

Summary of the Collection of Information: Under the proposed rule, the estimated number of respondents, responses, burden hours, and recordkeeping cost to respondents would decrease from the currently approved information collection request. The reduction in information collection cost comes from eliminating provisions that allow District Managers to require changes in training programs.

Type of Review: Substantive Change to currently approved information collection.

OMB Control Number: 1219-0009.

Title: Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines.

Summary of the Collection of Information: The calculated burden shows a decrease in burden hours, and recordkeeping costs from the currently approved information collection request.

Affected Public: Businesses or For-Profit.

Estimated Number of Respondents: 64,606 (– 246 due to this proposed rule).

Frequency: On occasion.

Estimated Number of Responses: 129,387 (– 668 due to this proposed rule).

Estimated Number of Burden Hours: 11,576 (– 858 due to this proposed rule).

Estimated Recordkeeping Costs to Respondents: \$413,395 (– \$471 due to this proposed rule).

D. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform," imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in

section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and determined that the proposal rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule

would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule under the OMB and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no

further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This rescission is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 48

Education, Mine safety and health, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

PART 48—TRAINING AND RETRAINING OF MINERS

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

Authority: 30 U.S.C. 811, 825.

■ 2. In § 48.3, revise paragraph (e) to read as follows:

§ 48.3 Training plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors.

* * * * *

(e) All training required by the training plan submitted to and approved by the District Manager as required by this subpart A shall be subject to evaluation by the District Manager to determine the effectiveness of the training programs. Upon request from

the District Manager the operator shall make available for evaluation the instructional materials, handouts, visual aids and other teaching accessories used or to be used in the training programs. Upon request from the District Manager the operator shall provide information concerning the schedules of upcoming training.

* * * * *

§ 48.5 [Amended]

■ 3. Amend § 48.5 by removing paragraph (b)(14).

§ 48.6 [Amended]

■ 4. Amend § 48.6 by removing paragraph (b)(13).

§ 48.7 [Amended]

■ 5. Amend § 48.7 by removing paragraph (a)(4).

§ 48.8 [Amended]

■ 6. Amend § 48.8 by removing paragraph (b)(12).

§ 48.11 [Amended]

■ 7. Amend § 48.11 by removing paragraph (a)(5).

§ 48.25 [Amended]

■ 8. Amend § 48.25 by removing paragraph (b)(13).

§ 48.26 [Amended]

■ 9. Amend § 48.26 by removing paragraph (b)(12).

§ 48.27 [Amended]

■ 10. Amend § 48.27 by removing paragraph (a)(4).

§ 48.28 [Amended]

■ 11. Amend § 48.28 by removing paragraph (b)(11).

§ 48.31 [Amended]

■ 12. Amend § 48.31 by removing paragraph (a)(5).

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–12231 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 56

[Docket No. MSHA–2025–0081]

RIN 1219–AC12

Aerial Tramways

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA proposes to revise title 30 of the Code of Federal Regulations (30 CFR) part 56 by removing duplicative requirements for aerial tramways. Removing these provisions would not reduce protections afforded to miners because they are unnecessary and duplicative of information elsewhere in 30 CFR part 56.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC12 or Docket No. MSHA–2025–0081. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC12 or Docket No. MSHA–2025–0081, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0081.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC12” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

MSHA is proposing to remove existing provisions from title 30 of the Code of Federal Regulations (30 CFR). 30 CFR 56.10002 requires that inspection and maintenance of carriers (including loading and unloading mechanisms), ropes and supports, and brakes be performed by competent persons according to the recommendations of the manufacturer. Section 56.10003 requires that any hazardous defects be corrected before

the equipment is used. MSHA is proposing to remove and reserve §§ 56.10002 and 56.10003. Removing these provisions would not reduce protections afforded to miners because they are duplicative of requirements elsewhere in part 56.

II. Discussion

MSHA proposes to remove the existing provisions in §§ 56.10002 and 56.10003, which currently establish requirements for the inspection, maintenance and correction of defects of aerial tramways. Removing these provisions would not reduce protections afforded to miners because they are unnecessary and duplicative of requirements in §§ 56.14100(b) through (c) and 56.18002. This proposed action reflects MSHA’s experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comment on any aspects of this proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O.

12866 while calling for improvements in the nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a "significant regulatory action" is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O. Under section 6(a) of E.O. 12866, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions concerning duplicative requirements for aerial tramways would not impose new compliance costs to surface metal and nonmetal mine operators or reduce the protections afforded to miners. This proposed rule is determined to not constitute a "significant regulatory action" because it does not meet any of the four "significant regulatory action" criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement

Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminated burdensome regulations. MSHA initially concludes that the impacts of the proposed rule would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government's collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring "a collection of information" from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, "Federalism" 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform" 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104-4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that

estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has preliminarily concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American

Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 56

Chemicals, Electric power, Explosives, Fire prevention, Hazardous substances, Incorporation by reference, Metal and nonmetal mining, Mine safety and health, Noise control, Reporting and recordkeeping requirements, Surface mining.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER K—METAL AND NONMETAL MINE SAFETY AND HEALTH

PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES

- 1. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811.

Subpart I—Aerial Tramways

§ 56.10002 [Removed and Reserved].

§ 56.10003 [Removed and Reserved].

- 2. Remove and reserve §§ 56.10002 and 56.10003.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11620 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 56

[Docket No. MSHA–2025–0082]

RIN 1219–AC13

Drilling

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to rescind requirements for the maintenance of drill equipment and inspection of drilling areas before starting drilling operations at surface metal and nonmetal mines. Removing these provisions would not reduce protections afforded to miners because the requirements are duplicative and covered elsewhere in 30 CFR part 56.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219-AC13 or Docket No. MSHA-2025-0082. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219-AC13 or Docket No. MSHA-2025-0082, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA-2025-0082.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219-AC13” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202-693-9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

MSHA is proposing to remove existing provisions from title 30 of the Code of Federal Regulations (30 CFR) part 56. Existing § 56.7002 requires mine operators to correct any safety related equipment defects on drilling equipment before using the equipment in surface metal and nonmetal mines. Existing § 56.7003 requires that a drilling area is inspected for hazards before drilling operations begin in surface metal and nonmetal mines. MSHA is proposing to remove and reserve §§ 56.7002 and 56.7003.

Removing these provisions would not reduce protections afforded to miners.

II. Discussion

In this proposed rule, MSHA is removing the existing provisions in §§ 56.7002 and 56.7003. Section 56.7002 requires mine operators to correct any safety related equipment defects on drilling equipment before using the equipment in surface metal and nonmetal mines. Section 56.7003 currently requires that a drilling area is inspected for hazards before drilling operations begin in surface metal and nonmetal mines. The proposed removal of §§ 56.7002 and 56.7003 would not reduce protection to miners because they are duplicative requirements already addressed §§ 56.14100 and 56.18002. This proposed action reflects MSHA’s experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comment on any aspects of this proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O.

13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions concerning the maintenance of drill equipment and inspection of drilling areas before starting drilling operations would not impose new compliance cost to surface metal and nonmetal mine operators or reduce the protection afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives are considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from the Office of Management and Budget (OMB) before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States

and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rescission meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a

rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rescission according to UMRA and its statement of policy and determined that the rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any

impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule under the OMB guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this rescission and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 56

Chemicals, Electric power, Explosives, Fire prevention, Hazardous substances, Metals, Mines, Mine safety and health, Reporting and recordkeeping requirements, Surface mining.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER K—METAL AND NONMETAL MINE SAFETY AND HEALTH

PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES

- 1. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811.

Subpart F—Drilling and Rotary Jet Piercing

§ 56.7002 [Removed and Reserved]

- 2. Remove and reserve § 56.7002.

§ 56.7003 [Removed and Reserved]

- 3. Remove and reserve § 56.7003.

James P. McHugh,

Deputy Assistant Secretary for Policy Mine Safety and Health Administration.

[FR Doc. 2025–11621 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56, 57, 75, and 77

[Docket No. MSHA–2025–0086]

RIN 1219–AC20

Trolleys

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to remove and revise provisions for metal and nonmetal (MNM) mines and coal mines regarding the use of trolleys for transportation of mined ore, coal, material, and personnel. Trolleys are an outdated technology that have been replaced by more efficient belt conveyor haulage systems for transporting mined ore and coal. Diesel and battery-operated mobile equipment are now used to transport personnel and equipment. Trolleys are no longer used in MNM or coal mines and there is no anticipated future use of this legacy equipment in MNM and coal mines.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC20 or Docket No. MSHA–2025–0086. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC20 or Docket No. MSHA–2025–0086, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0086.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC20” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at 202-693-9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

Trolleys were historically used in metal and nonmetal (MNM) and coal mines for transportation of mined ore, coal, equipment, and personnel. Trolleys typically consisted of a low carriage, mounted on wheels having a fixed in bearings trolley pole, pressing upward in rolling contact with an overhead trolley wire to take off electric current for operating a locomotive or other motorized equipment. The trolley wire was typically hung from the roof and this energized conductor was a constant source of danger to miners. Coverings of insulating materials were used to guard miners from direct contact with the wire. Energized trolley wires exposed miners to electrical hazards.

While various forms of trolleys were once common in mines, this equipment is no longer used and has been replaced by more efficient belt conveyor haulage systems, and diesel and battery-operated mobile equipment. Therefore, MSHA proposes to remove all references to trolleys in title 30 of the Code of Federal Regulations (30 CFR) parts 56, 57, 75, and 77. These proposed changes do not reduce protection for miners because miners no longer work on or around trolleys.

II. Discussion**A. Part 56—Safety and Health Standards—Surface Metal and Nonmetal Mines**

In 30 CFR part 56, MSHA proposes to remove the following sections because trolleys are no longer in use at surface MNM mines; therefore, these sections are no longer necessary to protect the safety and health of miners. MSHA proposes to remove §§ 56.12042, 56.12050, 56.12053, and 56.14216.

Also, MSHA proposes to revise the following sections to remove references to trolleys. MSHA proposes to revise §§ 56.6203, 56.12065, 56.12066, and 56.12071.

B. Part 57—Safety and Health Standards—Underground Metal and Nonmetal Mines

In 30 CFR part 57, MSHA proposes to remove the following sections because trolleys are no longer used at underground MNM mines; therefore, these sections are no longer necessary to protect the safety and health of miners. MSHA proposes to remove

§§ 57.6160(a)(6), 57.12042, 57.12050, 57.12053, 57.12081, 57.12086, 57.14160, and 57.14216.

Also, MSHA proposes to revise the following sections to remove references to trolleys. MSHA proposes to revise §§ 57.6160(a)(5), 57.6203, 57.12065, 57.12066, 57.12071, and 57.12080.

C. Part 75—Mandatory Safety Standards—Underground Coal Mines

In 30 CFR part 75, MSHA proposes to remove the following sections because trolleys are no longer used at underground coal mines; therefore, these sections are no longer necessary to protect the safety and health of miners. MSHA proposes to remove §§ 75.327, 75.360(b)(7), 75.371(v), 75.508–1, 75.510, 75.510–1, 75.518–2, 75.1000, 75.1001, 75.1001–1, 75.1003, 75.1003–1, 75.1003–2, 75.1106–2(b), 75.1311(b)(4), 75.1403–7(m), 75.1902(d)(2), and 75.1906(j).

MSHA proposes to revise the title of Subpart K to remove references to trolleys. MSHA also proposes to revise the following sections to remove references to trolleys: §§ 75.333(b)(4), 75.380(f)(2)(iii), 75.380(g), 75.508, 75.516–2(c), 75.517, 75.807, 75.1600–2, 75.1707–1, and 75.1902(d)(2).

D. Part 77—Mandatory Safety Standards, Surface Coal Mines and Surface Work Areas of Underground Coal Mines

In 30 CFR part 77, MSHA proposes to remove the following sections because trolleys are no longer used at surface coal mines and surface work areas of underground coal mines; therefore, these sections are no longer necessary to protect the safety and health of miners. MSHA proposes to remove subpart S, consisting of §§ 77.1800 through 77.1802.

MSHA seeks comment on any aspects of this proposed rule including whether MSHA should prohibit the use of trolleys.

III. Procedural Issues and Regulatory Review**A. Review Under Executive Orders 12866 and 13563**

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among

other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is

significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions concerning the use of trolleys in mines would not impose new compliance costs to mine operators or reduce the protections afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposal and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to

determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposal meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule

would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposal would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposal would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposal and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no

further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

K. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposal and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposal is expected to be an E.O. 14192 deregulatory action.

List of Subjects

30 CFR Part 56

Chemicals, Electric power, Explosives, Fire prevention, Hazardous substances, Metal and nonmetal mining, Mine safety and health, Noise control, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 57

Chemicals, Electric power, Explosives, Fire prevention, Gases, Hazardous substances, Metal and nonmetal mining, Mine safety and health, Noise control, Radiation protection, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 75

Electric power, Mandatory safety standards, Mine safety and health, Reporting and recordkeeping requirements, Training, Underground coal mines.

30 CFR Part 77

Communications equipment, Electric power, Emergency medical services, Explosives, Fire prevention, Mine safety and health, Mines, Reporting and recordkeeping requirements, Surface mining, Underground mining.

For the reasons set forth in the preamble, and under the authority of the

Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER K—METAL AND NONMETAL MINE SAFETY AND HEALTH

PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES

- 1. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811

Subpart E—Explosives

- 2. Revise § 56.6203 to read as follows:

§ 56.6203 Locomotives.

Explosive material shall not be transported on a locomotive.

Subpart K—Electricity

§ 56.12042 [Removed and Reserved]

- 3. Remove and reserve § 56.12042.

§ 56.12050 [Removed and Reserved]

- 4. Remove and reserve § 56.12050.

§ 56.12053 [Removed and Reserved]

- 5. Remove and reserve § 56.12053.

- 6. Revise § 56.12065 to read as follows:

§ 56.12065 Short circuit and lightning protection.

Powerlines and telephone circuits shall be protected against short circuits and lightning.

- 7. Revise the heading and text for § 56.12066 to read as follows:

§ 56.12066 Guarding bare powerlines.

Where metallic tools or equipment can come in contact with bare powerlines, the lines shall be guarded or deenergized.

- 8. Revise § 56.12071 to read as follows:

§ 56.12071 Movement or operation of equipment near high-voltage power lines.

When equipment must be moved or operated near energized high-voltage powerlines and the clearance is less than 10 feet, the lines shall be deenergized or other precautionary measures shall be taken.

Subpart M—Machinery and Equipment

§ 56.14216 [Removed and Reserved]

- 9. Remove and reserve § 56.14216.

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

■ 10. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

Subpart E—Explosives

- 11. Amend § 57.6160 by:
 - a. Revising paragraph (a)(5), and
 - b. Removing and reserving paragraph (a)(6).

The revision reads as follows:

§ 57.6160 Main facilities.

- (a) * * *
- (5) At least 50 feet from electric substations; and
- (6) [Reserved]

* * * * *

- 12. Revise § 57.6203 to read as follows:

§ 57.6203 Locomotives.

Explosive material shall not be transported on a locomotive.

Subpart K—Electricity

§ 57.12042 [Removed and Reserved]

- 13. Remove and reserve § 57.12042.

§ 57.12050 [Removed and Reserved]

- 14. Remove and reserve § 57.12050.

§ 57.12053 [Removed and Reserved]

- 15. Remove and reserve § 57.12053.
- 16. Revise § 57.12065 to read as follows:

§ 57.12065 Short circuit and lightning protection.

Powerlines and telephone circuits shall be protected against short circuits and lightning.

- 17. Revise the heading and text for § 57.12066 to read as follows:

§ 57.12066 Guarding bare powerlines.

Where metallic tools or equipment can come in contact with bare powerlines, the lines shall be guarded or deenergized.

- 18. Revise § 57.12071 to read as follows:

§ 57.12071 Movement or operation of equipment near high-voltage power lines.

When equipment must be moved or operated near energized high-voltage powerlines and the clearance is less than 10 feet, the lines shall be deenergized or other precautionary measures shall be taken.

- 19. Revise § 57.12080 to read as follows:

§ 57.12080 Bare conductor guards.

Bare power conductors shall be guarded at mantrip loading and

unloading points, and at shaft stations. Where such bare power conductors are less than 7 feet above the rail, they shall be guarded at all points where persons work or pass regularly beneath.

§ 57.12081 [Removed and Reserved]

- 20. Remove and reserve § 57.12081.

§ 57.12086 [Removed and Reserved]

- 21. Remove and reserve § 57.12086.

Subpart M—Machinery and Equipment

§ 57.14160 [Removed and Reserved]

- 22. Remove and reserve § 57.14160.

§ 57.14216 [Removed and Reserved]

- 23. Remove and reserve § 57.14216.

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

- 24. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), and 957.

Subpart D—Ventilation

§ 75.327 [Removed and Reserved]

- 25. Remove and reserve § 75.327.
- 26. In § 75.333, revise paragraph (b)(4) to read as follows:

§ 75.333 Ventilation controls.

* * * * *

- (b) * * *

(4) To separate the primary escapeway from belt haulage entries, as required by § 75.380(g). For the purposes of § 75.380(g), the loading point for a continuous haulage system shall be the outby most point of travel of the dolly or 600 feet from the point of deepest penetration, whichever distance is less; and

* * * * *

§ 75.360 [Amended]

- 27. In § 75.360, remove and reserve paragraph (b)(7).

§ 75.371 [Amended].

- 28. In § 75.371, remove and reserve paragraph (v).
- 29. In § 75.380, revise paragraphs (f)(2)(iii) and (g) to read as follows:

§ 75.380 Escapeways; bituminous and lignite mines.

* * * * *

- (f) * * *

- (2) * * *

(iii) Effective as of June 10, 1997, to all areas of the primary escapeway developed prior to March 30, 1970 where separation of the belt haulage

entries from the primary escapeway existed prior to November 16, 1992.

* * * * *

(g) Except where separation of belt haulage entries from designated escapeways did not exist before November 15, 1992, and except as provided in § 75.350(c), the primary escapeway must be separated from belt haulage entries for its entire length, to and including the first connecting crosscut outby each loading point except when a greater or lesser distance for this separation is specified and approved in the mine ventilation plan and does not pose a hazard to miners.

* * * * *

Subpart F—Electrical Equipment—General

- 30. Revise § 75.508 to read as follows:

§ 75.508 Map of electrical system.

[Statutory Provisions]

The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system, including permanent cables, switchgear, rectifying substations, transformers, and permanent pumps, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

§ 75.508–1 [Removed and Reserved]

- 31. Remove and reserve § 75.508–1.

§ 75.510 [Removed and Reserved]

- 32. Remove and reserve § 75.510.

§ 75.510–1 [Removed and Reserved]

- 33. Remove and reserve § 75.510–1.
- 34. In § 75.516–2, revise paragraph (c) to read as follows:

§ 75.516–2 Communication wires and cables; installation; insulation; support.

* * * * *

(c) Additional insulation shall be provided for communication circuits at points where they pass over or under any power conductor.

* * * * *

- 35. Revise § 75.517 to read as follows:

§ 75.517 Power wires and cables; insulation and protection.

[Statutory Provisions]

Power wires and cables shall be insulated adequately and fully protected.

§ 75.518–2 [Removed and Reserved]

- 36. Remove and reserve § 75.518–2.

Subpart I—Underground High-Voltage Distribution

- 37. Revise § 75.807 to read as follows:

§ 75.807 Installation of high-voltage transmission cables.**[Statutory Provisions]**

All underground high-voltage transmission cables shall be installed only in regularly inspected air courses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where people regularly work or pass under them unless they are 6½ feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with low-voltage circuits.

- 38. Revise the title of Subpart K to read as follows:

Subpart K—Electrical Equipment—Pillar Workings and Longwalls**§ 75.1000 [Removed and reserved]****§ 75.1001 [Removed and reserved]****§ 75.1001–1 [Removed and reserved]****§ 75.1003 [Removed and reserved]****§ 75.1003–1 [Removed and reserved]****§ 75.1003–2 [Removed and reserved]**

- 39. Remove and reserve §§ 75.1000, 75.1001, 75.1001–1, 75.1003, 75.1003–1, and 75.1003–2.

Subpart L—Fire Protection**§ 75.1106–2 [Amended]**

- 40. In § 75.1106–2, remove and reserve paragraph (b).

Subpart N—Explosives and Blasting**§ 75.1311 [Amended]**

- 41. In § 75.1311, remove paragraph (b)(4).

Subpart O—Hoisting and Mantrips**§ 75.1403–7 [Amended]**

- 42. In § 75.1403–7, remove and reserve paragraph (m).

Subpart Q—Communications

- 43. Amend § 75.1600–2 by:
 ■ a. Revising paragraph (c); and
 ■ b. Removing and reserving paragraph (d).

The revision reads as follows:

§ 75.1600–2 Communication facilities; working sections; installation and maintenance requirements; audible or visual alarms.

* * * * *

(c) If a communication system other than telephones is used and its operation depends entirely upon power from the mine electric system, means shall be provided to permit continued communication in the event the mine electric power fails or is cut off.

(d) [Reserved]

* * * * *

Subpart T—Diesel-Powered Equipment

- 44. Revise § 75.1902(d)(2) to read as follows.:

§ 75.1902 Underground diesel fuel storage—general requirements.

* * * * *

(d) * * *

(2) At least 25 feet from power cables, or electric equipment not necessary for the operation of the storage facilities or areas; and

* * * * *

§ 75.1906 [Amended]

- 45. In § 75.1906, remove and reserve paragraph (j).

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

- 46. The authority citation for part 77 continues to read as follows:

Authority: 30 U.S.C. 811.

Subpart S—[Removed and Reserved]

- 47. Remove and reserve Subpart S, consisting of §§ 77.1800 through 77.1802.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11738 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 57**

[Docket No. MSHA–2025–0076]

RIN 1219–AC07

Improving and Eliminating Regulations; Blacksmith Shops

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to revise 30 CFR part 57 to remove outdated requirements regarding blacksmith shops located at surface metal and nonmetal mines. Removal of this standard would not result in a reduction of safety protection for miners at surface metal and nonmetal mines.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC07 or Docket No. MSHA–2025–0076. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC07 or Docket No. MSHA–2025–0076, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0076.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC07” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

MSHA is proposing to remove existing provisions from title 30 of the Code of Federal Regulations (30 CFR). The existing MSHA standard in 30 CFR 57.4532 outlines requirements for when blacksmith shops are located on the surface at underground metal and nonmetal mines. Removing these provisions would not reduce protections afforded to miners.

II. Discussion

In MSHA’s experience, blacksmith shops are no longer located on the

surface at underground metal and nonmetal mines. Removing these provisions would not reduce protections afforded to miners because the standard is no longer applicable. For these reasons, MSHA believes that § 57.4532 is unnecessary. This action reflects MSHA's experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comment on any aspect of this proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, "Regulatory Planning and Review" 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, "Improving Regulation and Regulatory Review" 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs

and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a "significant regulatory action" is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions for blacksmith shops would not impose new compliance costs to surface metal and nonmetal mine operators or reduce the protections afforded to miners. This proposed rule is determined to not constitute a "significant regulatory action" because it does not meet any of the four "significant regulatory action" criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. MSHA initially concludes that the impacts of the proposed rule would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government's collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring "a collection of information" from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O.

12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing

any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 57

Chemicals, Electric power, Explosives, Fire prevention, Gases, Hazardous substances, Metal and nonmetal mining, Mine safety and health, Noise control, Radiation protection, Reporting and recordkeeping requirements, Underground mining.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER K—METAL AND NONMETAL MINE SAFETY AND HEALTH**PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES**

■ 1. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

Subpart C—Fire Prevention and Control

§ 57.4532 [Removed and Reserved].

■ 2. Remove and reserve § 57.4532.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11616 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 57**

[Docket No. MSHA–2025–0079]

RIN 1219–AC10

Improving and Eliminating Regulations; Limit on Exposure to Diesel Particulate Matter in Underground Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to revise 30 CFR part 57 by removing outdated requirements for miners' exposures to diesel particulate matter (DPM) in underground metal and nonmetal mines (MNM). These revisions would streamline the requirements for DPM for underground MNM mine operators

while maintaining the same level of protection for miners.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC10 or Docket No. MSHA–2025–0079. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC10 or Docket No. MSHA–2025–0079, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0079.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC10” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

MSHA is proposing to remove provisions from 30 CFR part 57. Existing MSHA standards in §§ 57.5060(a), 57.5060(b)(1), and 57.5060(b)(2) contain requirements for the emission limits for permissible diesel-powered equipment and on a miner's personal exposure to DPM. These provisions contain outdated effective dates that are no longer necessary. Removing these provisions would not reduce protections afforded to miners because the requirements are no longer applicable to underground MNM mines.

II. Discussion

Existing paragraph (a) of § 57.5060 contains the interim permissible exposure limit (PEL) of 308_{EC} µg/m³ which is no longer in effect. It also mentions that the interim PEL remains in effect until MSHA publishes a notice

in the **Federal Register** that the final DPM exposure limit is effective. MSHA published a notice of enforcement of the DPM final limit of 160_{TC} µg/m³ in the **Federal Register** on May 20, 2008 (73 FR 29058). Existing paragraphs (b)(1) and (b)(2) of § 57.5060 list outdated effective dates and PELs for a miner's limit on exposure to DPM in underground MNM mines.

MSHA proposes to revise § 57.5060. Specifically, the Agency is proposing to reserve paragraphs (a), (b)(1), and (b)(2) and revise the language in paragraph (b)(3). These proposed actions reflect MSHA's experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comment on any aspect of this proposed rule.

III. Procedural Issues and Regulatory Review**A. Review Under Executive Orders 12866 and 13563**

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most

innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions concerning outdated requirements for DPM emission limits would not impose new compliance costs to underground MNM mine operators or reduce the protections afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule

that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on

the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The

UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference

with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192,

“Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 57

Chemicals, Electric power, Explosives, Fire prevention, Gases, Hazardous substances, Metal and nonmetal mining, Mine safety and health, Noise control, Radiation protection, Reporting and recordkeeping requirements, Underground mining.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER K—METAL AND NONMETAL MINE SAFETY AND HEALTH

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

- 1. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

Subpart D—Air Quality, Radiation, Physical Agents, and Diesel Particulate Matter

- 2. Amend § 57.5060 by removing and reserving paragraphs (a), (b)(1), and (b)(2), and revising paragraph (b)(3) to read as follows:

§ 57.5060 [Amended]

* * * * *

(b) * * *

(3) A miner’s personal exposure to diesel particulate matter (DPM) in an underground mine must not exceed an average eight-hour equivalent full shift airborne concentration of 160 micrograms of total carbon per cubic meter of air (160_{TC} µg/m³).

* * * * *

James P. McHugh,

Deputy Assistant Secretary for Policy Mine Safety and Health Administration.

[FR Doc. 2025–11619 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Parts 57 and 75**

[Docket No. MSHA–2025–0089]

RIN 1219–AC17

Powered Air Purifying Respirators (PAPRs) in Underground Mines**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.**ACTION:** Proposed rule; request for comments.

SUMMARY: MSHA is proposing to allow the use of non-permissible Powered Air Purifying Respirators (PAPRs) in specified underground areas of mines, if the equipment meets certain technical specifications and is operated under specific conditions. This proposed rule would codify technical specifications and working conditions to allow the use of non-permissible PAPRs in underground gassy mines. This proposed rule would reduce burden because mine operators would no longer need to submit a petition for modification to use non-permissible PAPRs.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC17 or Docket No. MSHA–2025–0089. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC17 or Docket No. MSHA–2025–0089, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0089.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC17” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background***Approved Electrical Products*

PAPRs are electric, reusable respirators that protect against a variety of respirable contaminants when equipped with the appropriate filter, cartridge, or canister. PAPRs use a battery-powered fan to pull air through the attached filter, cartridge, or canister.

The Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801) (Mine Act) requires MSHA to establish requirements for the technical design, construction, and testing of electrical products, including PAPRs, that must be approved by MSHA prior to use in gassy mines. In underground gassy mines, flammable or explosive gases such as methane, and/or float coal dust can form explosive mixtures when combined with air. Before PAPRs can be used in gassy mines in the U.S., they must first be approved by MSHA.

MSHA’s requirements in title 30, Code of Federal Regulations (30 CFR) part 18 ensure electric motor-driven products are designed and manufactured so that they will not emit a spark strong enough, or temperature sufficient to cause a fire or explosion. Those seeking MSHA approval (applicants) are typically product designers and manufacturers of electrical products such as PAPRs. MSHA’s approval process includes testing and evaluating the electrical product to determine whether it performs according to certain technical and safety requirements. MSHA issues an approval if the electrical product passes all the tests and evaluations. Once the electrical product is approved by MSHA, it must display an MSHA approval marking indicating that the product is approved for use in gassy mines. MSHA refers to electrical products approved for use in gassy areas of mines as “permissible.” To continue to use the MSHA approval marking, the approval holder must maintain the quality of the electrical product according to the technical requirements upon which its approval was based.

Currently, there are no permissible PAPRs commercially available in the U.S. market. Mine operators must seek MSHA approval for the use of PAPRs in underground mines by filing petitions for modification under 30 CFR part 44.

Petitions for Modification

Section 101(c) of the Mine Act allows mine operators or representatives of miners to file a petition, or request, to modify the application of any mandatory safety standard to a mine. MSHA reviews petitions for modification to determine whether the petitioner’s alternative method of achieving the result of the standard will at all times guarantee no less than the same measure of protection afforded by the standard, or the application of the standard will result in a diminution of safety to the miners.

30 CFR part 44 establishes the procedures and rules of practice for filing a petition for modification under section 101(c) of the Mine Act. Once a petition has been filed by a mine operator or representative of miners, a notice requesting comment on the petition is published in the **Federal Register** and MSHA personnel investigate to promptly determine whether to grant or deny the petition. Taking into consideration the alternative methods proposed by the petitioner and any additional requirements, MSHA will grant the petition for modification if the Agency determines that the alternative method of achieving the result of the standard will at all times guarantee no less than the same measure of protection afforded by the standard, or the application of the standard will result in a diminution of safety to the miners. The granted modification, together with any conditions, will have the same effect as a mandatory safety standard.

Since 2021, MSHA has received more than 150 petitions for modification requesting MSHA allow the use of non-permissible PAPRs in areas of underground mines where the use of approved equipment is required. These petitions for modification generally propose very similar alternative methods, or conditions and terms, for the safe use of non-permissible PAPRs in gassy areas of underground mines to ensure that miners are at all times afforded the same measure of protection as when using permissible equipment.

II. Discussion

MSHA proposes to codify certain technical specifications and working conditions to allow the use of PAPRs in specified underground areas of underground metal and nonmetal (MNM) and coal mines, so that mine operators no longer need to file petitions for modification. This proposed rule would allow mine operators to safely use the best and most current

technology available, while not reducing miner safety.

This proposed rule would not revise the language of any Proposed Decisions and Orders granted by MSHA for PAPRs. Operators with granted petitions would decide between complying with the terms of their Proposed Decision and Order or complying with the requirements proposed in this rule and dismissing their petitions.

Under the proposed rule, there would be no change to existing ventilation requirements, methane monitoring requirements, de-energization requirements, or rock-dusting requirements. The Agency has preliminarily determined that this proposed rule, including the protective requirements that are generally consistent with the terms in granted petitions, would not reduce existing protections for miners.

MSHA seeks comments on any aspects of this proposed rule, including what records are appropriate for mine operators to maintain to ensure compliance.

III. Section-by-Section Analysis

A. Sections 57.22316 and 75.530—Non-Permissible Powered Air-Purifying Respirators (PAPRs): Purpose and Scope

This proposed rule would allow non-permissible PAPRs that have not been evaluated and approved by MSHA using the 30 CFR part 18 requirements to be used in specified underground areas of gassy mines. The proposed rule would also establish requirements for the features and maintenance of non-permissible PAPRs and the mining conditions where non-permissible PAPRs can be used.

B. Sections 57.22316–1 and 75.531—Non-Permissible PAPRs: Definitions

The proposed rule would define *commercially available*, *Powered Air Purifying Respirators (PAPRs)*, *production activities*, and *specified underground areas* for MNM mines in part 57 and coal mines in part 75.

The definitions for *commercially available* and *Powered Air Purifying Respirators (PAPRs)* are the same in parts 57 and 75. However, the definitions for *production activities* and *specified underground area* are different in parts 57 and 75 because of differences in the commodities mined, mining methods, geology, and construction of MNM mines compared to coal mines.

C. Sections 57.22316–2 and 75.532—Non-Permissible PAPRs: Approval and Certification Requirements

Proposed §§ 57.22316–2 and 75.532 would require that non-permissible

PAPRs taken into specified underground areas meet certain conditions. Non-permissible PAPRs must meet the appropriate UL (formerly Underwriters Laboratories) voluntary consensus safety standard.

Proposed paragraphs §§ 57.22316–2(a)(2) and 75.532(a)(2) would require non-permissible PAPRs to be certified to the American National Standards Institute (ANSI)/UL 60079–11, Standard for Safety for Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety “i”, Sixth Edition, Dated February 15, 2013, including revisions through September 14, 2018 (ANSI/UL 60079–11).

Certification to the ANSI/UL 60079–11 standard must be conducted by organizations meeting the requirements of the Occupational Safety and Health Administration’s (OSHA) Nationally Recognized Testing Laboratory (NRTL) program. A NRTL is a private-sector organization that OSHA has recognized as meeting the requirements in 29 CFR 1910.7 to perform testing and certification of products using consensus-based test standards. To receive OSHA’s recognition as an NRTL, an organization must have the necessary capability both as a product safety testing laboratory and as a product certification body.

Proposed paragraph (b) lists the eight voluntary consensus standards that MSHA would incorporate by reference in parts 57 and 75. While MSHA would require certification for non-permissible PAPRs only to ANSI/UL 60079–11, the Agency is incorporating by reference seven additional ANSI-approved standards because these are referenced throughout ANSI/UL 60079–11.

The proposed incorporation by reference of the eight voluntary consensus standards is consistent with the Office of Management and Budget’s (OMB) Circular A–119 (Jan. 27, 2016 (81 FR 4673)), which establishes policy guidance for Federal agencies. Circular A–119, based on the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 3701 *et seq.*), section 12(d), directs Federal agencies to use technical standards developed or adopted by voluntary consensus standards bodies to carry out policies or activities. Additionally, Circular A–119 directs agencies to use voluntary consensus standards in lieu of government-unique standards, except where inconsistent with law or otherwise impractical. The intent of the policy guidance in Circular A–119 is to minimize agency reliance on government-unique standards to decrease the burden of complying with agency regulations and promote

efficiency and economic competition through harmonization of standards. (See <https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-119-1.pdf>).

D. Sections 57.22316–3 and 75.533—Non-Permissible PAPRs: Requirements Before Use

Proposed §§ 57.22316–3 and 75.533 would specify the requirements for examination of non-permissible PAPRs to ensure they are in a safe condition before being used in the specified areas of an underground mine.

E. Sections 57.22316–4 and 75.534—Non-Permissible PAPRs: Continuous Monitoring During Operation

Proposed §§ 57.22316–4 and 75.534 would require a competent person, for MNM mines, or qualified person, for coal mines, to monitor for methane. Proposed paragraphs (c) and (d) would require methane detectors to meet certain requirements to ensure their safe operation. Proposed paragraph (e) would require immediately de-energizing and removing non-permissible PAPRs from the specified underground area if a certain percentage of methane is detected.

The timely detection of methane gas and the immediate removal of the non-permissible PAPRs out of the specified underground areas would be the primary method of protection against ignitions and explosions.

F. Sections 57.22316–5 and 75.535—Non-Permissible PAPRs: Requirements for Batteries

Proposed §§ 57.22316–5 and 75.535 would address requirements for the batteries used in non-permissible PAPRs to ensure their safe operation if methane or float coal dust is present.

I. Sections 57.22316–6 and 75.536—Non-Permissible PAPRs: Maintenance and Examination

Proposed §§ 57.22316–6 and 75.536 would address the maintenance and examination requirements for non-permissible PAPRs to ensure their safe operating condition. All non-permissible PAPRs would be required to be withdrawn from specified underground areas if a potentially dangerous condition was found.

J. Sections 57.22316–7 and 75.537—Non-Permissible PAPRs: Training

Proposed §§ 57.22316–7 and 75.537 would address the importance of training miners on safety practices where new technologies are utilized and would require specific training for those who will be using non-permissible

PAPRs. In addition to 30 CFR part 48 training requirements, MSHA is proposing to require specific training to address concerns regarding the use of non-permissible PAPRs in specified underground areas.

K. Incorporation by Reference

In proposed §§ 57.22305–3 and 75.532, MSHA would incorporate by reference the following voluntary consensus standards.

(1) ANSI/International Society of Automation (ISA) 60079–11 (12.02.01)-2014, Standard for Explosive Atmospheres—Part 11: Equipment protection by intrinsic safety “i” (Group I, Level of Protection ‘ia’), Edition 6.2, dated March 28, 2014, that specifies the construction and testing of intrinsically safe apparatus intended for use in an explosive atmosphere and for associated apparatus that is intended for connection to intrinsically safe circuits which enter such atmospheres. This standard is also applicable to electrical equipment or parts of electrical equipment located outside the explosive atmosphere or protected where the intrinsic safety of the electrical circuits in the explosive atmosphere may depend upon the design and construction of such electrical equipment or parts of such electrical equipment. The electrical circuits exposed to the explosive atmosphere are evaluated for use in such an atmosphere by applying this standard.

(2) ANSI/ISA 60079–25 (12.02.05)-2011, Standard for Explosive Atmospheres—Part 25: Intrinsically safe electrical systems (Group I, Level of protection ‘ia’), dated December 2, 2011, which contains the specific requirements for construction and assessment of intrinsically safe electrical systems, type of protection “i”, intended for use, as a whole or in part, in Class I, Zone 0, 1, or 2, or Zone 20, 21, or 22 hazardous (classified) locations as defined by the NEC®, ANSI/NFPA 70®.

(3) ANSI/UL 60079–0, Standard for Explosive Atmospheres—Part 0: Equipment—General Requirements (Group I), Seventh Edition, dated March 26, 2019, which specifies the general requirements for construction, testing and marking of Ex Equipment and Ex Components intended for use in explosive atmospheres. This standard is an adoption of IEC 60079–0, Explosive atmospheres—Part 0: Equipment—General requirements, (seventh edition issued by IEC December 2017) as a new IEC-based UL standard with U.S. national differences.

(4) ANSI/UL 60079–1, Standard for Explosive Atmospheres—Part 1:

Equipment Protection by Flameproof Enclosures “d” (Group I, Level of protection ‘da’), Seventh Edition, dated September 18, 2015, which contains specific requirements for the construction and testing of electrical equipment with the type of protection flameproof enclosure “d”, intended for use in explosive gas atmospheres. This standard is an adoption of IEC 60079–1, Explosive Atmospheres—Part 1: Equipment Protection by Flameproof Enclosures “d” (seventh edition, issued June 2014) with U.S. national differences.

(5) ANSI/UL 60079–11, Standard for Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety “i” (Group I, Level of protection ‘ia’), Sixth Edition, dated February 15, 2013, including revisions through September 14, 2018 (ANSI/UL 60079–11), which specifies the construction and testing of intrinsically safe apparatus intended for use in an explosive atmosphere and for associated apparatus, which is intended for connection to intrinsically safe circuits which enter such atmospheres. This standard is also applicable to electrical equipment or parts of electrical equipment located outside the explosive atmosphere or protected where the intrinsic safety of the electrical circuits in the explosive atmosphere may depend upon the design and construction of such electrical equipment or parts of such electrical equipment. The electrical circuits exposed to the explosive atmosphere are evaluated for use in such an atmosphere by applying this standard. This standard incorporates all of the U.S. national differences for UL 60079–11 and is based on IEC 60079–11, Edition 6, published in 2011.

(6) ANSI/UL 60079–18, Standard for Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation “m” (Group I, Level of Protection ‘ma’), Fourth Edition, dated December 14, 2015, which provides the specific requirements for the construction, testing and marking of electrical equipment, parts of electrical equipment and Ex components with the type of protection encapsulation “m” intended for use in explosive gas atmospheres or explosive dust atmospheres. This standard applies only for encapsulated electrical equipment, encapsulated parts of electrical equipment, and encapsulated Ex components where the rated voltage does not exceed 11 kV. This standard incorporates all of the U.S. national differences and is based on IEC 60079–18, Explosive Atmospheres—Part 18: Equipment

Protection by Encapsulation “m”, (fourth edition issued December 2014).

(7) ANSI/UL 60079–25, Standard for Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems (Group I, Level of Protection ‘ia’), Second Edition, Dated December 2, 2011, which contains the specific requirements for construction and assessment of intrinsically safe electrical systems, type of protection “i”, intended for use, as a whole or in part, in Class I, Zone 0, 1, or 2 hazardous (classified) locations as defined by the NEC®, ANSI/NFPA 70®. This standard is an adoption of ANSI/ISA 60079–25, Standard for Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems.

(8) ANSI/UL 60079–28 Ed. 2–2017, Standard for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation (Group I, Equipment Protection Level ‘Ma’), dated September 15, 2017, which specifies the requirements, testing and marking of equipment emitting optical radiation intended for use in explosive atmospheres. It also covers equipment located outside the explosive atmosphere or protected, but which generates optical radiation that is intended to enter an explosive atmosphere. This standard incorporates all of the U.S. national differences for UL 60079–28 and is based on IEC 60079–28, Edition 2.0 published May 2015.

Availability of Standards To Be Incorporated by Reference

MSHA proposes to incorporate by reference two ISA standards. ISA provides free online public access to read-only copies of its standards that are incorporated into Federal regulations through an agreement with ANSI. These standards are available to the public for free viewing online in the ANSI Incorporated by Reference Portal website at: <https://ibr.ansi.org/Standards/isa.aspx>. In addition to the free online availability of these standards for viewing on the ANSI website, hardcopies and printable versions are available for purchase from ISA. The ISA website address to purchase standards is: www.isa.org/standards-and-publications/isastandards/find-isa-standards-innumerical-order. Interested persons may also contact ISA directly at International Society of Automation (ISA), 67 T.W. Alexander Drive, P.O. Box 12277, Research Triangle Park, NC 27709, Tel: (919) 549–8411. In addition, during the comment period and rulemaking process, ISA standards will

be available for review, free of charge, at MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210 and at MSHA's Approval and Certification Center (A&CC) at 765 Technology Drive, Triadelphia, WV 26059 (304-547-0400).

There are six ANSI/UL standards that would be incorporated by reference in this proposed rule. These standards are available online and may be purchased on UL's website at:

www.shopulstandards.com. Interested persons may also contact UL directly at UL Solutions, Comm 2000, 151 Eastern Avenue, Bensenville, IL 60106, Tel: (888) 853-3503. In addition, during the comment period and rulemaking process, UL standards will be available for review, free of charge, at MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210 and at MSHA's A&CC at 765 Technology Drive, Triadelphia, WV 26059 (304-547-0400).

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, "Regulatory Planning and Review" 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, "Improving Regulation and Regulatory Review" 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O.

12866 while calling for improvements in the nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Background

Currently, there are no permissible PAPRs commercially available on the U.S. market. Mine operators have to file petitions for modification to use PAPRs in underground mine environments and are only granted permission for their use if the petition is approved. Under the proposed rule, mine operators would be allowed to use PAPRs in specified underground areas of underground mines without filing petitions. This proposed rule would allow mine operators to safely use the best and most current technology available, while not reducing miner safety.

Based on MSHA internal data, the Agency estimates there will be approximately 197 underground metal and nonmetal (MNM) mines and 215 underground coal mines operating each year that would be impacted by this proposed rule.¹ All estimated figures are expressed in 2024 dollars.

Under the baseline scenario, coal mine operators would continue their current practice of filing petitions to be able to use PAPRs in underground mines and would purchase and use the PAPRs if their petition is approved. Under the proposed rule, mine operators would no longer need to file petitions to use PAPRs. There would be no change to the existing requirements placed on mine operators using PAPRs: methane monitoring, regular PAPR equipment inspection, and hazard awareness training for miners. These requirements would continue to be applied to all underground mines that use PAPRs under the proposed rule.

Benefits

This proposed rule would codify new standards for using non-permissible PAPRs in underground mines, based on technical specifications and working conditions. The proposed rule would

substantially reduce future costs and delays related to filing petitions for modification. MSHA received 150 petitions for PAPRs between 2021 and 2024. These petitions show that, despite the costs associated with filing petitions, a substantial number of mines find that using PAPRs is beneficial to their operations. Being able to use PAPRs without having to file a petition would allow mine operators to safely use the latest technology without diminishing safety in underground mines.

Compliance Costs of Using PAPRs

The total compliance costs associated with using PAPRs would result from allowing underground mine operators to purchase and use PAPRs without filing a petition for modification. MSHA assumes the cost of filing a petition currently presents a barrier to the use of PAPRs, and when that barrier is removed the purchase and use of PAPRs would be economically feasible for more mine operators.

The total compliance costs of using PAPRs include the following:

1. *Equipment purchases:* MSHA estimates that over the 10-year analysis period, each underground MNM mine operator would purchase 10 PAPRs per mine and each underground coal mine operator would purchase 50 PAPRs per mine. At a cost of \$3,000 per PAPR, the 10-year total cost would be \$36.0 million undiscounted.

2. *Methane monitoring by competent or qualified persons:* MSHA estimates that in underground MNM mines over the 10-year analysis period, mining supervisors earning \$75.63 per hour would spend a total of 12,549 hours monitoring methane; and over that same time period in underground coal mines, mining supervisors earning \$95.72 per hour would spend a total of 125,488 hours monitoring methane. This yields a total cost over 10 years of \$13.1 million.

3. *Examination of non-permissible PAPR equipment:*

a. *Pre-use examinations:* MSHA estimates that, over 10 years, mining supervisors would need to conduct 2,150 pre-use examinations in underground MNM mines (1 examination per mine per year) and 3,940 examinations in underground coal mines (2 examinations per mine per year). At a unit cost of \$5.51 per examination, the 10-year total cost would be \$33,556 undiscounted covering 6,090 pre-use examinations.

b. *Weekly examinations:* MSHA estimates mining supervisors would conduct 4 weekly examinations per mine each year for 215 underground

¹ Number of mines inspected at least once in 2024 and the mine's current status is listed as active, intermittent, or nonproducing active on April 14, 2025.

MNM mines and 197 underground coal mines. This results in a 10-year total of 16,480 examinations. At a unit cost of \$9.48 per examination, the 10-year cost of weekly examinations would be \$0.2 million undiscounted.

4. Hazard awareness training for miners: MSHA estimates mine operators would train 2 MNM miners and 20 coal miners per mine each year on the hazards involved in using PAPRs. Assuming the training takes 1 hour to complete and using an estimated wage rate of \$49.78 per hour for MNM miners and \$57.85 per hour for coal miners, the 10-year cost of training would be \$12,566 undiscounted over 10 years.

Cost Savings

Under the baseline scenario, MSHA believes mine operators would continue to file petitions to use PAPRs, while no new petitions would be filed under the proposed rule. Over the 10-year analysis period, MSHA estimates that under the baseline there would be 20 petitions filed and approved without revision, 330 petitions filed and approved with revisions, and 30 petitions litigated. MSHA assumes that the cost of petitions is \$6,367 per petition approved without revision, \$25,468 per petition approved with revisions, and \$397,943 per litigated petition.² Under the proposed rule, mine operators would not have to file petitions and thus would avoid petition associated costs of \$20.47 million undiscounted over 10 years. The annualized cost savings would be \$2.05 million at a 0 percent discount rate, \$2.25 million at a 3 percent discount rate, and \$2.52 million at a 7 percent discount rate.

Summary

To use PAPRs, mine operators would incur compliance costs of \$4 million undiscounted over 10 years, under both the baseline scenario (filing a petition in order to use PAPRs) or the proposed rule (using PAPRs without having to file a petition). Therefore, compliance costs are not considered incremental costs under the proposed rule.

Under the proposed rule, there would be incremental cost savings from avoided costs associated with filing petitions and potentially going through litigation of \$20.47 million. MSHA estimates that the annualized cost savings for this proposed rule at discount rates of 0 percent, 3 percent, and 7 percent would be \$2.05 million, \$2.25 million, and \$2.52 million, respectively.

Significance Determination

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Adding the provisions concerning the use of PAPRs in specified underground areas of mines would not impose new compliance costs to underground mine operators or reduce the protections afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions. MSHA reviewed this proposed rule under the provisions of

the RFA, which eliminates burdensome regulations.

Under the RFA, MSHA uses the Small Business Administration’s (SBA) definition to set thresholds for small business sizes for the MNM and coal mining industries defined at the 6-digit North American Industry Classification System (NAICS) level. For underground MNM mines the threshold ranges from 500–1,500 employees depending on the specific commodity being mined. For underground coal mines the threshold is 1,500 employees.

MSHA estimates the total annual revenues for MNM commodities to be \$105.6 billion. This was calculated using the 2024 production values for all metal and industrial minerals reported in U.S. Geological Survey’s Mineral Commodity Summaries 2025 Report. Using MSHA internal data the agency estimates that \$44.0 billion of the total revenues were generated by small MNM mines.

MSHA evaluated data routinely provided by mine operators related to the number of mines, employment, and production from MSHA’s Standardized Information System (MSIS) for underground coal mines. MSHA calculated revenue as production times the average price of coal. Using internal data, MSHA estimates that small coal mines produce roughly 92.1 million tons of coal annually. Using U.S. Energy Information Administration Annual Coal Report 2023 Table 28, Average Sales Price of Coal by State and Mine Type, the average coal price was \$54.04 per short ton in 2023. The price was then adjusted to 2024 dollars using CPI–U, \$55.63 per short ton, to estimate national coal revenues of \$5.1 billion generated by small coal mines.

MSHA assesses the impacts on small entities by comparing the estimated compliance costs of the proposed rule for small entities affected by the rule to the estimated revenues for the affected sector. When estimated compliance costs are less than 1 percent of the estimated revenues, the Agency believes it is generally appropriate to conclude that there is no significant economic impact on a substantial number of small entities. When estimated compliance costs exceed 1 percent of revenues, MSHA investigates whether further analysis is required. The impact as a percentage of revenue is essentially zero under the proposed rule: for small MNM and coal mine operators total annualized cost is \$4.93 million while total annual revenue is \$49.1 billion, resulting in the ratio of 0.010 percent. Thus, no further analysis is required.

MSHA considered the compliance costs on small mines when developing

² The litigation of a petition by a mine operator can take several years to resolve, which could amount to hundreds, and possibly even thousands of legal hours.

the proposed rule, MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or recordkeeping requirements. The requirements for training recordkeeping are fully covered in a currently approved information collection request, OMB Control Number 1219–0009 “Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines.” There is no change to this information collection request.

However, this proposed rule would result in substantive changes to another currently approved information collection request, OMB Control Number 1219–0065 “Petitions for Modification of Mandatory Safety Standards.” The currently approved information collection request covers requirements in 30 CFR part 44, which set forth the procedures and rules to govern petitions for modification of mandatory safety standards filed under section 101(c) of the Mine Act.

Under this proposed rule, MNM and coal mine operators would no longer have to file petitions for modification to use PAPRs in underground mine environments. This proposed change would decrease the paperwork burden and costs to mine operators as they would no longer file petitions for using PAPRs in underground MNM and coal mines. MSHA proposes to revise the supporting statement for the

information collection request 1219–0065 to reflect these changes and seeks public comment on these changes.

Type of Review: Substantive Change to currently approved information collection.

OMB Control Number: 1219–0065.

Title: Petitions for Modifications of Mandatory Safety Standards.

Description of the ICR:

Background

Under 30 CFR 44.4, mine operators can file a petition for modification to use an alternative method of achieving the same result of an existing standard that will at all times guarantee no less than the same measure of protection afforded by the standard. Currently, this is the only way mine operators are able to use non-permissible PAPRs. Under the proposed rule, the requirements for using such equipment would be codified and mine operators would no longer have to file a petition for their use.

Based on MSHA records of petitions for modification received between 2021 through 2023, there were an average of 46 petitions each year. Of these submitted petitions, there was an average of 26 submissions that requested the use of PAPRs. Under this proposed rule, the Agency estimates that the average annual petitions would be reduced from 46 to 20 petitions, as the 26 petitions concerning PAPRs would no longer need to be filed. MSHA assumes that 24 petitions for PAPRS would have been filed by underground coal mines and 2 by underground MNM mines. Additionally, it is assumed that under the proposed rule, of the remaining 20 petitions filed each year, 19 petitions would be from coal mines and 1 would be from a MNM mine.

Summary of Changes

This substantive change request will change the supporting statement for this information collection request due to an addition in the recordkeeping requirements in the proposed 30 CFR 57.22316 through 57.22316–7 and 75.530 through 75.537. Forty-six mines are currently impacted under 1219–0065 and under the proposed rule this figure would decrease to 20. This change does not modify the authority or number of affected mine operators and contractors, but it does decrease the paperwork burden and costs associated with filing petitions as captured by this information collection request.

The number of respondents, frequency of response, annual hour burden, and recordkeeping cost are described below.

1. Preparing and Filing Petitions for Modification (30 FR 44.10 and 44.11(a))

Under 30 CFR 44.10 and 44.11(a), a mine operator or any representative of miners may file a petition for modification of the application of a mandatory safety standard. MSHA assumes that petitions will either be filed by mine operators or by third-party sources on behalf of mine operators. Under the proposed rule, MSHA assumes that each year 16 petitions would be prepared by mine operators, 15 from coal mines and 1 from a MNM mine. MSHA estimates that it takes 40 hours to prepare and file a petition, which will be completed by a coal or MNM mining supervisor, earning \$95.72 or \$75.63 per hour, respectively.

As related to these requirements, the proposed rule would reduce the number of annual respondents from 37 to 16, the number of annual responses from 37 to 16, and the annual burden hours from 1,480 to 640.

Additionally, MSHA assumes that 4 petitions are prepared by third-party sources (independent legal counsel) each year. MSHA estimates that it takes an independent counsel, earning \$182.79 per hour, approximately 16 hours to prepare a petition. This will be a total of \$11,699 spent preparing the 4 petitions. This would be a decrease from the previous recordkeeping cost estimate of \$24,814.

The prepared petitions must be submitted to MSHA for review and approval. Each year, MSHA estimates only 1 petition would be submitted by mail and 19 would be submitted electronically. MSHA assumes that there is no filing cost if submitted electronically. MSHA estimates the mailing costs for a petition for modification is \$8.00 if using certified mail from USPS. This proposed rule would reduce the recordkeeping cost burden from \$16 to \$8.

2. Posting Copies of Petitions on the Mine Bulletin Boards (30 CFR 44.9)

Under 30 CFR 44.9, a mine operator must, when there is no representative of miners, post a copy of each petition for modification concerning the mine on the mine bulletin board and must maintain the posting until a ruling on the petition becomes final. MSHA assumes that all mine operators will post the petition for modification on the mine’s bulletin board.

MSHA assumes each year there will be 19 petitions from coal mines and 1 from a MNM mine. MSHA estimates that it takes 10 minutes to make copies of the petition and post the petition to the mine bulletin board. This will be

done by a coal or MNM clerk, earning \$44.53 or \$45.42 per hour, respectively.

As related to this item, the proposed rule would reduce the number of annual respondents from 46 to 20, the number of annual responses from 46 to 20, and the annual burden hours from 7.67 to 3.33.

Additionally, MSHA assumes that on average a petition for modification is 3 pages long and the printing cost is \$0.15 per page, so the material cost of printing a copy of the petition would be \$0.45. By reducing the number of petitions to be posted on the mine bulletin board by 26, this proposed rule reduces the annual recordkeeping cost to respondents by \$11.70.

In summary, this proposed rule would reduce the number of annual respondents from 46 to 20, the number of annual responses from 46 to 20, and the annual burden hours from 7.67 to 3.33. The annual recordkeeping cost to respondents would decrease from \$20.70 to \$9.00.

3. Serving Representatives of Miners With Petitions (30 CFR 44.10)

Under 30 CFR 44.10, if a petition is filed by a mine operator, a copy of the petition must be served to a representative of miners at the affected mine. MSHA assumes that 20 petitions would be filed each year, 19 from coal mines and 1 from a MNM mine. MSHA estimates that it takes 10 minutes to make copies of the petition and serve the petition to a representative of miners. A coal or MNM clerk earns \$44.53 or \$45.42 per hour, respectively.

As related to this item, the proposed rule would reduce the number of annual respondents from 46 to 20, the number of annual responses from 46 to 20, and the annual burden hours from 7.67 to 3.33.

Additionally, MSHA assumes that on average a petition for modification is 3 pages long and the printing cost is \$0.15 per page, so the material cost of printing a copy of the petition would be \$0.45. By reducing the number of petitions to be served to miners' representatives by 26 this proposed rule reduces the annual other cost burden by \$11.70.

In summary, this proposed rule would reduce the number of annual respondents from 46 to 20, the number of annual responses from 46 to 20, and the annual burden hours from 7.67 to 3.33. The annual recordkeeping cost to respondents would decrease from \$20.70 to \$9.00.

4. Serving Miners' Representative With Copies of the Final Actions Granting Petitions and Posting Copies to the Mine Bulletin Boards (30 CFR 44.5(b))

Under 30 CFR 44.5(b), every final action granting a petition for modification must be posted by the operator on the mine bulletin board at the affected mine and remain posted as long as the modification is effective. If a summary of the final action is posted on the mine bulletin board, a copy of the full decision must be kept at the affected mine office and made available to the miners.

Under the baseline, MSHA estimates that each year 46 petitions would be submitted. Of the 46, 26 would be related to PAPRs, 3 of which would be denied and 23 approved. The proposed rule removes the need for the 26 petitions. Of the remaining 20 petitions submitted annually, MSHA estimates 12 would be approved, 11 from coal mines and 1 from a MNM mine. MSHA estimates that it takes 10 minutes to make copies of the final action and then to serve them to the miners' representative or post on the mine bulletin board. This will be done by a coal or MNM clerk, earning \$44.53 or \$45.42 per hour, respectively.

As related to this item, the proposed rule would reduce the number of annual respondents from 46 to 20, the number of annual responses from 46 to 20, and the annual burden hours from 7.67 to 3.33.

Additionally, MSHA assumes that a mine operator will make 2 copies of each final actions granting petitions: 1 copy to be posted on the bulletin board and 1 copy available to miners. MSHA assumes that on average a petition for modification is 3 pages long and the printing cost is \$0.15 per page, so the cost of printing a copy of the petition would be \$0.45. This rescission would reduce the number of copies of final actions made by 46 (23 served to miners' representatives and 23 posted to mine bulletin boards). This rescission reduces the annual other cost burden from \$31.50 to \$10.80.

This portion of the PRA requirements would reduce the number of annual respondents from 35 to 12, the number of annual responses from 35 to 12, and the annual burden hours from 5.83 to 2.00. The annual recordkeeping cost to respondents would decrease from \$31.50 to \$10.80.

Summary of the Collection of Information

Under the proposed rule, the estimated number of respondents, responses, burden hours, and

recordkeeping costs to respondents would decrease from the currently approved information collection request.

Affected Public: Businesses or For-Profit.

Estimated Number of Respondents: 20 (– 26 from proposed rule).

Frequency: On occasion.

Estimated Number of Responses: 68 (– 96 from proposed rule).

Estimated Number of Burden Hours: 649 (– 853 from proposed rule).

Estimated Recordkeeping Costs to Respondents: \$11,735 (– \$13,095 from proposed rule).

D. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has determined that the proposed rule would not have federalism implications because it would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, E.O. 13132 requires no further action or analysis.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform" 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on

existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposed rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, no further Agency action or analysis is required.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et*

seq.), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Plain Language

E.O. 12866 and E.O. 13563 require regulations to be written in a manner that is easy to understand. MSHA has drafted the proposed rule in plain language.

N. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost of Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects

30 CFR Part 57

Chemicals, Electric power, Explosives, Fire prevention, Gases, Hazardous substances, Incorporation by reference, Metals, Mine safety and health, Mines, Noise control, Radiation protection, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 75

Communications equipment, Electric power, Emergency medical services, Incorporation by reference, Mandatory safety standards, Explosives, Fire prevention, Mine safety and health, Reporting and recordkeeping requirements, Training, Underground coal mines.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

■ 1. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

Subpart T—Safety Standards for Methane in Metal and Nonmetal Mines

■ 2. Add §§ 57.22316 through 57.22316–7 to read as follows:

§ 57.22316 Non-permissible powered air purifying respirators (PAPRs): Purpose and scope.

§ 57.22316–1 Non-permissible PAPRs: Definitions.

§ 57.22316–2 Non-permissible PAPRs: Approval and certification requirements.

§ 57.22316–3 Non-permissible PAPRs: Requirements before use.

§ 57.22316–4 Non-permissible PAPRs: Continuous monitoring during operation.

§ 57.22316–5 Non-permissible PAPRs: Requirements for batteries.

§ 57.22316–6 Non-permissible PAPRs: Maintenance and examination.

§ 57.22316–7 Non-permissible PAPRs: Training.

§ 57.22316 Non-permissible powered air purifying respirators (PAPRs): Purpose and scope.

(a) Non-permissible PAPRs meeting the provisions in §§ 57.22316–1 through 57.22316–7 are permitted when no MSHA-approved PAPRs are commercially available.

(b) In the event that an operator implements a non-permissible PAPR at a mine, the operator must replace non-permissible PAPRs with approved PAPRs at the end of the non-permissible PAPR useful life or 2 years after the date of manufacture, whichever is sooner, if approved PAPRs become commercially available.

(c) PAPRs which are not MSHA-approved may be taken into and operated in specified underground areas: in or beyond the last open

crosscut and in areas where methane may enter the air current, such as pillar recovery workings, longwall faces and shortwall faces, when PAPRs that meet the permissibility requirements in part 18 of this chapter do not exist.

(d) Sections 57.22316–1 through 57.22316–7 establish requirements for the features, use, and maintenance of non-permissible PAPRs, and the training of the personnel using such equipment when production activities are occurring and when production activities cease.

§ 57.22316–1 Non-permissible PAPRs: Definitions.

The following definitions apply:

Commercially available. Currently being manufactured and available for sale in the U.S.

Powered air purifying respirators (PAPRs). Battery-powered devices certified by the National Institute for Occupational Safety and Health (NIOSH) equipped with a facepiece, hood, or helmet, breathing tube, canister, cartridge, filter, canister with filter, or cartridge with filter, and a blower.

Production activities. Activities that generate dust containing volatile matter or combustible gases including but not limited to cutting, drilling, blasting, transporting, cleaning, loading, and unloading.

Specified underground area. An underground area located in or beyond the last open crosscut and areas where methane may enter the air current, such as pillar recovery workings, longwall faces and shortwall faces or any underground area requiring electrical equipment that is approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36. These areas are considered where explosive concentrations of methane gas are most likely to occur.

§ 57.22316–2 Non-permissible PAPRs: Approval and certification requirements.

(a) PAPRs which are not MSHA-approved and taken into specified underground areas must meet the following conditions:

(1) Non-permissible PAPRs, including batteries when assembled for use, must be approved by the National Institute for Occupational Safety and Health (NIOSH) under 42 CFR part 84.

(2) Non-permissible PAPRs must be certified to the ANSI/UL 60079–11 standard listed in § 57.22316–2(b)(1)(i) by a Nationally Recognized Testing Laboratory (NRTL) in accordance with 29 CFR 1910.7. Certification allows the manufacturer to mark the device as “Ex ia I”, meaning that the unit is certified

to be used in hazardous locations (“Ex”), has met the most onerous level of intrinsic safety protection (“ia”), the Equipment Protection Level (“very high”), and is acceptable for use in mines susceptible to firedamp (“I”).

(b) The material listed in this paragraph (b) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the U.S. Department of Labor, Mine Safety and Health Administration (MSHA) and at the National Archives and Records Administration (NARA). Contact MSHA at 200 Constitution Avenue NW, Washington, DC 20210. 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. The material is available as follows:

(1) International Society of Automation (ISA), 67 T.W. Alexander Drive, P.O. Box 12277, Research Triangle Park, NC 27709; phone: (919) 549–8411; website: www.isa.org.

(i) ANSI/ISA 60079–11 (12.02.01)–2014, American National Standard for Explosive Atmospheres—Part 11: Equipment protection by intrinsic safety “i”, Edition 6.2, Approved March 28, 2014.

(ii) ANSI/ISA 60079–25 (12.02.05)–2011, American National Standard for Explosive Atmospheres—Part 25: Intrinsically safe electrical systems, Approved December 2, 2011.

(2) UL Solutions. Comm 2000. 151 Eastern Avenue, Bensenville, IL 60106; phone: (888) 853–3503; website: www.ul.com.

(i) ANSI/UL 60079–0, Standard for Safety for Explosive Atmospheres—Part 0: Equipment—General Requirements, Seventh Edition, Dated March 26, 2019, including revisions through April 15, 2020 (ANSI/UL 60079–0).

(ii) ANSI/UL 60079–1, Standard for Safety for Explosive Atmospheres—Part 1: Equipment Protection by Flameproof Enclosures “d”, Seventh Edition, Dated September 18, 2015, including revisions through January 23, 2020 (ANSI/UL 60079–1).

(iii) ANSI/UL 60079–11, Standard for Safety for Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety “i”, Sixth Edition, Dated February 15, 2013, including revisions through September 14, 2018 (ANSI/UL 60079–11).

(iv) ANSI/UL 60079–18, Standard for Safety for Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation “m”, Fourth Edition,

Dated December 14, 2015, including revisions through February 7, 2019 (ANSI/UL 60079–18).

(v) ANSI/UL 60079–25, Standard for Safety for Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems, Second Edition, Dated December 2, 2011, including revisions through June 12, 2020 (ANSI/UL 60079–25).

(vi) ANSI/UL 60079–28 Ed. 2–2017, Standard for Safety for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation, Second Edition, Dated September 15, 2017, including revisions through December 7, 2021 (ANSI/UL 60079–28).

Note 1 to § 57.22316–2: The voluntary consensus standards listed in this section may also be obtained from the American National Standards Institute (ANSI), 1899 L Street NW, 11th Floor, Washington, DC 20036; phone: (202) 293–8020; website: www.ansi.org.

§ 57.22316–3 Non-permissible PAPRs: Requirements before use.

(a) Prior to being taken into specified underground areas, each non-permissible PAPR shall be:

(1) Physically examined by a competent person as defined in § 57.22002.

(i) The examination shall include the battery pack, and all associated wiring and connections to determine if there are any observable defects or damage that could negatively impact intrinsic safety.

(ii) If any defect or damage is found, the non-permissible PAPR shall be removed from service.

(2) Examined by the user in accordance with the manufacturer's instructions to ensure the equipment is used according to the manufacturer's recommendations and maintained in a safe operating condition.

(b) The examination under (a)(1) and (a)(2) shall include:

(1) Checking the equipment for any physical damage and the integrity of the case;

(2) Removing the battery (if removable/accessible) and examining for corrosion;

(3) Inspecting the electrical contact points to ensure a secure connection to the battery (if removable/accessible);

(4) Reinserting the battery (if removable/accessible) and powering up and shutting down to ensure proper connections;

(5) Checking the battery compartment cover or battery attachment (if removable/accessible) to ensure that it is securely fastened, and for ingress of dust or moisture; and

(6) For equipment utilizing lithium type cells, ensuring that lithium cells

and/or packs are not damaged or swollen.

§ 57.22316–4 Non-permissible PAPRs: Continuous monitoring during operation.

(a) Prior to energizing the non-permissible PAPR in the specified underground areas, tests for methane shall be conducted in the mine atmosphere of the specified area by a competent person.

(b) A competent person shall continuously monitor for methane in the specified underground area immediately before and while non-permissible PAPRs are present.

(c) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper operating condition.

(d) All methane detectors must provide visual and audible warnings when the percent methane listed in §§ 57.22232 through 57.22236 for the corresponding mine categories in § 57.22003 is detected.

(e) When the percent methane listed in §§ 57.22232 through 57.22236 for the corresponding mine categories in § 57.22003 is detected while the non-permissible PAPR is being used in the specified underground areas, the equipment shall be de-energized immediately and withdrawn from the area to outby the last open crosscut, out of areas where methane may enter the air current, such as pillar recovery workings, longwall faces and shortwall faces.

§ 57.22316–5 Non-permissible PAPRs: Requirements for batteries.

(a) Before each shift, all batteries for the non-permissible PAPRs must be charged sufficiently to function the entire shift.

(b) Replacement batteries for non-permissible PAPRs must not be taken into the specified underground areas.

(c) Batteries contained in the non-permissible PAPRs must be changed in intake air outside of the specified underground areas.

(d) No batteries may be charged underground.

(e) The following maintenance and use conditions must apply to equipment containing lithium-type batteries:

(1) Neither the battery pack nor the power unit may be disassembled or modified by anyone other than permitted by the equipment manufacturer.

(2) The battery must only be charged using the manufacturer's recommended battery charger.

(3) Neither the battery pack nor the power unit, which contain the internal battery, shall be exposed to water,

allowed to get wet, or immersed in liquid. This does not preclude incidental exposure of the battery pack nor the power unit assembly.

(4) The non-permissible PAPR, including the internal battery, must not be used, charged, or stored in locations where the manufacturer's recommended temperature limits are exceeded. The non-permissible PAPR must not be placed in direct sunlight nor stored near a source of heat.

(f) Follow the manufacturer's recommendations and instructions. Check and monitor each non-permissible PAPR's run time.

(1) Routinely check the battery's charge status according to the manufacturer's recommendation.

(2) Remove the battery from service when the battery fails to meet the manufacturer's specifications including, but not limited to, run time, temperature, and charging time.

(g) Follow the storage instructions as recommended by the manufacturer. If the instructions are not followed for a battery stored or otherwise unused for an extended period or the battery has no charge remaining, consider it to be damaged and do not recharge it or use it. Remove it from service and replace it with a new battery.

§ 57.22316–6 Non-permissible PAPRs: Maintenance and examination.

(a) All non-permissible PAPRs must be maintained to ensure safe operating condition. When a potentially dangerous condition is found with the equipment, such equipment must be immediately withdrawn from the specified underground areas, taken out of service, and must be repaired before returning to service.

(b) As specified under § 57.22316–3, non-permissible PAPRs must be examined according to the manufacturer's recommendations to ensure safe operating condition.

(c) The mine operator must ensure that all non-permissible PAPRs are serviced according to the manufacturer's recommendations.

§ 57.22316–7 Non-permissible PAPRs: Training.

(a) Miners who will use non-permissible PAPRs must be trained on the requirements in §§ 57.22316–1 through 57–22316–7 before the non-permissible PAPRs can be used.

(b) Mine operators must train new miners under § 48.5, train experienced miners under § 48.6, and train miners assigned new work tasks under § 48.7, on the requirements in §§ 57.22316–1 through 57–22316–7. The training must include hazard recognition specific to the mine.

(c) Mine operators must provide annual retraining to all miners who may use non-permissible PAPRs under § 48.8.

(d) Mine operators must include the following in their training:

(1) The proper use and maintenance of the non-permissible PAPRs, in accordance with established manufacturer guidelines.

(2) How to recognize the hazards and limitations associated with the use of non-permissible PAPRs in the areas where methane could be present.

(3) That the PAPR is not approved under 30 CFR part 18 and must be de-energized when 1.0 or more percent methane is detected.

(4) The proper procedures to safely de-energize the non-permissible PAPR.

(5) How to examine the non-permissible PAPR before use to identify any damage that could negatively impact intrinsic safety, or any of the stipulations in §§ 57.22316–1 through 57–22316–7.

(6) How to recognize non-permissible PAPR filter replacement indicators.

(7) How to change filters when indicated.

(8) The proper procedures for transferring to self-rescue devices during a mine emergency while wearing the non-permissible PAPR.

(e) Records of training required under this part must comply with part 48.

(f) Mine operators must provide such records to MSHA upon request.

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

■ 3. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

Subpart F—Electrical Equipment—General.

■ 4. Add §§ 75.530 through 75.537 to read as follows:

§ 75.530 Non-permissible powered air purifying respirators (PAPRs): Purpose and scope.

§ 75.531 Non-permissible PAPRs: Definitions.

§ 75.532 Non-permissible PAPRs: Approval and certification requirements.

§ 75.533 Non-permissible PAPRs: Requirements before use.

§ 75.534 Non-permissible PAPRs: Continuous monitoring during operation.

§ 75.535 Non-permissible PAPRs: Requirements for batteries.

§ 75.536 Non-permissible PAPRs: Maintenance and examination.

§ 75.537 Non-permissible PAPRs: Training.

§ 75.530 Non-permissible powered air purifying respirators (PAPRs): Purpose and scope.

(a) Non-permissible PAPRs meeting the provisions in §§ 75.531 through 75.537 are permitted when no MSHA-approved PAPRs are commercially available.

(b) In the event that an operator implements a non-permissible PAPR at a mine, the operator must replace non-permissible PAPRs with approved PAPRs at the end of the non-permissible PAPR useful life or 2 years after the date of manufacture, whichever is sooner, if approved PAPRs become commercially available.

(c) PAPRs which are not MSHA-approved may be taken into and operated in specified underground areas: in or inby the last open crosscut, § 75.500(d), in the return air outby the last open crosscut, § 75.507–1(a), or within 150 feet of the pillar workings or longwall faces, § 75.1002(a), when PAPRs that meet the permissibility requirements in part 18 of this chapter do not exist.

(d) Sections 75.531 through 75.537 also establish requirements for the features, use, and maintenance of non-permissible PAPRs, and the training of the personnel using such equipment when production activities are occurring and when production activities cease.

§ 75.531 Non-permissible PAPRs: Definitions.

The following definitions apply:
Commercially available. Currently being manufactured and available for sale in the U.S.

Powered air purifying respirators (PAPRs). Battery-powered devices certified by the National Institute for Occupational Safety and Health (NIOSH) equipped with a facepiece, hood, or helmet, breathing tube, canister, cartridge, filter, canister with filter, or cartridge with filter, and a blower.

Production activities. Activities that generate coal dust or methane gas including but not limited to cutting, drilling, blasting, transporting, cleaning, loading, and unloading.

Specified underground area. An underground area located in or inby the last open crosscut, in the return air outby the last open crosscut, or within 150 feet of the pillar workings or longwall faces.

§ 75.532 Non-permissible PAPRs: Approval and certification requirements.

(a) PAPRs which are not MSHA-approved and taken into specified underground areas must meet the following conditions:

(1) Non-permissible PAPRs, including batteries when assembled for use must be approved by the National Institute for Occupational Safety and Health (NIOSH) under 42 CFR part 84.

(2) Non-permissible PAPRs must be certified to the ANSI/UL 60079–11 standard listed in this section by a Nationally Recognized Testing Laboratory (NRTL) in accordance with 29 CFR 1910.7. Certification allows the manufacturer to mark the device as “Ex ia I”, meaning that the unit is certified to be used in hazardous locations (“Ex”), has met the most onerous level of intrinsic safety protection (“ia”), the Equipment Protection Level (“very high”), and is acceptable for use in mines susceptible to firedamp (“I”).

(b) The material listed in this paragraph (b) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by Reference (IBR) material is available for inspection at the U.S. Department of Labor, Mine Safety and Health Administration (MSHA) and at the National Archives and Records Administration (NARA). Contact MSHA at 200 Constitution Avenue NW, Washington, DC 20210. 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. The material may be obtained from the following sources in this paragraph (b).

(1) International Society of Automation (ISA), 67 T.W. Alexander Drive, P.O. Box 12277, Research Triangle Park, NC 27709; phone: (919) 549–8411; website: www.isa.org.

(i) ANSI/ISA 60079–11 (12.02.01)–2014, American National Standard for Explosive Atmospheres—Part 11: Equipment protection by intrinsic safety “i”, Edition 6.2, Approved March 28, 2014.

(ii) ANSI/ISA 60079–25 (12.02.05)–2011, American National Standard for Explosive Atmospheres—Part 25: Intrinsically safe electrical systems, Approved December 2, 2011.

(2) UL Solutions. Comm 2000. 151 Eastern Avenue, Bensenville, IL 60106; phone: (888) 853–3503; website: www.ul.com.

(i) ANSI/UL 60079–0, Standard for Safety for Explosive Atmospheres—Part 0: Equipment—General Requirements, Seventh Edition, Dated March 26, 2019, including revisions through April 15, 2020 (ANSI/UL 60079–0).

(ii) ANSI/UL 60079–1, Standard for Safety for Explosive Atmospheres—Part 1: Equipment Protection by Flameproof Enclosures “d”, Seventh Edition, Dated

September 18, 2015, including revisions through January 23, 2020 (ANSI/UL 60079–1).

(iii) ANSI/UL 60079–11, Standard for Safety for Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety “i”, Sixth Edition, Dated February 15, 2013, including revisions through September 14, 2018 (ANSI/UL 60079–11).

(iv) ANSI/UL 60079–18, Standard for Safety for Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation “m”, Fourth Edition, Dated December 14, 2015, including revisions through February 7, 2019 (ANSI/UL 60079–18).

(v) ANSI/UL 60079–25, Standard for Safety for Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems, Second Edition, Dated December 2, 2011, including revisions through June 12, 2020 (ANSI/UL 60079–25).

(vi) ANSI/UL 60079–28, Standard for Safety for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation, Second Edition, Dated September 15, 2017, including revisions through December 7, 2021 (ANSI/UL 60079–28).

Note 1 to § 75.532: The voluntary consensus standards listed in this section may also be obtained from the American National Standards Institute (ANSI), 1899 L Street NW, 11th Floor, Washington, DC 20036; phone: (202) 293–8020; website: www.ansi.org.

§ 75.533 Non-permissible PAPRs: Requirements before use.

(a) Prior to being taken into specified underground areas, each non-permissible PAPR shall be:

(1) Physically examined by a qualified person as defined in § 75.153.

(i) The examination shall include the battery pack, and all associated wiring and connections to determine if there are any observable defects or damage that could negatively impact intrinsic safety.

(ii) If any defect or damage is found, the non-permissible PAPR shall be removed from service.

(2) Examined by the user in accordance with the manufacturer's instructions to ensure the equipment is used according to the manufacturer's recommendations and maintained in a safe operating condition.

(b) The examination under (a)(1) and (a)(2) shall include:

(1) Checking the equipment for any physical damage and the integrity of the case;

(2) Removing the battery (if removable/accessible) and examining for corrosion;

(3) Inspecting the contact points to ensure a secure connection to the battery (if removable/accessible);

(4) Reinserting the battery (if removable/accessible) and powering up and shutting down to ensure proper connections;

(5) Checking the battery compartment cover or battery attachment (if removable/accessible) to ensure that it is securely fastened, and for ingress of dust or moisture; and

(6) For equipment utilizing lithium type cells, ensuring that lithium cells and/or packs are not damaged or swollen.

§ 75.534 Non-permissible PAPRs: Continuous monitoring during operation.

(a) Prior to energizing the non-permissible PAPR in the specified underground areas, methane tests must be made in accordance with § 75.323(a).

(b) A qualified person shall continuously monitor for methane immediately before and while non-permissible PAPRs are present in the specified underground area.

(c) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper operating condition.

(d) All methane detectors must provide visual and audible warnings when methane is detected in concentrations at or above 1.0 percent.

(e) When 1.0 percent or more methane is detected while the non-permissible PAPR is being used in the specified underground areas, the equipment shall be de-energized immediately and withdrawn from the area to outby the last open crosscut, out of the return air outby the last open crosscut, or more than 150 feet from pillar workings or longwall faces.

§ 75.535 Non-permissible PAPRs: Requirements for batteries.

(a) Before each shift, all batteries for the non-permissible PAPRs must be charged sufficiently to function the entire shift.

(b) Replacement batteries for non-permissible PAPRs must not be taken into the specified underground areas.

(c) Batteries contained in the non-permissible PAPRs must be changed out in intake air outside of the specified underground areas.

(d) No batteries may be charged underground.

(e) The following maintenance and use conditions must apply to equipment containing lithium-type batteries:

(1) Neither the battery pack nor the power unit may be disassembled or modified by anyone other than permitted by the equipment manufacturer.

(2) The battery must only be charged using the manufacturer's recommended battery charger.

(3) Neither the battery pack nor the power unit, which contain the internal battery, shall be exposed to water, allowed to get wet, or immersed in liquid. This does not preclude incidental exposure of the battery pack nor the power unit assembly.

(4) The non-permissible PAPR, including the internal battery, must not be used, charged, or stored in locations where the manufacturer's recommended temperature limits are exceeded. The non-permissible PAPR must not be placed in direct sunlight nor stored near a source of heat.

(f) Follow the manufacturer's recommendations and instructions. Check and monitor each non-permissible PAPR's run time.

(1) Routinely check the battery's charge status according to the manufacturer's recommendation.

(2) Remove the battery from service when the battery fails to meet the manufacturer's specifications, including, but not limited to, run time, temperature, and charging time.

(g) Follow the storage instructions as recommended by the manufacturer. If the instructions are not followed for a battery stored or otherwise unused for an extended period or the battery has no charge remaining, consider it to be damaged and do not recharge it or use it. Remove it from service and replace it with a new battery.

§ 75.536 Non-permissible PAPRs: Maintenance and examination.

(a) All non-permissible PAPRs must be maintained to ensure safe operating condition. When a potentially dangerous condition is found with the equipment, such equipment must be immediately withdrawn from the specified underground areas, taken out of service, and must be repaired before returning to service.

(b) As specified under § 75.533, non-permissible PAPRs must be examined according to the manufacturer's instructions to ensure safe operating condition.

(c) The mine operator must ensure that all non-permissible PAPRs are serviced according to the manufacturer's recommendations.

§ 75.537 Non-permissible PAPRs: Training.

(a) Miners who will use non-permissible PAPRs must be trained on the requirements in §§ 75.531 through 75.537 before the non-permissible PAPRs can be used.

(b) Mine operators must train new miners under § 48.5, train experienced

miners under § 48.6, and train miners assigned new work tasks under § 48.7, on the requirements in §§ 75.531 through 75.537. The training must include hazard recognition specific to the mine.

(c) Mine operators must provide annual retraining to all miners who may use non-permissible PAPRs under § 48.8.

(d) Mine operators must include the following in their training:

(1) The proper use and maintenance of the non-permissible PAPRs, in accordance with established manufacturer guidelines.

(2) How to recognize the hazards and limitations associated with the use of non-permissible PAPRs in the areas where methane could be present.

(3) That the PAPR is not approved under 30 CFR part 18 and must be de-energized when 1.0 or more percent methane is detected.

(4) The proper procedures to safely de-energize the non-permissible PAPR.

(5) How to examine the non-permissible PAPR before use to identify any damage that could negatively impact intrinsic safety, or any of the stipulations in §§ 75.531 through 75.537.

(6) How to recognize non-permissible PAPR filter replacement indicators.

(7) How to change filters when indicated.

(8) How to properly position their Proximity Detection System's (PDS) miner wearable component (MWC) at least six inches from their non-permissible PAPR's battery/motor blower or battery/power unit to prevent interference.

(9) The proper procedures for donning Self-Contained Self Rescuers (SCSRs) during a mine emergency while wearing the non-permissible PAPR.

(e) Records of training required under this part must comply with part 48.

(f) Mine operators must provide such records to MSHA upon request.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025-11743 Filed 6-30-25; 8:45 am]

BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 72

[Docket No. MSHA-2025-0074]

RIN 1219-AC05

Improving and Eliminating Regulations; Diesel Particulate Matter Emission Limits in Underground Coal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to revise 30 CFR part 72 by removing outdated requirements for diesel particulate matter (DPM) emission limits for permissible diesel-powered equipment and non-permissible heavy-duty diesel-powered equipment operated in underground coal mines. These revisions would streamline the current requirements for underground coal mine operators while maintaining the same level of protections for miners who work with such equipment.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219-AC05 or Docket No. MSHA-2025-0074. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as "business confidential" information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219-AC05 or Docket No. MSHA-2025-0074, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA-2025-0074.

2. *Email:* zzMSHA-comments@dol.gov. Include "RIN 1219-AC05" in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment.

No telefacsimiles ("faxes") will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202-693-9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

MSHA is proposing to remove existing provisions from 30 CFR part 72. Existing provisions in §§ 72.500 and 72.501 contain outdated requirements for DPM emission limits for permissible diesel-powered equipment and non-permissible heavy-duty diesel-powered equipment. The provisions in §§ 72.500(a), 72.501(a), and 72.501(b) contain outdated effective dates that are no longer relevant. Removing these provisions would not reduce protections afforded to miners because the requirements are outdated and are no longer applicable to underground coal mines.

II. Discussion

Existing paragraph (a) of § 72.500 and existing paragraphs (a) and (b) of § 72.501 list outdated effective dates for DPM emission limits for permissible diesel-powered equipment and non-permissible heavy-duty diesel-powered equipment in underground coal mines. MSHA proposes to amend § 72.500 to remove existing paragraph (a). MSHA also proposes to revise paragraph (b) which would contain the current DPM emission limit for permissible diesel-powered equipment in underground coal mines to remove the no longer necessary compliance date. MSHA also proposes to amend § 72.501 to remove existing paragraphs (a) and (b). MSHA also proposed to revise paragraph (c) of § 72.501 which would contain the current DPM emission limit for non-permissible heavy-duty diesel-powered equipment, generators and compressors in underground coal mines to remove the no longer necessary compliance date. Removing these provisions would not reduce protections afforded to miners because they are outdated. As a result of removing §§ 72.500(a), 72.501(a), and 72.501(b), MSHA also proposes conforming amendments to § 72.503(e) to remove references to §§ 72.500(a) and 72.501(a). These proposed actions reflect MSHA's experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comments on any aspects of this proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or

communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions concerning outdated requirements for DPM emission limits would not impose new compliance costs to underground coal mine operators or reduce the protections afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions. MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business

Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988

specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with

applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 72

Coal; Mine safety and health.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH**PART 72—HEALTH STANDARDS FOR COAL MINES**

■ 1. The authority citation for part 72 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

Subpart D—Diesel Particulate Matter—Underground Areas of Underground Coal Mines

■ 2. Amend § 72.500 by removing and reserving paragraph (a) and revising paragraph (b) to read as follows:

§ 72.500 [Amended].

(a) [Reserved]

(b) Each piece of permissible diesel-powered equipment operated in an underground area of an underground coal mine must emit no more than 2.5 grams per hour of diesel particulate matter.

■ 3. Amend § 72.501 by removing and reserving paragraphs (a) and (b) and revising paragraph (c) to read as follows:

§ 72.501 [Amended].

(a) [Reserved]

(b) [Reserved]

(c) Each piece of nonpermissible heavy-duty diesel-powered equipment (as defined by § 75.1908(a) of this part), generator or compressor operated in an underground area of an underground coal mine must emit no more than 2.5 grams per hour of diesel particulate matter.

* * * * *

■ 4. Revise § 72.503(e) to read as follows:

§ 72.503 Determination of emissions; filter maintenance; definition of “introduced”.

* * * * *

(e) For purposes of § 72.502(a), the term “introduced” means any piece of equipment whose engine is a new addition to the underground inventory of engines of the mine in question, including newly purchased equipment, used equipment, and equipment receiving a replacement engine that has a different serial number than the engine it is replacing. “Introduced” does not include a piece of equipment whose engine was previously part of the mine inventory and rebuilt.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11647 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 75**

[Docket No. MSHA–2025–0073]

RIN 1219–AC04

Improving and Eliminating Regulations; Use of Permissible Flame Safety Lamps in Underground Coal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to revise 30 CFR part 75 by removing flame safety lamps from the list of permissible electric face equipment that can be operated in underground coal mines. This revision would maintain the same level of protection for miners because it removes outdated technology that is no longer used in underground coal mines.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC04 or Docket No. MSHA–2025–0073. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC04 or Docket No. MSHA–2025–0073, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0073.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC04” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and

Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

MSHA is proposing to remove an existing provision from title 30 of the Code of Federal Regulations (30 CFR). 30 CFR 75.506(d) lists permissible electric face equipment that can be used in underground coal mines. Paragraph (d)(4) lists Flame Safety Lamps as permissible. Removing § 75.506(d)(4), flame safety lamps, would not reduce protections afforded to miners because it addresses outdated technology that is no longer used in underground coal mines.

II. Discussion

MSHA proposes to amend § 75.506 to remove paragraph (d)(4). MSHA experience indicates flame safety lamps are outdated technology and are no longer used in underground coal mines. MSHA believes that § 75.506(d)(4) is unnecessary and that its removal would not reduce protections afforded to miners. This action is supported by MSHA experience and furthers ongoing Agency review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comment on any aspects of this proposed rule.

III. Procedural Issues and Regulatory Review**A. Review Under Executive Orders 12866 and 13563**

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing

information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

- (1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);
- (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or
- (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions concerning flame safety lamps from the list of permissible electric face equipment that can be operated would not impose new compliance cost to underground coal mine operators or reduce the protection afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866.

Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies

to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has preliminarily determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and preliminarily determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects

of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and preliminarily determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has preliminarily determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has preliminarily concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has preliminarily determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has preliminarily concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect

Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Coal, Mine safety and health, Reporting and recordkeeping requirements, Underground coal mines, Ventilation.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

- 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

Subpart F—Electrical Equipment—General

§ 75.506 [Amended].

- 2. Amend § 75.506 by removing and reserving paragraph (d)(4).

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11646 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 75**

[Docket No. MSHA–2025–0075]

RIN 1219–AC06

Improving and Eliminating Regulations; Approved Conveyor Belts in Underground Coal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to revise 30 CFR part 75 by removing outdated requirements for the approval process for conveyor belts used in underground coal mines. These revisions would streamline the current requirements for underground coal operators while maintaining the same level of protections for miners who work with such equipment.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC06 or Docket No. MSHA–2025–0075. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC06 or Docket No. MSHA–2025–0075, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0075.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC06” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and

Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

MSHA is proposing to remove existing provisions from 30 CFR part 75. Existing provisions in § 75.1108 contain outdated requirements for how conveyor belts will be approved for use in underground coal mines. The provisions in §§ 75.1108(a) and 75.1108(b) contain outdated effective dates and requirements that are no longer relevant. Existing provision § 75.1108(c) contains the current requirements for all conveyor belts to be approved under Part 14. Removing these provisions would not reduce protections afforded to miners because the requirements are outdated and are no longer applicable to underground coal mines.

II. Discussion

Existing provisions in §§ 75.1108(a) and 75.1108(b) list the outdated effective dates and requirements for approval of conveyor belts in underground coal mines. MSHA proposes to revise and republish § 75.1108. Specifically, the Agency is proposing to remove existing paragraphs (a) and (b); revise the language of existing paragraph (c); and remove the designation for paragraph (c). The revised section would contain the current requirements for the approval process for the use of conveyor belts in underground coal mines. Removing these provisions would not reduce protections afforded to miners. This proposal reflects MSHA’s experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comments on any aspect of this proposed rule.

III. Procedural Issues and Regulatory Review**A. Review Under Executive Orders 12866 and 13563**

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent

practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are

required to submit the regulatory action to OIRA for review. Removing the provisions concerning outdated requirements for the approval process for conveyor belts would not impose new compliance costs on underground coal operators or reduce the protections afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions. MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping

requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of

them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of

land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination with Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Coal, Mine safety and health, Reporting and recordkeeping requirements, Underground coal mines, Ventilation.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

- 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

Subpart L—Fire Protection

- 2. Revise and republish § 75.1108 to read as follows:

§ 75.1108 Approved conveyor belts.

All conveyor belts used in underground coal mines shall be approved under Part 14.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11648 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

[Docket No. MSHA–2025–0090]

RIN 1219–AC16

Photometers

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA proposes to revise title 30 of the Code of Federal Regulations (30 CFR) part 75 by removing requirements for methods in measuring luminous intensity with a photometer. Removing this provision would provide greater flexibility in measurement procedures while maintaining protection for miners.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC16 or Docket No. MSHA–2025–0090. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC16 or Docket No. MSHA–2025–0090, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0090.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC16” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW,

Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

MSHA is proposing to remove an existing provision from 30 CFR part 75. The standard in § CFR 75.1719–3 specifies the methods required when measuring luminous intensity to ensure mines are safely illuminated. MSHA is proposing to remove and reserve § 75.1719–3. Removing this provision would not reduce protections afforded to miners.

II. Discussion

MSHA proposes to remove the existing provision in § 75.1719–3. Removing this provision would eliminate the prescriptive measurement methods and design requirements of light measurement devices, but not the minimum illumination requirements under § 75.1719–1(d). This change provides greater flexibility in measurement procedures and would not reduce protections afforded to miners. As a result of removing § 75.1719–3, MSHA also proposes a conforming amendment to § 75.1719–1(d) to remove the reference to § 75.1719–3. The proposed action reflects MSHA’s experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with available technologies and mining practices.

MSHA seeks comment on any aspect of this proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing

among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

- (1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);
- (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or
- (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the

provisions concerning methods in measuring luminous intensity with a photometer would not impose new compliance cost to underground coal mine operators or reduce the protection afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of this proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB

clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the

required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human

environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Communications equipment, Electric power, Emergency medical services, Explosives, Fire prevention, Mine safety and health, Reporting and recordkeeping.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH**PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES**

■ 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), and 957.

Subpart R—Miscellaneous

■ 2. Revise § 75.1719–1(d) to read as follows:

§ 75.1719–1 Illumination in working places.

* * * * *

(d) The luminous intensity (surface brightness) of surfaces that are in a miner’s normal field of vision of areas in working places that are required to be

lighted shall be not less than 0.06 footlamberts when measured.

* * * * *

§ 75.1719–3 [Removed and Reserved].

■ 3. Remove and reserve § 75.1719–3.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11623 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 75**

[Docket No. MSHA–2025–0088]

RIN 1219–AC15

Mining of Pillars

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA proposes to rescind requirements for the final mining of pillars. This practice is outdated and no longer used due to safety concerns.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC15 or Docket No. MSHA–2025–0088. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC15 or Docket No. MSHA–2025–0088, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0088.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC15” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

MSHA is proposing to remove an existing provision from title 30 of the Code of Federal Regulations (30 CFR). The existing standard in 30 CFR 75.386 requires that when there is only one mine opening available due to final mining of pillars, no more than 20 miners at a time shall be allowed in the mine, and the distance between the mine opening and working face shall not exceed 500 feet. MSHA is proposing to remove § 75.386 because mines do not practice mining at the working section with only one mine opening. Instead, mine operators follow the requirements in § 75.380 which requires two separate escapeways to be provided from the working section. Removing § 75.386 would not reduce protections afforded to miners because § 75.380 would still apply and requires two separate distinct travelable passageways to be designated as escapeways from each working section.

II. Discussion

MSHA proposes to remove the existing provision in 30 CFR 75.386. Removing this provision would not reduce protections afforded to miners because the practice of final mining of pillars with one mine opening is no longer used in the mining industry due to safety concerns; instead, mine operators provide two separate distinct travelable passageways to be designated as escapeways from each working section as required under § 75.380. As a result of removing § 75.386, MSHA also proposes conforming amendments to §§ 75.380(a) and 75.381(a) to remove references to § 75.386. These proposed actions reflect MSHA’s experience and ongoing review of existing regulations to ensure that they remain necessary, effective, and aligned with current mining practices.

MSHA seeks comment on any aspect of this proposed rule.

III. Procedural Issues and Regulatory Review*A. Review Under Executive Orders 12866 and 13563*

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law,

to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions concerning requirements for the final mining of pillars would not impose new compliance cost to underground coal mine operators or reduce the protection afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act

include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5)

adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly

affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.”

This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Communications equipment, Electric power, Emergency medical services, Explosives, Fire prevention, Mine safety and health, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

■ 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), and 957.

Subpart D—Ventilation

■ 2. Revise § 75.380(a) to read as follows:

§ 75.380 Escapeways; bituminous and lignite mines.

(a) Except in situations addressed in §§ 75.381 and 75.385, at least two separate and distinct travelable passageways shall be designated as escapeways and shall meet the requirements of this section.

* * * * *

■ 3. Revise § 75.381(a) to read as follows:

§ 75.381 Escapeways; anthracite mines.

(a) Except as provided in § 75.385, at least two separate and distinct travelable passageways shall be designated as escapeways and shall meet the requirements of this section.

* * * * *

§ 75.386 [Removed and Reserved]

■ 4. Remove and reserve § 75.386.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11740 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 75**

[Docket No. MSHA–2025–0072]

RIN 1219–AC18

Roof Control Plan Approval Criteria

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to revise its roof control plan regulations to eliminate the provision that allows the District Manager to require additional measures to be included in plans. The current regulation may violate statutory authority; the Appointments Clause, by vesting significant regulatory authority in District Managers; and the Administrative Procedure Act (APA), by skipping notice and comment.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC18 or Docket No. MSHA–2025–0072. You should not include personal or proprietary information that you do not wish to

disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC18 or Docket No. MSHA–2025–0072, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0072. A brief summary of this document will be available at <https://www.regulations.gov/docket/MSHA-2025-0072>.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC18” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

By statute Congress prescribed an interim standard requiring that “[e]ach operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each coal mine . . .” and shall adopt a “roof control plan” subject to bi-annual review of the Secretary. 30 U.S.C. 862(a). Further, Congress instructed the Secretary of Labor to “develop, promulgate, and revise as may be appropriate, improved mandatory health and safety standards for the protection of life and prevention of injuries in coal or other mines.” 30 U.S.C. 811(a). The interim statutory “roof control” standard was to be superseded by improved mandatory standards. 30 U.S.C. 861(a). Pursuant to 30 U.S.C. 811(a), MSHA has adopted regulations to implement 30 U.S.C. 862(a) and these standards include a roof control plan requirement. 30 CFR 75.220–223. Each mine operator must “develop and follow a roof control plan” which is “approved by the District Manager.” 30 CFR 75.220(a). No

roof control plan may be implemented before it is approved. 30 CFR 75.220(c).

MSHA regulations also set out detailed criteria for the approval of roof control plans. 30 CFR 75.222. For example, roof bolts generally “should be installed on centers not exceeding 5 feet lengthwise and crosswise.” 30 CFR 75.222(b)(1). “When tensioned roof bolts are used as a means of roof support, the torque or tension range should be capable of supporting roof bolt loads of at least 50 percent of either the yield point of the bolt or anchorage capacity of the strata, whichever is less.” 30 CFR 75.222(b)(2). “Any opening that is more than 20 feet wide should be supported by a combination of roof bolts and conventional supports.” 30 CFR 75.222(b)(3). “In any opening more than 20 feet wide[,]” posts “should be installed to limit each roadway to 16 feet wide where straight and 18 feet wide where curved” and a “row of posts should be set for each 5 feet of space between the roadway posts and the ribs.” 30 CFR 75.222(b)(4). “Openings should not be more than 30 feet wide.” 30 CFR 75.222(b)(5).

The regulations also include detailed requirements for installation of roof support using mining machines with integral roof bolters, pillar recovery, unsupported openings at intersections, Automated Temporary Roof Supports (ATRS) systems in working sections where the mining height is below 30 inches, and longwall mining systems. 30 CFR 75.222(c)–(g). These criteria must be “considered on a mine-by-mine basis in the formulation and approval of roof control plans and revisions.” 30 CFR 75.222(a). The Roof Control Plan has the force and effect of “law” at the mine, the mine may be cited for violation of the Plan, and mine personnel may be held personally liable, civilly and criminally, for violations of the Plan.

Title 30 CFR 75.222, however, also gives the District Manager broad authority to add regulatory criteria for the approval of roof control plans which are neither described or required by the regulations or 30 U.S.C. 862(a). Specifically, the regulations currently state, without limitation, that: “[a]dditional measures may be required in plans by the District Manager.” *Id.*

II. Discussion

MSHA is proposing to rescind the power of District Managers to add additional measures to roof control plans, beyond the reticulated criteria set out in 30 CFR 75.222 and the other requirements set forth in 30 CFR 75.220–223. MSHA has reevaluated its regulations and tentatively concluded that the significant authority and

discretion granted to District Managers in 30 CFR 75.222(a), to add “additional measures,” not identified in the statute or improved mandatory safety standards, is not supported by statute, violates the Appointments Clause and the APA.

While mine operators are required by statute to prepare and submit a roof control plan, and while MSHA has promulgated regulations setting forth specific criteria and requirements for roof control plans, nothing in the plain text of the underlying statute, including 30 U.S.C. 862 and 30 U.S.C. 811(a), can be read to permit the unfettered addition of “additional measures [as] may be required in plans by District Managers.” 30 CFR 75.222(a). This lack of statutory authority is contrary to *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) and is an adequate reason to rescind the sentence “Additional measures may be required in plans by District Managers.”

Government officials that exercise significant discretion when carrying out important functions are officers of the United States, and thus subject to the Appointments Clause. *See Lucia v. SEC*, 585 U.S. 237, 248 (2018); U.S. Const. Art. II, § 2, cl. 2. Under 30 CFR 75.222(a), District Managers are granted nearly unlimited discretion to add additional measures to roof control plans as they deem appropriate, an important function. Accordingly, because District Managers are not appointed pursuant to the Appointments Clause, that substantial authority is unlawful.

Independently, the significant discretion in 30 CFR 75.222(a) appears to violate the APA. This regulation essentially amounts to the unfettered ability of the District Manager to draft and create “laws” which are civilly and criminally enforceable, without bicameral presentment, and without notice and comment rulemaking. Various statutory provisions, including 30 U.S.C. 811, give the Secretary authority to issue health and safety regulations for mines. But, when these regulations are substantive rules, with “general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy,” 5 U.S.C. 551(4), they are subject to the notice and comment process. MSHA must present the rulemaking to the public for comment, then issue a final rule responding to any comments. *See* 5 U.S.C. 553. Title 30 CFR 75.222(a) skips this process entirely when it vests District Managers with the authority to require undesignated roof control plan provisions. The District Manager, by adding additional criteria for roof

control plans, is promulgating a new substantive rule of particular applicability, without any of the necessary process. Thus, 30 CFR 75.222(a) violates the APA.

MSHA seeks comments on any aspects of this proposed rule, including the statutory authority, appointments clause issues and APA requirements, and the costs and benefits of the District Manager’s vague authority.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Background

The proposed rule would apply to all underground coal mines. The existing rule allows the District Manager to require mine operators to include plan requirements not specified in the statute or regulations, while the proposed rule would rescind the power of District Managers to do so. The proposed change would decrease the burden currently faced by mine operators of having to revise their roof control plans to include plan requirements not specified in the statute or regulations when required by the District Manager. The proposed rule would maintain the roof control plans requirements, except for the District Manager’s discretion to include plan requirements not specified in the statute or regulations.

Based on MSHA internal data, the Agency estimates there will be approximately 215 underground coal mines operating each year that would be impacted by this proposed rule.¹ All estimated figures are expressed in 2024 dollars.

Under the baseline scenario mine operators would continue their current practice of making changes to their roof control plans as deemed necessary by their District Manager, not required elsewhere in existing regulations. Under the proposed rule mine operators would no longer need to include plan requirements not specified in the statute or regulations.

Benefits

Under this proposed rule mine operators would no longer be required to incorporate novel or unspecified provisions into roof control plans at the discretion of the District Manager. This change does not impact the existing requirements for the roof control plans that mine operators are required to implement. This action will remove improper regulatory burden and reduce arbitrary and unforeseen demands on mine operators.

The benefits associated with the proposed rule cannot be easily quantified due to existing information gaps and challenges with quantifying the incremental shifts in costs and benefits under the proposed rule. However, benefits are discussed in a qualitative manner as described below. The potential benefits of the proposed rule include:

(1) reduced production delays for mines—faster plan approval can enable earlier initiation or resumption of

¹ Number of mines inspected at least once in 2024 and the mine’s current status is listed as active, intermittent, or nonproducing active on April 14, 2025.

mining operations, reducing downtime, and increasing operational efficiency;

(2) improved resource allocation—predictable and consistent plan requirements reduce the need for mine operators to hire consultants or devote engineering resources to anticipate or respond to unpredictable District Managers' additional criteria;

(3) regulatory certainty—by aligning plan requirements strictly with the regulations, operators can better plan capital expenditures, staffing, and compliance investments, improving long-term planning and cost efficiency; and

(4) increased domestic energy production—more predictable plan approval processes may allow mines to optimize coal output, supporting national energy goals and supply chain stability.

(5) prevents unauthorized rulemaking—preventing extra-statutory, unaccountable and unauthorized rulemaking restores confidence in the administrative process. MSHA requests public comments on potential benefits associated with this proposed rule.

Cost Savings

MSHA estimates that mine operators would accrue a cost reduction from efficiencies associated with specific and consistent roof control plan requirements, both for initial plans and revisions. Removing the provision asserting broad District Manager discretion with respect to roof control plan requirements would result in cost savings to mine operators who would be better able to anticipate required plan revisions and receive plan approval more quickly. MSHA estimates that mine operators would accrue a cost reduction from no longer having to revise roof control plans at the request of the District Manager. The Agency estimates that each year there are 84 new roof control plans, and 482 revised roof control plans submitted to MSHA. Of which, 50 percent (283 plans)² would need to be revised specifically at the discretion of the District Manager. MSHA requests comment on the number of plans that would be impacted by this proposal.

MSHA used data from the May 2024 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates³ and adjusted the

rates for benefits,⁴ wage inflation,⁵ and overhead costs.⁶ The analysis period is 10 years.

The cost savings generated by the proposed rule consists of the following:

1. Revisions to Roof Control Plans Required by the District Manager

MSHA assumes that under the baseline each year there are 283 new and revised roof control plans that are revised at the District Managers discretion. MSHA estimates that it takes a coal mine supervisor, earning \$95.72 per hour, 4 hours to make the requested revisions. Under the proposed rule these revisions would no longer need to be made, creating an annual cost saving of \$108,355.⁷

2. Copying and Mailing Roof Control Plans

In the process of submitting roof control plans to MSHA, the operator is expected to incur a cost to mail in any physical plans or revisions. MSHA assumes that 100 percent of new plans and plan revisions are submitted to MSHA physically via the mail. Under the baseline the 283 plans that would have had to be resubmitted with revisions to meet the District Manager's requirements. At a cost of \$6 per plan for copying (20 pages per plan, \$0.15 per page) and mailing (\$3.00 per plan),

OEWS estimates from this website?" at https://www.bls.gov/oes/oes_ques.htm.

⁴ The benefit multiplier comes from BLS Employer Costs for Employee Compensation accessed by menu at <http://data.bls.gov/cgi-bin/srgate> or directly at <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. Insert the data series CMU2030000405000D and CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, which is divided by 100 to convert to a decimal value. MSHA uses the latest 4-quarter moving average 2024Q1–2024Q4 to determine that 31.2 percent of total loaded wages are benefits. MSHA computes the benefit multiplier with a number of detailed calculations, but it may be approximated with the formula $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$. The benefit multiplier is $1.453 = 1 + (0.312 / (1 - 0.312))$.

⁵ Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (<https://data.bls.gov/cgi-bin/srgate>; Inflation Multiplier = (Current Quarter Cost Index Value/OEWS Wage Base Quarter Index Value). The inflation multiplier is determined by using the employment price index from the most current quarter, 2024Q4, divided by the base year and quarter of the OEWS employment and wage statistics, 2024Q2. The inflation multiplier is $1.022 = 166.7/163.1$.

⁶ MSHA uses an overhead rate of 17 percent. This overhead rate is based on a 2002 EPA report by Cody Rice, "Wage Rates for Economic Analysis of the Toxics Release Inventory Program", available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0387-0064>.

⁷ $\$108,355 = 283 \text{ plans} \times \$95.72 \text{ per hour} \times 4 \text{ hours}$.

by removing this requirement regarding the District Manager would lead to an annual cost saving of \$1,698.⁸

Summary

Removing the provisions concerning the District Manager's requirements for roof control plans would result in cost savings to mine operators through avoided revisions to roof control plans that would have been requested by the District Manager under the existing regulation. Under the proposed rule, incremental cost savings are estimated at \$1.1 million over 10 years undiscounted. These cost savings include no longer revising roof control plans to meet non-statutory or regulatory requirements by the District Manager and the avoided costs of copying and mailing revised roof control plans. For this proposed rule, the Agency estimates that the annualized cost saving across the three discount rates of 0 percent, 3 percent, and 7 percent would be \$110,053.

While cost savings are quantified, some benefits are addressed in a qualitative manner, such as reduced production delays, improved resource allocation, regulatory certainty, increased domestic energy production, and prevention of unauthorized rulemaking. More efficient approval of roof control plans is expected to result in other cost savings, including earlier initiation (or resumption) of production and revenue due to simplified plan and amendment approvals, lower costs associated with subject matter expert consultants hired by mine operators in response to unanticipated Agency requirements, and other efficiencies generated by increased regulatory predictability resulting from this action. Benefits of the proposed rule could result from a more efficient Agency review and approval of roof control plans for underground coal mines. Underground coal mine operators are expected to benefit from the proposed rule that clarifies the information and provisions required in roof control plans. This is expected to help ease operator confusion regarding what content is required when developing roof control plans for MSHA approval and to result in an increase in the time value of revenues generated by coal production. Another potential benefit to the public is the increased opportunity to produce coal, which would improve American energy production. The proposed rule is deregulatory because it reduces qualitative burdens for mine operators. Additionally, the Agency

⁸ $\$1,698 = ((20 \text{ pages} \times \$0.15 \text{ cost per page}) + \$3 \text{ mailing cost}) \times 283 \text{ plans}$.

² 283 revised plans at the request of the District Manager = $(84 \text{ new plans} + 482 \text{ revised plans}) \times 50\%$.

³ To obtain OEWS data, follow BLS's directions in its Frequently Asked Questions: "E. How to get OEWS data. 4. What are the different ways to obtain

experience supports cost savings that are not yet quantified.

MSHA requests comments on potential benefits or costs associated with this proposed action.

Significance Determination

Under section 6(a) of E.O. 12866, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether the Agencies are required to submit the regulatory action to OIRA for review. Under section 3(f) of E.O. 12866, a "significant regulatory action" is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

OIRA has designated this rule a "significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, it will be reviewed by OMB.

No alternatives are considered for this proposed deregulatory action. MSHA requests comments on alternatives within the Agency's authority that would generate similar or greater benefits.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

Under the RFA, MSHA uses the Small Business Administration's (SBA)

definition to set thresholds for small business sizes for the MNM and coal mining industries defined at the 6-digit North American Industry Classification System (NAICS) level. For underground coal mines the threshold is 1,500 employees and MSHA estimated that 115 underground coal mines are defined as small.

MSHA evaluated data routinely provided by mine operators related to the number of mines, employment, and production from MSHA's Standardized Information System (MSIS) for underground coal mines. MSHA calculated revenue as production times the average price of coal. Using internal data, MSHA estimates that small coal mines produce roughly 92.1 million tons of coal annually. Using U.S Energy Information Administration Annual Coal Report 2023 Table 28, Average Sales Price of Coal by State and Mine Type, the average coal price for was \$54.04 per short ton in 2023. The price was then adjusted to 2024 dollars using CPI-U, \$55.63 per short ton, to estimate national coal revenues generated by small coal mines of \$5.1 billion.

MSHA assesses the impact on small entities by comparing the estimated costs, in this case cost savings, of the proposed rule on small entities affected by the rule to the estimated revenues for those small entities. When estimated compliance costs are less than 1 percent of the estimated revenues, the Agency believes it is generally appropriate to conclude that there is no significant economic impact on a substantial number of small entities. When estimated compliance costs exceed 1 percent of revenues, MSHA investigates whether further analysis is required. The impact of the proposed rule, as a percentage of revenues, is essentially zero: for small coal mine operators the total annualized cost is \$0.11 million while total annual revenue is \$5.1 billion, resulting in a ratio of 0.002 percent. Thus, no further analysis is required.

MSHA considered the costs on small mines when developing the proposed rule. MSHA reviewed this proposed rule, which eliminates burdensome regulations, under the provisions of the RFA. MSHA initially concludes that the impacts of this proposed rule would not have a 'significant economic impact on a substantial number of small entities,' and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government's collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring "a collection of information" from the public.

This proposed rule imposes no new information collection or record-keeping requirements. However, this proposed rule would result in substantive changes to another currently approved information collection request, OMB Control Number 1219-0004 "Roof Control Plan for Underground Coal Mines." The currently approved information collection request covers requirements in 30 CFR part 75, which sets forth the procedures and rules to govern the submission and approval of roof control plans.

Type of Review: Substantive Change to currently approved information collection.

OMB Control Number: 1219-0004.

Title: Roof Control Plan for Underground Coal Mines.

Description of the ICR:

Background

The proposed rule would apply to all underground coal mines. The existing rule allows the District Manager the discretion to revise roof control plans, while the proposed rule would decrease the burden currently faced by mine operators of having to revise their roof control plans when required by the District Manager.

Based on MSHA's records, there were 167 active underground coal mines from December 2022 to November 2023.

1. New Roof Control Plans and Revisions (30 CFR 75.215, 75.220(a)(1), and 30 CFR 75.221(a), 30 CFR 75.223(a))

1-1. New Roof Control Plans (30 CFR 75.215, 75.220(a)(1), and 30 CFR 75.221(a))

Under 30 CFR 75.220, each underground coal mine operator must develop a roof control plan that includes the information specified in 30 CFR 75.221(a). Under 30 CFR 75.215, mine operators must specify the methods in the roof control plan that will be used to maintain a safe travelway out of the longwall mining section through the tailgate side of the

longwall and the procedures that will be followed if a ground failure prevents travel out of the section through the tailgate side of the longwall.

On average, 84 new roof control plans were submitted annually by 58 of the 167 underground coal mines. Of which, 50 percent (42 new plans) would need to be revised specifically at the discretion of the District Manager. While roof control plans vary according to the size and complexity of each individual mine, MSHA estimates that on average it takes a mine supervisor, earning \$95.72 per hour, approximately 12 hours to prepare a new roof control plan. MSHA employees with experience preparing roof control plans while employed by industry have helped the Agency substantiate the time required to produce roof control plans.

This proposed rule would result in a reduction of information collection costs. The number of annual respondents would remain unchanged at 58, the number of annual responses decreases from 84 to 42, the annual burden hour would decrease from 1,008 to 504 hours, and the annual recordkeeping cost to respondents would remain unchanged at \$0.

1–2. Revised Roof Control Plans (30 CFR 75.223(a))

Under 30 CFR 75.223(a), a mine operator must propose revisions to the roof control plan when conditions indicate that the plan is not suitable or when accident and injury experience at the mine indicates the plan is inadequate. Revisions may be required as a response to an existing problem, or when instituting new technology, or as a cost savings to the mine operator.

MSHA estimates that each mine operator may need to submit plan revisions. An operator may submit more than one revision per year if conditions require it. In 2023, MSHA received 482 plan revisions submitted by 167 underground coal mines. Of which, 50 percent (241 revised plans) would need to be revised specifically at the discretion of the District Manager. MSHA estimates that it takes a mine supervisor, earning \$95.72 per hour, approximately 4 hours to draft a plan revision.

This proposed rule would result in a reduction in information collection costs. The number of annual respondents remains unchanged at 167, the number of annual responses would decrease from 482 to 241, the annual burden hour would decrease from 1,928 to 964 hours, and the annual recordkeeping cost to respondents would remain unchanged at \$0.

Copy and Mail New and Revised Roof Control Plans

Mine operators are expected to mail every new (42) and revised (241) roof control plan to MSHA. MSHA estimates that the average copying and mailing cost for the 283 new roof control plans or plan revisions is \$6.

This proposed rule would result in a reduction in information collection costs. The number of annual respondents would remain unchanged at 167, the number of annual responses would decrease from 566 to 283, and the annual recordkeeping cost to respondents would decrease from \$3,369 to \$1,698.

2. Unplanned Roof or Rib Fall and Coal or Rock Burst (30 CFR 75.223(b))

Underground coal mine operators are also required to plot each unplanned roof fall, rib fall, and coal rock burst on a mine map when such incidents meet the criteria specified in 30 CFR 75.223(b). MSHA estimates that it takes a mine supervisor, earning \$95.72 per hour, 5 minutes to plot a roof fall or a coal or rock burst on a map. There were approximately 453 unplanned roof falls and coal or rock bursts which met such specified criteria and that occurred in underground coal mines in 2023.

This proposed rule would not impact this information collection cost. The number of annual respondents would remain unchanged at 167, the number of annual responses would remain unchanged at 453, the annual burden hour would remain unchanged at 38 hours, and the annual recordkeeping cost to respondents would remain unchanged at \$0.

Summary of the Collection of Information

Under the proposed rule, the estimated number of respondents, responses, burden hours and recordkeeping costs to respondents would decrease from the currently approved information collection request. The reduction in information collection costs comes from removing the requirement of revising roof control plans at the discretion of the District Manager.

Affected Public: Businesses or For-Profit.

Estimated Number of Respondents: 167 (0 due to this proposed rule).

Frequency: On occasion.

Estimated Number of Responses: 736 (– 283 due to this proposed rule).

Estimated Number of Burden Hours: 1,506 (– 1,468 hours due to this proposed rule).

Estimated Recordkeeping Costs to Respondents: \$1,698 (– \$1,698 due to this proposed).

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is

unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and determined that the proposed rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of

land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule under the OMB and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Mine safety and health; Underground coal mines; Roof control plans; District Managers.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

- 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

Subpart C—Roof Control

- 2. In § 75.222, revise paragraph (a) to read as follows:

§ 75.222 Roof control plan-approval criteria.

(a) This section sets forth the criteria that shall be considered on a mine-by-mine basis in the formulation and approval of roof control plans and revisions. Roof control plans that do not conform to the applicable criteria in this section may be approved by the District Manager, provided that effective control

of the roof, face and ribs can be maintained.

* * * * *

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–12230 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

[Docket No. MSHA–2025–0078]

RIN 1219–AC09

Improving and Eliminating Regulations; Permissible Lamps in Underground Coal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to revise 30 CFR part 75 by removing duplicative requirements for electric cap lamps and other electric lamps in underground coal mines. These changes would clarify the permissibility requirements for electric cap lamps and other lamps while maintaining safety protections for miners using such equipment.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC09 or Docket No. MSHA–2025–0078. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC09 or Docket No. MSHA–2025–0078, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0078.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC09” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room

C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

MSHA is proposing to remove an existing provision from title 30 of the Code of Federal Regulations (30 CFR). MSHA is proposing to remove 30 CFR 75.1703–1. Removing this provision would not reduce protections afforded to miners.

II. Discussion

Section 75.1703–1 identifies that lamps approved by the Bureau of Mines or MSHA under part 19 or part 20 are approved as permissible portable electric lamps under § 75.1703. “Permissible” is defined in § 75.2 and covers the permissible electric lamps mentioned in § 75.1703. Therefore, MSHA proposes to remove and reserve § 75.1703–1. This action reflects MSHA’s experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comment on any aspect of this proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct

regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing duplicative requirements for electric cap lamps and other electric lamps in underground coal mines would not impose new compliance costs to underground coal mine operators or reduce the protections afforded to miners. This proposed rule is determined to not constitute a

“significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. MSHA initially concludes that the impacts of this proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal

agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has preliminarily concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination with Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires

agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Coal, Mine safety and health, Reporting and recordkeeping requirements, Respirable dust.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

- 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

Subpart R—Miscellaneous

§ 75.1703–1 [Removed and Reserved]

- 2. Remove and reserve § 75.1703–1.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11618 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

[Docket No. MSHA–2025–0083]

RIN 1219–AC14

Electrical Equipment for Coal Seams Above the Water Table

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA proposes to revise title 30 of the Code of Federal Regulations (30 CFR) part 75 by removing requirements for the use of permissible electric face equipment in coal seams above the water table. Removing these provisions would not reduce protections afforded to miners.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC14 or Docket No. MSHA–2025–0083. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC14 or Docket No. MSHA–2025–0083, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0083.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC14” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

MSHA is proposing to remove existing provisions from 30 CFR part 75. The existing MSHA standards in §§ 75.501, 75.501-1, 75.501-2, 75.501-3, and 75.502 establish requirements for permissible electric face equipment used in mines with coal seams above the water table. MSHA is proposing to remove and reserve §§ 75.501, 75.501-1, 75.501-2, 75.501-3, and 75.502. Removing these provisions would not reduce protections afforded to miners.

II. Discussion

MSHA proposes to remove the existing provisions in §§ 75.501, 75.501-1, 75.501-2, 75.501-3, and 75.502 which contain references to “coal seams above the water table.” All coal mines are now considered gassy, regardless of location relative to the water table. Therefore, this definition is no longer relevant. Removing these provisions would not reduce protections afforded to miners because the requirements for permissibility of electric equipment used in underground mines are already covered in other parts of 30 CFR part 75. As a result of removing §§ 75.501, 75.501-1, 75.501-2, 75.501-3, and 75.502, MSHA also proposes conforming amendments to §§ 75.500(d), 75.503, and 75.504 to remove references to the removed provisions. These proposed actions reflect MSHA’s experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA seeks comments on any aspect of this proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or

manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Removing the provisions for the use of permissible electric face equipment in coal seams above the water table would not impose new compliance costs to underground coal mine operators or reduce the

protections afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does not meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government’s collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from the Office of Management and Budget (OMB) before requesting or requiring “a collection of information” from the public.

This proposed rule imposes no new information collection or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this

proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposal does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment

nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Coal mines, Mine safety and health, Reporting and recordkeeping requirements, Safety, Training programs, Underground mining.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH**PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES**

■ 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), and 957.

Subpart F—Electrical Equipment—General

■ 2. Revise § 75.500(d) to read as follows:

§ 75.500 Permissible electric equipment.

* * * * *

(d) All other electric face equipment which is taken into or used in by the last crosscut of any coal mine, which has not been classified under any provision

of law as a gassy mine prior to March 30, 1970, shall be permissible.

§ 75.501 [Removed and Reserved].**§ 75.501–1 [Removed and Reserved].****§ 75.501–2 [Removed and Reserved].****§ 75.501–3 [Removed and Reserved].****§ 75.502 [Removed and Reserved].**

■ 3. Remove and reserve §§ 75.501, 75.501–1, 75.501–2, 75.501–3, and 75.502.

■ 4. Revise § 75.503 to read as follows:

§ 75.503 Permissible electric face equipment; maintenance.

The operator of each coal mine shall maintain in permissible condition all electric face equipment required by §§ 75.500 and 75.504 to be permissible which is taken into or used in by the last open crosscut of any such mine.

■ 5. Revise § 75.504 to read as follows:

§ 75.504 Permissibility of new, replacement, used, reconditioned, additional, and rebuilt electric face equipment.

All new, replacement, used, reconditioned, and additional electric face equipment used in any mine referred to in §§ 75.500 and 75.503 shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of electric face equipment, such equipment shall be put in, and thereafter maintained in, a permissible condition, unless in the opinion of the Secretary, such equipment or necessary replacement parts are not available.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11622 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 75**

[Docket No. MSHA–2025–0084]

RIN 1219–AC21

Ventilation Plan Approval Criteria

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA proposes to revise requirements for the contents in mine ventilation plans to eliminate the

authority given to the District Manager to require additional provisions. The current standard may violate statutory authority; the Appointments Clause, by vesting significant regulatory authority in District Managers; and the Administrative Procedure Act (APA), by skipping notice and comment.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AC21 or Docket No. MSHA–2025–0084. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AC21 or Docket No. MSHA–2025–0084, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0084. A brief summary of this document will be available at <https://www.regulations.gov/docket/MSHA-2025-0084>.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AC21” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background**

By statute, Congress prescribed an interim standard requiring that “[a]ll coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary.” 30 U.S.C. 863(a). Further, by statute, the Secretary of Labor must set out “mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.” 30

U.S.C. 811(a). In the Mine Act, Congress prescribed very specific interim ventilation standards. 30 U.S.C. 863(b)–(c) and (h)–(m). Congress likewise required every operator to prepare “A ventilation system and methane and dust control plan and revisions suitable to the conditions and the mining system of the coal mine . . .” 30 U.S.C. 863(o). MSHA has adopted regulations to implement 30 U.S.C. 863 and these standards include submission and approval of mine ventilation plans. 30 CFR 75.370. Each mine operator must “develop and follow a ventilation plan” which is “approved by the District Manager.” 30 CFR 75.370(a)(1). No proposed ventilation plan may be implemented before it is approved by the District Manager. 30 CFR 75.370(d).

MSHA regulations also set out detailed contents for the mine ventilation plans. 30 CFR 75.371. For example, ventilation plans must include “planned main mine fan stoppages, other than those scheduled for testing, maintenance or adjustment, including procedures to be followed during these stoppages and subsequent restarts and the type of device to be used for monitoring main mine fan pressure, if other than a pressure recording device.” 30 CFR 75.371(b), “Section and face ventilation systems used and the minimum quantity of air that will be delivered to the working section . . .” 30 CFR 75.371(f), “Locations where air quantities must be greater than 3,000 cubic feet per minute.” 30 CFR 75.371(g), and many other specific requirements. 30 CFR 75.371. The ventilation plan has the force and effect of “law” at the mine. The mine may be cited for violation of the plan and mine personnel may be held personally liable, civilly and criminally, for violations of the plan.

Title 30 CFR 75.371 also gives the District Manager broad authority to add regulatory requirements to the Ventilation Plan which are neither described, nor required, by the regulations or 30 U.S.C. 863. Specifically, the regulations currently state, without limitation, that “[t]he mine ventilation plan shall contain the information described below *and any additional provisions required by the district manager.*” 30 CFR 75.371 (emphasis added).

II. Discussion

MSHA is proposing to rescind the power of District Managers to require additional provisions in ventilation control plans, beyond the reticulated criteria set out in 30 CFR 75.371 and other requirements set forth in 30 CFR 75.370–371. MSHA has reevaluated its

regulations and tentatively concluded that the significant authority and discretion granted to District Managers in 30 CFR 75.371 to add “*and any additional provisions required by the district manager,*” not identified in the statute or improved mandatory safety standards is not supported by statute and violates the Appointments Clause and the APA.

While mine operators are required by statute to prepare and submit a “ventilation system and methane and dust control plan,” and while MSHA has promulgated regulations setting forth specific contents and requirements for ventilation plans, nothing in the plain text of the underlying statute including 30 U.S.C. 863 and 30 U.S.C. 811(a), can be read to permit the unfettered addition of “*and any additional provisions required by the district manager.*” 30 CFR 75.371. This lack of statutory authority is contrary to *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) and is an adequate reason to rescind the clause “*and any additional provisions required by the district manager.*”

Government officials that exercise significant discretion when carrying out important functions are officers of the United States, and thus subject to the Appointments Clause. *See Lucia v. SEC*, 585 U.S. 237, 248 (2018); U.S. Const. Art. II, § 2, cl. 2. Under Section 75.371, District Managers are granted nearly unlimited discretion to include additional provisions in mine ventilation plans as they deem appropriate. Accordingly, because District Managers are not appointed pursuant to the Appointments Clause, that substantial authority is unlawful.

Independently, the significant discretion in section 75.371 appears to violate the APA. The introductory text in 30 CFR 75.371 essentially amounts to the unfettered ability of the District Manager to draft and create “laws” which are civilly and criminally enforceable, without bicameral presentment, and without notice and comment rulemaking. Various statutory provisions, including 30 U.S.C. 811, give the Secretary authority to issue health and safety regulations for mines. When these regulations are substantive rules, with “general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy,” 5 U.S.C. 551(4), they are subject to the notice and comment process. MSHA must present the rulemaking to the public for comment, then issue a final rule responding to any comments. *See* 5 U.S.C. 553. 30 CFR 75.371 skips this process entirely when it vests District Managers with the

authority to require undesignated ventilation plan provisions. Giving the District Manager authority to include additional provisions in ventilation plans, is promulgating a new substantive rule of particular applicability, without any of the necessary process. Thus, 30 CFR 75.371 violates the APA.

MSHA seeks all comments on any aspects of the proposed rule, including the statutory authority, appointments clause issues and APA requirements, and the costs and benefits of the District Manager’s vague authority.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the

importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under section 6(a) of E.O. 12866, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Under section 3(f) of E.O. 12866, a "significant regulatory action" is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

Background

The proposed rule would apply to all underground coal mines. The existing rule allows the District Manager to require mine operators to include plan requirements not specified in the statute or regulations, while the proposed rule would rescind the power of District Managers to do so. The proposed change would decrease the burden currently faced by mine operators of having to revise their ventilation plans to include plan requirements not specified in the statute or regulations when required by the District Manager. The proposed rule would maintain the existing ventilation plan requirements, except for the District Manager's discretion to include plan requirements not specified in the statute or regulations.

Based on MSHA internal data, the Agency estimates there will be approximately 215 underground coal mines operating each year that would be impacted by this proposed rule.¹ All estimated figures are expressed in 2024 dollars.

Under the baseline scenario mine operators would continue their current

practice of making changes to their ventilation plans as deemed necessary by their District Manager, but not required elsewhere in existing regulations. Under the proposed rule mine operators would no longer need to include plan requirements not specified in the statute or regulations.

Benefits

Under this proposed rule mine operators would no longer be required to incorporate novel or unspecified provisions into their ventilation plans at the discretion of the District Manager. This change does not impact any other existing requirements for ventilation plans. This action will remove improper regulatory burden and reduce arbitrary and unforeseen demands on mine operators.

The benefits associated with the proposed rule cannot be easily quantified due to existing information gaps and challenges with quantifying the incremental shifts in costs and benefits under the proposed rule. However, some benefits are discussed in a qualitative manner below. The potential benefits of the proposed rule include:

(1) reduced production delays for mines—faster plan approval can enable earlier initiation or resumption of mining operations, reducing downtime, and increasing operational efficiency;

(2) improved resource allocation—predictable and consistent plan requirements reduce the need for mine operators to hire consultants or devote engineering resources to anticipate or respond to unpredictable District Managers' additional criteria;

(3) regulatory certainty—by aligning plan requirements strictly with the regulations, operators can better plan capital expenditures, staffing, and compliance investments, improving long-term planning and cost efficiency;

(4) increased domestic energy production—more predictable plan approval processes may allow mines to optimize coal output, supporting national energy goals and supply chain stability; and,

(5) prevents unauthorized rulemaking—preventing extra-statutory, unaccountable and unauthorized rulemaking restores confidence in the administrative process.

MSHA requests public comments on potential benefits associated with this proposal.

Cost Savings

MSHA estimates that mine operators would accrue a cost reduction from efficiencies associated with specific and consistent ventilation plan

requirements, both for initial plans and revisions. Removing the provision asserting broad District Manager discretion with respect to ventilation plan requirements would result in cost savings to mine operators who would be better able to anticipate required plan revisions and receive plan approval more quickly. MSHA estimates that mine operators would accrue a cost reduction from no longer having to revise ventilation plans at the request of the District Manager. The Agency estimates that each year 14 new ventilation plans, and 760 revised ventilation plans are submitted to MSHA. Of which, 50 percent (387 plans)² would need to be revised specifically at the discretion of the District Manager. MSHA requests comments on the estimated number of plans impacted by this proposal.

MSHA used data from the May 2024 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates³ and adjusted the rates for benefits,⁴ wage inflation,⁵ and overhead costs.⁶ The analysis period is 10 years.

The cost savings generated by the proposed rule consists of the following:

² 387 revised plans at the request of the District Manager = (14 new plans + 760 revised plans) × 50 percent.

³ To obtain OEWS data, follow BLS's directions in its Frequently Asked Questions: "E. How to get OEWS data. 4. What are the different ways to obtain OEWS estimates from this website?" at https://www.bls.gov/oes/oes_ques.htm.

⁴ The benefit multiplier comes from BLS Employer Costs for Employee Compensation accessed by menu at <http://data.bls.gov/cgi-bin/srgate> or directly at <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. Insert the data series CMU2030000405000D and CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, which is divided by 100 to convert to a decimal value. MSHA uses the latest 4-quarter moving average 2024Q1–2024Q4 to determine that 31.2 percent of total loaded wages are benefits. MSHA computes the benefit multiplier with a number of detailed calculations, but it may be approximated with the formula $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$. The benefit multiplier is $1.453 = 1 + (0.312 / (1 - 0.312))$.

⁵ Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (<https://data.bls.gov/cgi-bin/srgate>; Inflation Multiplier = (Current Quarter Cost Index Value/OEWS Wage Base Quarter Index Value). The inflation multiplier is determined by using the employment price index from the most current quarter, 2024Q4, divided by the base year and quarter of the OEWS employment and wage statistics, 2024Q2. The inflation multiplier is $1.022 = 166.7/163.1$.

⁶ MSHA uses an overhead rate of 17 percent. This overhead rate is based on a 2002 EPA report by Cody Rice, "Wage Rates for Economic Analysis of the Toxics Release Inventory Program", available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0387-0064>.

¹ The Number of mines inspected at least once in 2024 and whose 'current status' is listed as active, intermittent, or nonproducing active on April 14, 2025.

1. Revisions to Ventilation Plans Required by the District Manager

MSHA assumes that under the baseline each year there are 387 new and revised ventilation plans that are revised at the District Managers discretion. MSHA estimates that it takes a coal mine supervisor, earning \$95.72 per hour, 1 hour to make the requested revisions. Under the proposed rule these revisions would no longer need to be made, creating an annual cost saving of \$37,044.⁷

2. Providing Notifications of Denials

Currently when MSHA denies a ventilation plan or a revision to a plan the mine operator must notify the miner's representative of this denial. MSHA estimates that the 387 plans that under the baseline would require revisions to meet the District Manager's requirements would receive such a denial upon their first submission. It is assumed that it takes a clerical worker, earning \$44.53 per hour 15 minutes to make such notifications. The proposed rule would remove the need for these notifications, creating an annual cost saving of \$4,308.⁸

3. Notification of Resubmission of Ventilation Plan and Provide a Copy of Resubmission

When a mine operator submits a ventilation plan or a revision to a plan, they must notify the miner's representative of the submission and provide them with a copy. MSHA estimates that the 387 plans that would under the baseline require revisions to meet the District Manager's requirements would have to be revised and then resubmitted to MSHA. It is assumed that it takes a clerical worker earning \$44.53, 15 minutes to make such notifications. The proposed rule would remove the need for these notifications, creating an annual cost saving of \$4,308.⁹

It is assumed that each resubmission is approximately 3 pages long and the cost to print per page is \$0.15. Under the proposed rule mine operators would no longer need to generate these copies creating an annual cost saving of \$174.¹⁰

4. Copying and Mailing Ventilation Plans

In submitting ventilation plans to MSHA, the operator is expected to incur a cost to mail in any physical plans or

revisions. MSHA assumes that 100 percent of plans and plan revisions are submitted to MSHA physically via the mail. Under the baseline 387 plans that would have had to be resubmitted with revisions to meet the District Manager's requirements. At a cost of \$1.45 per plan for copying (3 pages per plan, \$0.15 per page) and mailing (\$1.00 per plan), removing this requirement would lead to an annual cost saving of \$561.¹¹

Summary

Removing the provisions concerning the District Manager's requirements for ventilation plans would result in cost savings to mine operators through avoided revisions to ventilation plans that under the existing regulation, would have been requested by the District Manager. Under the proposed rule, incremental cost savings are estimated at \$0.464 million over 10 years undiscounted. These cost savings include no longer revising ventilation plans to meet non-statutory or regulatory requirements by the District Manager, providing copies of revised plans to miners and their representatives, and the avoided costs of copying and mailing revised ventilation plans. For this proposed rule, the Agency estimates that the annualized cost saving across the three discount rates of 0 percent, 3 percent, and 7 percent would be \$46,395.

While cost savings are quantified, potential benefits of the proposed rule have been addressed in a qualitative manner and include: reduced production delays, improved resource allocation, regulatory certainty, increased domestic energy production and unauthorized rulemaking. Additionally, more efficient approval of ventilation plans is expected to result in other cost savings, including earlier initiation (or resumption) of production and revenue due to simplified plan and amendment approvals, lower costs associated with subject matter expert consultants hired by mine operators in response to unanticipated Agency requirements, and other efficiencies generated by increased regulatory predictability resulting from this action. Benefits of the proposed rule could also result from a more efficient Agency review and approval of ventilation plans for underground coal mines. Underground coal mine operators are expected to benefit from the proposed rule that clarifies the information and provisions required in ventilation plans. This is expected to help ease operator confusion regarding what content is

required when developing ventilation plans for MSHA approval and to result in an increase in the time value of revenues generated by coal production. Another potential benefit to the public is the increased opportunity to produce coal, which would improve American energy production. The proposed rule is deregulatory because it reduces qualitative burdens for mine operators. Additionally, the Agency experience supports cost savings that are not yet quantified.

Significance Determination

Under section 6(a) of E.O. 12866, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Under section 3(f) of E.O. 12866, a "significant regulatory action" is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

OIRA has designated this rule a "significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, it will be reviewed by OMB.

No alternatives are considered for this proposed deregulatory action. MSHA requests comments on alternatives within the Agency's authority that would generate similar or greater benefits.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on

⁷ \$37,044 = 387 plans × \$95.72 per hour × 1 hour.

⁸ \$4,308 = 387 plans × \$44.53 per hour × 15 minutes.

⁹ \$4,308 = 387 plans × \$44.53 per hour × 15 minutes.

¹⁰ \$174 = 387 plans × (3 pages × \$.15 cost per page).

¹¹ \$561 = 387 plans × ((3 pages × \$.15 cost per page) + \$1 mailing cost).

a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

Under the RFA, MSHA uses the Small Business Administration's (SBA) definition to set thresholds for small business sizes for the MNM and coal mining industries defined at the 6-digit North American Industry Classification System (NAICS) level. For underground coal mines the threshold is 1,500 employees and MSHA estimates that there are 115 underground coal mines that meet the definition of small.

MSHA evaluated data routinely provided by mine operators related to the number of mines, employment, and production from MSHA's Standardized Information System (MSIS) for underground coal mines. MSHA calculated revenues as production of coal in short tons times the average price of coal. Using internal data, MSHA estimates that small coal mines produce roughly 92.1 million tons of coal annually. Using U.S. Energy Information Administration Annual Coal Report 2023 Table 28, Average Sales Price of Coal by State and Mine Type, the average coal price for was \$54.04 per short ton in 2023. The price was then adjusted to 2024 dollars using CPI-U, \$55.63 per short ton, to estimate national coal revenues generated by small coal mines of \$5.1 billion.

MSHA assesses the impacts on small entities by comparing the estimated costs, in this case cost savings, of the proposed rule to the estimated revenues for those small entities. When estimated compliance costs are less than 1 percent of the estimated revenues, the Agency believes it is generally appropriate to conclude that there is no significant economic impact on a substantial number of small entities. When estimated compliance costs exceed 1 percent of revenues, MSHA investigates whether further analysis is required. The impact of the proposed rule, as a percentage of revenue, is essentially zero: for small coal mine operators the total annualized cost is \$46,395 while total annual revenue is \$5.1 billion, resulting in a ratio of 0.001 percent. Thus, no further analysis is required.

MSHA considered the costs on small mines when developing the proposed rule. MSHA reviewed this proposed rule, which eliminates burdensome regulations, under the provisions of the RFA. MSHA initially concludes that this proposed rule would not have a 'significant economic impact on a substantial number of small entities,' and that the preparation of an IRFA is

not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government's collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring "a collection of information" from the public.

This proposed rule imposes no new information collection or record-keeping requirements. However, this proposed rule would result in substantive changes to another currently approved information collection request, OMB Control Number 1219-0088 "Ventilation Plans, Tests, and Examinations in Underground Coal Mines." The currently approved information collection request covers requirements in 30 CFR part 75, which sets forth the procedures and rules to govern the submission and approval of ventilation plans.

Type of Review: Substantive Change to currently approved information collection.

OMB Control Number: 1219-0088.

Title: Ventilation Plans, Tests, and Examinations in Underground Coal Mines.

Description of the ICR:

Background

The proposed rule would apply to all underground coal mines. The existing rule allows the District Manager the discretion to revise ventilation plans, while the proposed rule would decrease the burden currently faced by mine operators of having to revise their ventilation plans when required by the District Manager.

Based on MSHA internal data, there were 225 underground coal mines in the calendar year 2023 affected by this information collection request (70 mines with 1-19 employees, 146 mines with 20-500 employees, and 9 mines with more than 500 employees). On average, there is 1 fan, 1 working section, and 1 shift per day at mines with 1-19 employees; 1.5 fans, 2.5 working sections, and 2 shifts per day at mines with 20-500 employees; and 1.5 fans,

2.5 working sections, and 3 shifts per day at mines with more than 500 employees. MSHA estimates that there are on average of 200 working days/50 weeks of operation in mines with 1-19 employees; 300 working days/52 weeks of operation in mines with 20-500 employees; and 350 working days/52 weeks of operation in mines with more than 500 employees. The burden hour estimates are based on the total number of weeks mines operate yearly, rather than on the average number of work weeks.

Summary of Changes

This change request will change the supporting statement for this information collection request. Currently 225 underground coal mines are impacted under 1219-0088 under the proposed rule. This change does not modify the authority or number of affected mine operators and contractors, but it does decrease the paperwork burden and costs associated with ventilation plans as captured by this information collection request.

The number of respondents, frequency of response, annual hour burden, and recordkeeping cost are described below.

1. Installation of Main Mine Fans (30 CFR 75.310(a))

Under 30 CFR 75.310, each mine is required to be ventilated by one or more main mine fans. This section sets forth requirements and specifications for the installation of main mine fans. Under 30 CFR 75.310(a)(4), mine operators are required to equip each main mine fan with a pressure recording device, which may be a part of a fan monitoring system, and to maintain the resulting records for one year.

The record, a pressure recording chart, will be generated an average of 50 weeks per year at mines with 1-19 employees, and every week (52 weeks per year) at mines with 20-500 employees and mines with more than 500 employees. MSHA assumes that mines with 1-19 employees will have 1 mine fan, while mines with 20 or more employees will average 1.5 mine fans per mine. The number of responses per respondent is thus 50 for mines with 1-19 employees and 78 for mines with 20 or more employees. MSHA estimates that it takes 7 minutes per week to generate and maintain the record for each fan. A miner earning \$47.97 per hour typically performs this task.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 15,590, the annual burden hours is

1,819, and the annual recordkeeping cost to respondents is \$0.

2. Main Mine Fan Examinations and Records (30 CFR 75.312)

2–1. Main Mine Fan Examination and Certification (30 CFR 75.312(a), (b), and (f))

Under 30 CFR 75.312(a) and (b), mine operators are required to conduct daily examinations on main mine fans not using a monitoring system to ensure electrical and mechanical reliability. For mines with a monitoring system, the data provided by the fan monitoring system must be reviewed at least once each day to assure that the fan and the fan monitoring system are operating properly. Fan examinations are not required on days when no one enters the mine. Although production may not occur, people do enter the mine for maintenance and examinations 240 days per year at mines with 1–19 employees, 365 days per year at mines with 20–500 employees, and 365 days at mines with more than 500 employees. MSHA assumes that mines with 1–19 employees will have 1 mine fan, while mines with 20 or more employees will average 1.5 mine fans. The number of responses per respondent is thus 240 for mines with 1–19 employees and 547.5 for mines with 20 or more employees.

Under 30 CFR 75.312(f)(1) and 75.321(f)(2), persons making main mine fan examinations must certify that the examinations were made. The fan examination certification time is estimated at 1 minute. A certified person earning \$62.39 per hour typically performs this task.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 101,663, the annual burden hours is 1,694, and the annual recordkeeping cost to respondents is \$0.

2–2. Automatic Fan Signal Device Testing (30 CFR 75.312(c), (d), and (g)(3))

Under 30 CFR 75.312(c), the automatic fan signal device for each main mine fan must be tested at least once every 31 days. Under 30 CFR 75.312(d), automatic closing doors in multiple main mine fan systems must be tested at least once every 31 days. A record of these tests is required under 30 CFR 75.312(g)(3), taking 5 minutes per mine, done 12 times yearly. MSHA assumes that mines with 1–19 employees will have 1 mine fan, while mines with 20 or more employees will average 1.5 mine fans. The number of responses per respondent is thus 12 for

mines with 1–19 employees and 18 for mines with 20 or more employees. This record can be performed by a certified person earning \$62.39 per hour.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 3,630, the annual burden hours is 303, and the annual recordkeeping cost to respondents is \$0.

2–3. Records of Uncorrected Defects (30 CFR 75.312(g)(1) and (2))

Under 30 CFR 75.312(g)(1), a record of uncorrected defects found during an examination must be kept. Estimated recordkeeping is 5 minutes and MSHA estimates that 90 mines will have uncorrected defects requiring a record each month. This record can be performed by a certified person earning \$62.39 per hour.

Under 30 CFR 75.312(g)(2)(ii), mines using monitoring systems to monitor fan pressure must make a record concerning monitoring system malfunctions and electrical or mechanical deficiencies, and any sudden increase or loss in mine ventilating pressure. MSHA estimates 20 mines will be required to make a record of monitoring system malfunctions. MSHA estimates the recordkeeping to take 10 minutes. This record can be performed by a certified person earning \$62.39 per hour.

This proposed rule does not impact this information collection cost. The number of annual respondents is 110, the number of annual responses is 1,320, the annual burden hours is 130, and the annual recordkeeping cost to respondents is \$0.

3. Methane Monitors (30 CFR 75.342(a))

Under 30 CFR 75.342(a)(1), mine operators must install MSHA approved methane monitors on all face cutting machines, continuous miners, longwall face equipment, loading machines, and other mechanized equipment used to extract or load coal in the working place. In addition, methane monitors must be maintained in permissible and proper operating condition and be calibrated with a known methane-air mixture at least once every 31 days. Under 30 CFR 75.342(a)(4)(ii) and (iii), operators are required to keep records of calibration tests for 1 year from the date of the test. Estimated time to make a record is 5 minutes per month for mines with 1–19 employees, and 8 minutes for mines with 20–500 and more than 500 employees. The record can be made by a qualified electrician earning \$59.34 per hour.

This proposed rule does not impact this information collection cost. The

number of annual respondents is 225, the number of annual responses is 2,700, the annual burden hours is 318, and the annual recordkeeping cost to respondents is \$0.

4. Atmospheric Monitoring Systems (30 CFR 75.351)

Under 30 CFR 75.351(o), when an atmospheric monitoring system is used to comply with 30 CFR 75.323(d)(1)(ii), 75.340(a)(1)(ii), 75.340(a)(2)(ii), 75.350(b), 75.350(d), or 75.362(f), individuals designated by the mine operator must make the following records by the end of the shift in which the following event(s) occur:

(i) If an alert or alarm signal occurs, a record of the date, time, location and type of sensor, and the cause for the activation.

(ii) If an AMS malfunctions, a record of the date, the extent and cause of the malfunction, and the corrective action taken to return the system to proper operation.

(iii) A record of the seven-day tests of alert and alarm signals; calibrations; and maintenance of the AMS must be made by the person(s) performing these actions.

It is estimated that 32 mines have these monitoring systems averaging 7 alarm activations annually. MSHA estimates that it will take 2 minutes to make a record of the occurrence. The record can be made by a certified person earning \$62.39 per hour.

This proposed rule does not impact this information collection cost. The number of annual respondents is 32, the number of annual responses is 224, the annual burden hours is 7, and the annual recordkeeping cost to respondents is \$0.

5. Preshift Examinations at Fixed Intervals (30 CFR 75.360)

Under 30 CFR 75.360(a)(1), preshift examinations are required to be conducted within 3 hours prior to the beginning of each shift. MSHA estimates that the number of workdays per year is: 200 days for mines with 1–19 employees; 300 days for mines with 20–500 employees; and 350 days for mines with more than 500 employees. On average, a mine with 1–19 employees will conduct 1 examination per day, mines with 20–500 employees will conduct 2 examinations per day, and mines with more than 500 employees will conduct 3 examinations per day. The number of responses per respondent is thus 200 for mines with 1–19 employees, 600 for mines with 20–500 employees, and 1,050 for mines with more than 500 employees.

Under 30 CFR 75.360(g) records of the results of preshift examinations, including hazardous conditions observed during the examinations and their locations, are required to be made. Mine operators are also required to record violations of mine specific mandatory health or safety standards found during these examinations. These mine standards represent the conditions or practices that, if uncorrected, present the greatest unsafe conditions and the most serious risks to miners. Records are also required to be made of the action taken to correct hazardous conditions and violations of the mine standards observed during the preshift examination.

MSHA estimates the recordkeeping activity to take 18 minutes per record in mines with 1–19 employees and 33 minutes per record in mines with 20 or more employees. Records are typically made by a certified person earning \$62.39 per hour. Countersigning by the mine supervisor, earning \$79.76 per hour, is required, and takes an estimated 5 minutes per record for mines with 1–19 employees, 10 minutes per record for mines with 20–500 employees, and 15 minutes per record for mines with more than 500 or more employees.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 222,100, the annual burden hours is 75,707, and the annual recordkeeping cost to respondents is \$0.

6. On-Shift Examination (30 CFR 75.362)

6–1. On-Shift Examination for Hazardous Conditions (30 CFR 75.362(a)(1))

The recordkeeping requirement for hazardous conditions and violations of the mine mandatory health or safety standards found during on-shift examinations under 30 CFR 75.362(a)(1) are accounted for in 30 CFR 75.363. The records that are accounted under 30 CFR 75.363 pertain to records recorded in a mine's book in accordance with 30 CFR 75.363(b).

Recordkeeping requirements under 30 CFR 75.362(g)(1), 75.362(g)(3) and (g)(4) pertain to violations under 75.362(a)(3)(i)–(vi). Under 30 CFR 75.362(g)(1), mine operators are required to have a certified person certify by initials, date, and time the examination was made and at enough locations to show the entire area has been examined for hazards under 30 CFR 75.362(a)(3)(i)–(vi), and in accordance with the recordkeeping requirements of 30 CFR 75.362(g)(1),

75.362(g)(3) and (g)(4). The estimated burden of this recordkeeping required under 30 CFR 75.362(g)(1), 75.362(g)(3) and (g)(4) are shown below.

These requirements include that a person designated by the operator must conduct an examination and record the results and the corrective actions taken to ensure compliance with 30 CFR 75.362(a)(3). The examinations are made on the sections and these sections include MMUs.

MSHA estimates that a certified person earning \$62.39 per hour, takes 3 minutes to make a record of the examination for the average mine in all mine sizes. MSHA estimates that there are 43 MMUs in mines with 1–19 employees, which average 1 shift per day; 360 MMUs in mines with 20–500 employees, which average 2 shifts per day; and 62 MMUs in mines with more than 500 employees, which average 3 shifts per day. Records of the examinations will need to be made of these shifts each working day. MSHA estimates that the number of workdays per year is: 200 days for mines with 1–19 employees; 300 days for mines with 20–500 employees; and 350 days for mines with more than 500 employees.

Under 30 CFR 75.362(g)(3), that at each mine the mine supervisor (foreman) or equivalent official must countersign each examination record under 30 CFR 75.362(a)(3) after it is certified by a certified person in accordance with 30 CFR 75.362(g)(2)(ii). MSHA estimates that it takes 1 minute for a mine supervisor or equivalent mine official earning \$79.79 per hour to review and countersign the record.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 579,400, the annual burden hours is 19,313, and the annual recordkeeping cost to respondents is \$0.

6–2. On-Shift Examination for Respirable Dust (30 CFR 75.362(a)(2))

Under 30 CFR 75.362(a)(2), a person designated by the operator must conduct an examination and record the results and the corrective actions taken to assure compliance with the respirable dust control parameters specified in the mine ventilation plan. MSHA estimates that on average, there is 1 fan, 1 working section, and 1 shift per day at mines with 1–19 employees; 1.5 fans, 2.5 working sections, and 2 shifts per day at mines with 20–500 employees; 1.5 fans, 2.5 working sections, and 3 shifts per day at mines with 501+ employees. Additionally, MSHA estimates that there are 43 MMUs in mines with 1–19 employees, which average 1 shift per

day; 360 MMUs in mines with 20–500 employees, which average 2 shifts per day; and 62 MMUs in mines with 501+ employees, which average 3 shifts per day. Records of the examinations will need to be made of these shifts each working day. MSHA estimates that the number of workdays per year is: 200 days for mines with 1–19 employees; 300 days for mines with 20–500 employees; and 350 days for mines with more than 500 employees.

MSHA estimates that a mine supervisor, earning \$79.76 per hour, takes 3 minutes to make a record of the examination for the average mine in all mine sizes.

Under 30 CFR 75.362(g)(2)(i), the record required under 75.362(a)(2) must be certified by initials, date, and time on a board maintained at the section load out or similar location showing that the examination was made prior to resuming production. This standard does not add any additional burden because the record is already required under 30 CFR 75.362(a)(2).

Under 30 CFR 75.362(g)(2)(ii), records required under 30 CFR 75.362(a)(2) must be verified by initials, date, and time, by the certified person directing the on-shift examination. Under 30 CFR 75.362(g)(3), the mine supervisor (foreman) or equivalent official must countersign each examination record under 30 CFR 75.362(a)(2) after it is verified by a certified person in accordance with 30 CFR 75.362(g)(2)(ii). MSHA estimates that it takes 1 minute for a certified person earning \$62.39 per hour to verify the record; and another 1 minute for a mine supervisor or equivalent mine official earning \$79.76 per hour to review and countersign the record.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 869,100, the annual burden hours is 24,142, and the annual recordkeeping cost to respondents is \$0.

7. Supplemental Examination for Hazardous Conditions and Violations of Mandatory Health or Safety Standards (30 CFR 75.361 and 75.363)

7–1. Supplemental Examination for Hazardous Conditions (30 CFR 75.361 and 75.363(a))

Under 30 CFR 75.363(b), a record of any hazardous conditions found, including any found during examinations under 30 CFR 75.361 supplemental examinations and any violation of the mine mandatory health or safety standards found during 30 CFR 75.362 on-shift examinations, must be

recorded by a certified person along with corrective actions taken to abate the conditions. This record must be countersigned by the mine supervisor. This record must be maintained in a secure book at the mine in accordance with 30 CFR 75.363(c). The time to record a hazard is estimated to be 5 minutes, and 3 minutes to countersign the record. The record can be made by a certified person earning \$62.39 per hour and signed by the mine supervisor earning \$79.76 per hour. MSHA estimates that 100 hazards per year will be recorded at mines with at least 20 employees and 50 hazards per year will be recorded in mines with fewer than 20 employees.

Under 30 CFR 75.361(a), a certified person is required to make a supplemental examination for hazardous conditions and violations of the mandatory health or safety standards referenced in paragraph (a)(2) of that section before any person enters an area of the mine that has not had a preshift examined. Under 30 CFR 75.361(b), at each working place examined, the person making the supplemental examination must certify by initials, date, and the time, that the examination was made. MSHA estimates that it takes 1 minute for a certified person earning \$62.39 per hour to make the certification.

Additionally, if a hazard is found or a violation of one or more of the mine specific health or safety standards is identified, then a record must be kept under 30 CFR 75.363.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 57,000, the annual burden hours is 2,850, and the annual recordkeeping cost to respondents is \$0.

7–2. Violations of Mandatory Health or Safety Standards (30 CFR 75.363(b))

Under 30 CFR 75.363, operators must record any violations of mine mandatory health or safety standards found on supplemental and on-shift examinations and any corrective actions taken. The mandatory health and safety standards represent the conditions or practices that, if uncorrected, present the greatest unsafe conditions and the most serious risks to miners. The supplemental (30 CFR 75.361) and on-shift (30 CFR 75.362) standards contain recordkeeping requirements if a violation of any of the standards is found.

During fiscal years 2021 through 2023, MSHA inspectors found an annual average of 12,057 violations of the mine standards MSHA believes

these violations are most likely to be identified during preshift, supplemental, on-shift, and weekly examinations. Because conditions resulting in these violations can occur and require corrective action multiple times during the year (e.g., insufficient rock dust), MSHA multiplied the 12,057 violations found by MSHA inspectors by a factor of 1.5 to arrive at an estimated 18,085 violations. MSHA assumes that half of these violations—9,043 violations—would be identified on the preshift (30 CFR 75.360) and weekly examinations (30 CFR 75.364) and the other half, 9,042 violations, would be identified on supplemental and on-shift examinations.

MSHA estimates that 80 percent of these (7,234 violations out of 9,043 violations) would be found during on-shift examinations and 20 percent (1,809 violations out of 9,043 violations) would be found during the supplemental examinations. MSHA estimates that it would take 3 minutes to record any violations identified and corrective actions taken. Mine supervisors earning \$79.76 an hour perform on-shift exams and certified persons earning \$62.39 perform supplemental exams.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 9,043, the annual burden hours is 452, and the annual recordkeeping cost to respondents is \$0.

8. Weekly Examination (30 CFR 75.364)

8–1. Weekly Examination of Worked-Out Areas (30 CFR 75.364(a) and (h))

Under 30 CFR 75.364(a), at least every 7 days, a certified person must examine unsealed worked-out areas where no pillars have been recovered by traveling to the area of deepest penetration; measuring methane and oxygen concentrations and air quantities and making tests to determine if the air is moving in the proper direction in the area.

Under 30 CFR 75.364(h), at the completion of any shift during which a portion of a weekly examination is conducted, a record of the results of each weekly examination, including a record of hazardous conditions and violations of the nine mandatory health or safety standards found during each examination and their locations, the corrective action taken, and the results and location of air and methane measurements, must be made.

MSHA estimates the time required to make the record to be 35 minutes per record in mines with 1–19 employees

and 60 minutes per record in mines with 20 or more employees. Records are completed by a certified person earning \$62.39 per hour. The time needed to review and countersign the record by a mine supervisor earning \$79.76 per hour is 5 minutes per record at mines with 1–19 employees and 10 minutes per record at mines with 20 or more employees. MSHA also estimates that, on average, mines with 1–19 employees operate for 50 weeks out of the year and mines with 20+ employees operate 52 weeks out of the year.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 23,120, the annual burden hours is 11,737, and the annual recordkeeping cost to respondents is \$0.

8–2. Weekly Examination of Hazardous Conditions (30 CFR 75.364(b) and (h))

Under 30 CFR 75.364(b), at least every 7 days, an examination for hazardous conditions and violations of the mandatory health or safety standards, as listed in 30 CFR 75.364(b)(8), must be made by a certified person designated by the mine operator. The mandatory health and safety standards represent the conditions or practices that, if uncorrected, present the greatest unsafe conditions and the most serious risks to miners.

Under 30 CFR 75.364(h), at the completion of any shift during which a portion of a weekly examination is conducted, a record of the results of each weekly examination, including a record of hazardous conditions and violations of the nine mandatory health or safety standards found during each examination and their locations, the corrective action taken, and the results and location of air and methane measurements, must be made.

MSHA estimates that it would take a certified person 3 minutes to record violations along with any corrective actions taken. A certified person conducting these examinations earns a wage of \$62.39 per hour. MSHA also estimates that, on average, mines with 1–19 employees operate for 50 weeks out of the year and mines with 20+ employees operate 52 weeks out of the year.

This proposed rule does not impact this information collection cost. The number of annual respondents is 225, the number of annual responses is 11,560, the annual burden hours is 578, and the annual recordkeeping cost to respondents is \$0.

9. Mine Ventilation Plan; Submission and Approval (30 CFR 75.370 and 75.371)

9–1. Mine Ventilation Plans (30 CFR 75.370(a)(1) and (2))

Under 30 CFR 75.370, the mine operator must submit a proposed ventilation plan in writing to the District Manager for approval and that plan must be reviewed by MSHA every 6 months. However, once a ventilation plan is approved, the operator needs to submit only the revised pages, sketches, and drawings of the plan when proposing revisions, unless the District Manager requests in writing that the mine operator submit a new fully revised plan. The operator must update the plan as often as necessary to ensure in the mine. The mine operator must notify the representative of miners of any proposed and approved ventilation plan or plan revision, and upon request, provide a copy.

MSHA estimates that new ventilation plans will be developed and submitted in writing to the District Manager by new or newly active mines, which are estimated to be 6 percent of the total (4 mines with 1–19 employees, 9 mines with 20–500 employees, and 1 mine with more than 500 employees), and will each take 32 hours each. New plans, plan revisions, and maps are prepared by a mine supervisor earning \$79.76 per hour and copies are made by a clerical employee earning \$34.66 per hour. Under 30 CFR 75.370(b), following receipt of the proposed plan or proposed revision, the representative of miners may submit timely comments to the district manager, in writing, for consideration during the review process. A copy of these comments must also be provided to the operator by the district manager upon request. MSHA assumes this will rarely take place. The annual burden cost for this provision is thus assumed to be ‘de minimis’. Under 30 CFR 75.370(c)(1), the district manager notifies the operator in writing of the approval or denial of approval of a proposed ventilation plan or proposed revision. A copy of this notification must be sent to the representative of miners by the district manager.

MSHA assumes that mines with 1–19 employees will receive 2 such notifications from MSHA each year, while mines with 20 or more employees will receive 4 such notifications. MSHA estimates that a clerical employee earning \$34.66 per hour will take 15 minutes to send a copy of this notification to the representative of miners for both proposed ventilation plans (only new mines: 6 percent of underground coal mines, equal to 4

mines with 1–19 employees, 9 mines with 20–500 employees, and 1 mine with more than 500 employees) or proposed revision (all underground coal mines).

Contractor Labor Cost

Under 30 CFR 75.370, mine operators must submit a proposed ventilation plan in writing to the District Manager for approval and that plan must be reviewed by MSHA every 6 months. However, once a ventilation plan is approved, the operator needs to submit only the revised pages, sketches, and drawings of the plan when proposing revisions, unless the District Manager requests in writing that the mine operator submit a new fully revised plan. The operator must update the plan as often as necessary to ensure that the plan is suitable to current conditions in the mine.

Mines with 1–19 employees will generally contract out for this service. MSHA estimates that under the proposed rule 6 percent of these mines (4) will submit a new ventilation plan and all mines with 1–19 employees (70) will submit 2 updates annually. MSHA further estimates that new plans will require 8 hours each, revised plans will require 4 hours each, and 3 maps will require 1 hour each. MSHA estimates that these tasks will be carried out by a contractor equivalent to a mine supervisor, earning \$79.76 per hour.

In addition, 3 copies of the mine ventilation map must be submitted annually or with each update (the assumption is that they will be submitted twice annually), including supplemental information listed in 30 CFR 75.372, requiring a total of 30 minutes. MSHA estimates that this task will be carried out by a contractor equivalent to a clerical employee, earning \$34.66 per hour.

This proposed rule would result in a reduction of annual recordkeeping cost to respondents from \$66,394 to \$34,473.

Copying and Postage Costs

MSHA estimates that under the proposed rule 6 percent of underground coal mine operators (4 mines with 1–19 employees, 9 mines with 20–500 employees, and 1 mine more than 500 employees) will create new ventilation plans each year. Under 30 CFR 75.370(a)(2), underground coal mines may revise approved ventilation plans. Additionally, MSHA estimates that under the proposed rule underground coal mines with 1–19 employees will revise and submit their ventilation plans to MSHA twice each year, and mines with 20 or more employees will revise and submit their ventilation to MSHA

plans 4 times each year. On average, MSHA estimates that a new plan or plan revision will be three pages. Copying will cost \$0.15 per page and \$1.00 for postage, for a total cost of \$1.45 per new plan or plan revision.

Under 30 CFR 75.370(a)(3)(i) and (f)(1), underground coal mine operators that revise their ventilation plans are required to notify the miners’ representative at least 5 days prior to submission of a mine ventilation plan revision and, if requested, provide a copy of the revisions to the miners’ representative under 30 CFR 75.370(a)(3)(i) and (f)(1). Under the proposed rule MSHA assumes that a copy of the revisions will always be requested. The number of copies provided equals the number of revisions noted above. MSHA estimates that the cost of copying will be \$0.45 for three pages.

Under 30 CFR 75.370(a)(3)(iii) and (f)(3), underground coal mine operators that revise their ventilation plans must post a copy of the revisions of the mine ventilation plan under 30 CFR 75.370(a)(3)(iii) and (f)(3). The number of postings is equal to the number of revisions noted above. MSHA estimates that the cost of copying will be \$0.45 for three pages.

This proposed rule would result in a reduction of annual recordkeeping cost to respondents from \$3,472 to \$1,819.

This proposed rule would result in a reduction in information collection costs. The number of annual respondents remains unchanged at 225, the number of annual responses would decrease from 2,499 to 957, the annual burden hours would decrease from 11,056 to 5,614 hours, and the annual recordkeeping cost to respondents would decrease from \$69,865 to \$36,292.

9–2. Mine Ventilation Plan Contents for Diesel-Powered Equipment (30 CFR 75.371)

Under 30 CFR 75.371(f), (j), (r), (kk), (ll), (mm), (nn), (oo), and (pp), certain information required in 30 CFR 75.325 and 70.1900 must be recorded in the mine operator’s ventilation plan as required by 30 CFR 75.370. MSHA estimates that under the proposed rule 15 mines annually will need to provide and record certain information with ventilation plans under 30 CFR 75.325 and 70.1900. MSHA estimates that the time required to record the additional information in the ventilation plan will be 15 minutes. The information is recorded by a mine supervisor earning \$79.76 per hour.

This proposed rule would result in a reduction in information collection

costs. The number of annual respondents would decrease from 29 to 15, the number of annual responses would decrease from 29 to 15, the annual burden hours would decrease from 7 to 4 hours, and the annual recordkeeping cost to respondents would remain unchanged at \$0.

9–3. Miner Notification and Copies of Ventilation Plan Revisions (30 CFR 75.370(a)(3) and (f))

Under 30 CFR 75.370(a)(3)(i) and (f)(1), underground coal mine operators are required to notify the miners' representative at least 5 days prior to submission of a mine ventilation plan or plan revision for MSHA approval and, if requested, provide a copy of the proposed and approved revisions to the miners' representative. Under the proposed rule MSHA assumes that a copy of the plan or plan revisions will be requested each time they are submitted. MSHA assumes underground coal mines with 1–19 employees will revise and submit their ventilation plans to MSHA twice each year, and mines with 20 or more employees will revise and submit their ventilation to MSHA plans 4 times each year. The number of copies of new plans provided to miners' representatives is estimated to be 6 percent of underground coal mines (4 mines with 1–19 employees, 9 mines with 20–500 employees, and 1 mine with more than 500 employees). MSHA estimates that it takes a clerical employee, earning \$34.66 per hour, 15 minutes to notify and provide a copy of the plan or plan revisions.

Under 30 CFR 75.370(a)(3)(iii) and (f)(3), underground coal operators must post a copy of the revisions of the mine ventilation plan. The number of postings is equal to the number of new plans and plan revisions, including ones created by contractors: 6 percent of all underground coal mines for new plans (4 mines with 1–19 employees, 9 mines with 20–500 employees, and 1 mine with more than 500 employees) and 100 percent of all underground coal mines, including new mines, for revised plans (2 times per year in mines with 1–9 employees and 4 times per year in mines with at least 20 employees). MSHA estimates that it takes a clerical employee earning \$34.66 per hour 15 minutes to post a copy of the plan or plan revisions to the mine ventilation plan.

This proposed rule would result in a reduction in information collection costs. The number of annual respondents would remain unchanged at 225, the number of annual responses would decrease from 1,548 to 253, the annual burden hours would decrease

from 387 to 63 hours, and the annual recordkeeping cost to respondents would remain unchanged at \$0.

10. Mechanical Escape Facilities (30 CFR 75.382)

Under 30 CFR 75.382(c), mines employing mechanical escape facilities must conduct a weekly examination to ensure that the facility is in proper operating condition. Under 30 CFR 75.382(g), mine operators are required to have a certified person certify by date, time, and initials, that the examination was conducted. It is estimated that 201 such facilities are in use at mines with 20 or more employees operating 52 weeks per year and that the certification will take 1 minute. The certification can be conducted by a certified person earning \$62.39 per hour.

This proposed rule does not impact this information collection cost. The number of annual respondents is 201, the number of annual responses is 10,452, the annual burden hours is 174, and the annual recordkeeping cost to respondents is \$0.

Summary of the Collection of Information

Under the proposed rule, the estimated number of respondents, responses, burden hours and recordkeeping costs to respondents would decrease from the currently approved information collection request. The reduction in information collection costs comes from removing the requirement of revising ventilation plans at the discretion of the District Manager.

Affected Public: Businesses or For-Profit.

Estimated Number of Respondents: 225 (0 due to this proposed rule).

Frequency: On occasion.

Estimated Number of Responses: 1,908,126 (– 2,852 due to this proposed rule).

Estimated Number of Burden Hours: 144,904 (– 5,770 due to this proposed rule).

Estimated Recordkeeping Costs to Respondents: \$36,292 (– \$33,574 due to this proposed rule).

D. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the

States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform," imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a

regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and determined that the proposed rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor’s NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family

Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule under the OMB and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or

use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Coal, Mine safety and health, Reporting and recordkeeping requirements, Underground coal mines, Ventilation.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA proposes to amend chapter I of title 30 of the Code of Federal Regulations as follows:

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

- 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

Subpart D—Ventilation

- 2. In § 75.371, revise the introductory text to read as follows:

§ 75.371 Mine ventilation plan; contents.

The mine ventilation plan shall contain the information described below:

* * * * *

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–12232 Filed 6–30–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 75**

[Docket No. MSHA–2025–0087]

RIN 1219–AB89

Electronic Surveying Equipment in Underground Mines

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: MSHA is proposing to allow the use of electronic surveying equipment in high-hazard areas of underground coal mines, if the equipment meets certain technical specifications and is operated under specific conditions. This proposed rule would codify technical specifications and working conditions in MSHA standards to allow the use of electronic surveying equipment in underground gassy mines. This proposed rule would reduce burdens on underground coal mine operators because mine operators would no longer need to submit a petition for modification to use non-permissible electronic surveying equipment.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: All submissions must include RIN 1219–AB89 or Docket No. MSHA–2025–0087. You should not include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AB89 or Docket No. MSHA–2025–0087, by any of the following methods:

1. *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments for MSHA–2025–0087.

2. *Email:* zzMSHA-comments@dol.gov. Include “RIN 1219–AB89” in the subject line of the message.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting

MSHA in person, call 202–693–9440 to make an appointment.

No telefacsimiles (“faxes”) will be accepted.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**I. Background***Electronic Surveying Equipment*

Safe underground mining depends heavily on accurate and up-to-date mapping. Not having accurate mine maps has been a contributing factor for several mine accidents in the United States. For instance, in 2002, there was a non-fatal entrapment accident at Quecreek Mine in Pennsylvania, caused by a water inundation due to the use of an undated and uncertified map that did not show the complete and final mine workings of the abandoned mine.¹ Through accurate maps, miners can avoid mining at the intersections of a mine with the abandoned workings of another mine which may contain explosive gas or a large quantity of water.

An integral part of creating maps in underground mining is surveying—measuring distances, angles, and elevations, relative to known positions. To carry out accurate mine surveying and mapping, operators need access to the most precise surveying technology that can be used safely in underground mine environments, where fire and explosion dangers abound. Modern surveying instruments are almost universally electronic and are powered by batteries, which can ignite a fire or explosion in a gassy mine.

The Federal Mine Safety and Health Act of 1977, as amended, (30 U.S.C. 801 *et seq.*) (Mine Act) requires MSHA to establish requirements for the technical design, construction, and testing of electrical products, including surveying equipment, that must be approved by MSHA prior to use in gassy mines. In underground gassy mines, flammable or explosive gases such as methane and/or float coal dust can form explosive mixtures when combined with air. Before electronic surveying equipment can be used in gassy mines in the U.S., it must first be approved by MSHA.

MSHA’s requirements in title 30, Code of Federal Regulations (30 CFR)

part 18 ensure electric motor-driven products are designed and manufactured so that they will not emit a spark strong enough, or temperature sufficient to cause a fire or explosion. Those seeking MSHA approval (applicants) are typically product designers and manufacturers of electrical products such as surveying equipment. MSHA’s approval process includes testing and evaluating the electrical product to determine whether it performs according to certain technical and safety requirements. MSHA issues an approval if the electrical product passes all the tests and evaluations. Once the electrical product is approved by MSHA, it must display an MSHA approval marking indicating that the product is approved for use in gassy mines. MSHA sometimes refers to electrical products approved for use in gassy areas of mines as “permissible.” To continue to use the MSHA approval marking, the approval holder must maintain the quality of the electrical product according to the technical requirements upon which its approval was based.

Currently, there is no permissible electronic surveying equipment commercially available in the U.S. market. Mine operators must seek MSHA approval for the use of electronic surveying equipment in underground mines by filing petitions for modification under 30 CFR part 44.

Petitions for Modification

Section 101(c) of the Mine Act, 30 U.S.C. 811(c), allows mine operators or representatives of miners to file a petition, or request, to modify the application of any mandatory safety standard to a mine. MSHA reviews petitions for modification to determine whether the petitioner’s alternative method of achieving the result of the standard will at all times guarantee no less than the same measure of protection afforded by the standard, or the application of the standard will result in a diminution of safety to miners.

30 CFR part 44 establishes the procedures and rules of practice for filing a petition for modification under section 101(c) of the Mine Act. Once a petition has been filed by a mine operator or representative of miners, a notice requesting comment on the petition is published in the **Federal Register**, and MSHA personnel investigate to promptly determine whether to grant or deny the petition. Taking into consideration the alternative methods proposed by the petitioner and any additional requirements, MSHA will grant the petition for modification if the Agency

¹ Mine Safety and Health Administration (MSHA). 2003. *Report of investigation: Underground coal mine nonfatal entrapment on July 22, 2002*. Retrieved at: https://www.msha.gov/sites/default/files/Data_Reports/QuecreekInvestigationReport.pdf.

determines that the alternative method of achieving the result of the standard will at all times guarantee no less than the same measure of protection afforded by the standard, or the application of the standard will result in a diminution of safety to miners. The granted modification, together with any conditions, will have the same effect as a mandatory safety standard.

Through the petition for modification process, MSHA sometimes grants the use of non-permissible surveying equipment in areas of underground mines where the use of approved equipment is required. The granted petitions for modification generally propose very similar alternative methods, or conditions and terms, for the safe use of non-permissible surveying equipment in gassy areas of underground mines to ensure that miners are at all times afforded the same measure of protection if using permissible equipment.

II. Discussion

In 2008, mine operators filed various petitions seeking to use non-permissible electronic surveying equipment in high-hazard areas of underground coal mines where otherwise only permissible equipment was allowed. MSHA did not grant these petitions. Two rounds of litigation ensued, one ending in a 2016 ruling by the D.C. Circuit Court of Appeals (*Rosebud Mining Co. & Parkwood Res., Inc. v. Mine Safety & Health Admin.*, 827 F.3d 1090 (D.C. Cir. 2016)) and the other ending with a 2018 Consent Order by the Assistant Secretary (In the Matter of Buchanan Minerals LLC, Consol PA and Southeastern Land LLC, 2018). While each of these litigation tracks involved different mines with unique and specific circumstances, a general set of terms and conditions for these petitions can be distinguished, such that, when these terms and conditions are met, non-permissible surveying equipment could be used without reducing the existing protections afforded to miners.

MSHA proposes to codify certain technical specifications and working conditions to allow the use of electronic surveying equipment in specified underground areas of underground coal mines, so that mine operators would no longer need to file petitions for modification. This proposed rule would allow mine operators to safely use the best and most current technology available, while not reducing miner safety.

This proposed rule would not revise the language of any Proposed Decisions and Orders granted by MSHA for non-permissible surveying equipment.

Operators with petitions granted would decide between complying with the terms of their Proposed Decision and Order or complying with the requirements proposed in this rule and dismissing their petitions.

Under the proposed rule, there would be no change to existing ventilation requirements, methane monitoring requirements, de-energization requirements, and rock-dusting requirements. The Agency has preliminarily determined that this proposed rule, including the protective requirements that are generally consistent with the terms in granted petitions, would not reduce existing protection for miners.

MSHA seeks comments on any aspects of this proposed rule, including what records are appropriate to maintain to ensure compliance.

III. Section-by-Section Analysis

A. Section 75.1800—Purpose and Scope

This proposed rule would allow electronic surveying equipment that does not meet the requirements in part 18 to be used in high-hazard locations of a gassy mine. The proposed rule also establishes requirements for the features and maintenance of electronic surveying equipment and mandates the mining conditions where electronic surveying equipment can be used.

B. Section 75.1801—Definitions

The proposed rule defines *electronic surveying equipment* as battery-powered equipment essential for surveying (*i.e.*, total stations and theodolites). This does not include electronic devices or accessories that are not essential for surveying, such as keyboards, spare batteries, and remote controls. This standard is specifically limited in scope to apply only to two essential types of instruments, total stations and theodolites, and is consistent with the scope of litigation between MSHA and operators, which did not include other instruments.

The proposed rule defines *production activities* as activities that generate coal dust or methane gas including, but not limited to, cutting, drilling, blasting, transporting, cleaning, loading, and unloading.

The proposed rule defines *specified underground area* as an underground area located in or inby the last open crosscut, in the return air outby the last open crosscut, or within 150 feet of the pillar workings or longwall faces. These areas are considered the areas where explosive concentrations of methane gas are most likely to occur.

The proposed rule defines *underground mine surveyor* as a

qualified person for testing for methane under § 75.151 (Tests for methane; qualified person; additional requirement) and for testing air flow under § 75.152 (Tests of air flow; qualified person) and who also has experience or training in underground mine surveying.

C. Section 75.1802—Electronic Surveying Equipment

Proposed § 75.1802 would require that electronic surveying equipment taken into specified underground areas meet certain conditions. All petitions for modification granted since September 2018 for electronic surveying equipment in underground coal mines include a list of surveying equipment with less than an 8-volt operating voltage range. Since many types of “low-voltage” surveying equipment exist, MSHA sees no need to permit electronic surveying equipment operating at or above 8 volts.

Proposed paragraph (d) lists the nine voluntary consensus standards that MSHA would incorporate by reference in part 75 to be applicable to electronic surveying equipment taken into specified underground areas.

The proposed incorporation by reference of the nine voluntary consensus standards is consistent with the Office of Management and Budget’s (OMB) Circular A–119 (Jan. 27, 2016 (81 FR 4673)), which establishes policy guidance for Federal agencies. Circular A–119, based on the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 3701 *et seq.*), section 12(d), directs Federal agencies to use technical standards developed or adopted by voluntary consensus standards bodies to carry out policies or activities. Additionally, Circular A–119 directs agencies to use voluntary consensus standards in lieu of government-unique standards, except where inconsistent with law or otherwise impractical. The intent of the policy guidance in Circular A–119 is to minimize agency reliance on government-unique standards to decrease the burden of complying with agency regulations and promote efficiency and economic competition through harmonization of standards. (See <https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-119-1.pdf>).

D. Section 75.1803—Requirements Before the Use of Electronic Surveying Equipment

Proposed § 75.1803 would specify requirements to assure that surveying equipment be in a safe condition before

being used in the specified areas of an underground mine.

E. Section 75.1804—Continuous Monitoring During Electronic Surveying Equipment Operation

Proposed § 75.1804 would require surveyors to monitor with two portable methane detectors because of the risk of false negative readings or failures to detect methane entirely. Using two methane detectors would improve the safety of the surveyors and other miners in gassy mines because it offers an increased likelihood of detecting methane gas around the non-permissible equipment. Having two detectors lessens the likelihood of inadequate methane gas detection due to: sensor poisoning; physical damage from bumping or dropping; blockage of the sensor from dust, debris, and water; and any internal faults of the detector.

F. Section 75.1805—Requirements for the Use of Electronic Surveying Equipment on a Mechanized Mining Unit Where Production Activities Are Occurring

Proposed § 75.1805 specifies the requirements for the use of electronic surveying equipment on a mechanized mining unit where production activities are occurring. Because production activities may present conditions which are most hazardous in combination with non-permissible equipment (*i.e.*, total stations and theodolites), there would be more stringent requirements for any surveying during production. Because production generates methane and coal dust from the working face, surveying should not be downwind of their discharge under any circumstances, in the ventilation path used by the mine, including the specified ventilation controls.

G. Section 75.1806—Requirements for Batteries Contained in Electronic Surveying Equipment

Proposed § 75.1806 addresses requirements for the batteries used in electronic surveying equipment to ensure their safe operation if methane or float coal dust is present.

H. Section 75.1807—Electronic Surveying Equipment Maintenance and Examination

Proposed § 75.1807 addresses the maintenance and examination requirements for electronic surveying equipment.

I. Section 75.1808—Training

Proposed § 75.1809 addresses the importance of training miners and underground surveyors on safety

practices where new technologies are utilized and would require specific training for those who would be involved with or affected by the use of electronic surveying equipment. In addition to 30 CFR part 48 training requirements, MSHA is requiring specific training under this proposed rule to address concerns regarding the use of this electronic surveying equipment in the specified underground areas.

J. Incorporation by Reference

In proposed § 75.1802(a), MSHA would incorporate by reference the following voluntary consensus standards.

(1) American National Standards Institute (ANSI)/International Electrotechnical Commission (IEC) 60529–2020 Degrees of Protection Provided by Enclosures (IP Code) (Identical National Adoption of IEC 60529: 1989/AMD2:2013/COR1:2019), dated September 23, 2020.

(2) Underwriters Laboratories (UL) 1642 Standard for Safety, Lithium Batteries, Sixth Edition, September 29, 2020.

(3) UL 1642, Standard for Safety for Lithium Batteries, Fifth Edition, March 13, 2012.

(4) UL 1642, Standard for Safety for Lithium Batteries, Fourth Edition, September 19, 2005.

(5) UL 1642, Standard for Safety for Lithium Batteries, Third Edition, April 26, 1995.

(6) UL 1642, Standard for Lithium Batteries, Second Edition, November 18, 1992.

(7) UL 1642, Standard for Lithium Batteries, First Edition, October 24, 1985.

(8) UL 62133, Secondary Cells and Batteries Containing Alkaline or Other Non-Acid Electrolytes—Safety Requirements for Portable Sealed Secondary Cells, and for Batteries Made From Them, for Use in Portable Applications, Edition 2 Published Date: September 5, 2017; and

(9) UL 62133–2, Secondary Cells and Batteries Containing Alkaline or Other Non-Acid Electrolytes—Safety Requirements for Portable Sealed Secondary Cells, and for Batteries Made from Them, for Use in Portable Applications—Part 2: Lithium Systems, May 31, 2024.

The ANSI/IEC sometimes interpreted as Ingress Protection Marking, classifies and rates the degree of protection provided against intrusion (body parts such as hands and fingers), dust, accidental contact, and water by mechanical casings and electrical enclosures. UL 1642 (Ed. 1–6) addresses

standards for non-rechargeable and secondary (rechargeable) lithium batteries for use as power sources in products. UL 62133 and UL 62133–2 are the most well-known lithium battery standards for safe use.

Availability of Standards To Be Incorporated by Reference

MSHA proposes to incorporate by reference one ANSI standard. This standard is available for purchase at: www.webstore.ansi.org. Copies of standards produced by the voluntary consensus standards listed in this section may also be obtained from the American National Standards Institute (ANSI), 1899 L Street NW, 11th Floor, Washington, DC 20036, phone: (202) 293–8020; website: (www.ansi.org). In addition, during the comment period and rulemaking process, the ANSI/IEC standard will be available for review, free of charge, at MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210 and at MSHA's Approval and Certification Center (A&CC) at 765 Technology Drive, Triadelphia, WV 26059 (304–547–0400).

There are eight UL standards that would be incorporated by reference in this proposed rule. These standards are available online and may be purchased on UL's website at:

www.shopulstandards.com. They may also be obtained from UL Solutions (UL), Comm 2000, 151 Eastern Avenue, Bensenville, IL 60106, Tel: (888) 853–3503. In addition, during the comment period and rulemaking process, the UL standards will be available for review, free of charge, at MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Avenue NW, Washington, DC 20210 and at MSHA's A&CC at 765 Technology Drive, Triadelphia, WV 26059 (304–547–0400).

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing

among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, “Improving Regulation and Regulatory Review” 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Under section 3(f) of E.O. 12866, a “significant regulatory action” is a regulatory action that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.

Under section 6(a) of E.O. 12866, the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether Agencies are required to submit the regulatory action to OIRA for review. Revising the

provisions concerning the use of electronic surveying equipment in high-hazard areas of underground coal mines would not impose new compliance cost to underground coal mine operators or reduce the protection afforded to miners. This proposed rule is determined to not constitute a “significant regulatory action” because it does meet any of the four “significant regulatory action” criteria under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this proposed deregulatory action.

Background

Currently coal mine operators have to file petitions for modification in order to use electronic surveying equipment in underground mine environments and are only granted permission for their use if the petition is approved. MSHA assumes that, without this proposed rule, 111 mine operators without existing petitions would file petitions over the next 5-years. Under the proposed rule, the mine operators would no longer need to file petitions to use electronic surveying equipment. Under currently approved petitions for electronic surveying equipment, MSHA already requires mine operators to monitor methane levels, inspect surveying equipment regularly, and provide hazard awareness training to miners. These requirements would continue to be in place under the proposed rule and mine operators would be required to comply.

On average, each year there are 185 active underground coal mines that employ roughly 26,294 miners (excluding office workers) and produce an estimated 102.5 million tons of coal. All estimated figures are expressed in 2024 dollars.

Under the baseline scenario, coal mine operators would continue their current practice of filing petitions to be able to use electronic surveying equipment in underground mine environments if the petition is approved. Under the proposed rule, mine operators would no longer need to file petitions to use electronic surveying equipment. There would be no change to the existing requirements for mine operators using electronic surveying equipment: methane monitoring, regular surveying equipment inspection, and hazard awareness training to miners. These requirements would continue to be applied to all underground coal mines that use electronic surveying equipment under the proposed rule.

Benefits

This proposed rule would codify new standards for using electronic surveying equipment underground, based on technical specifications and working conditions. The proposed rule would substantially reduce future costs and delays related to filing and litigating petitions for modification. Out of 185 active underground coal mines, 42 mines held petitions concerning this type of equipment that had been granted by MSHA. These petitions show that, despite having to incur costs associated with filing a petition, a substantial number of mines find that using electronic surveying equipment is beneficial to their operations. Being able to use electronic surveying equipment (instead of non-electronic surveying equipment) would reduce the time needed for surveying underground mines, thus providing mine operators with both increased efficiency and accuracy in mine mapping, without diminishing safety.

Compliance Costs of Using Electronic Surveying Equipment

The total compliance costs associated with using electronic surveying equipment would result from allowing underground coal mine operators to purchase and use electronic surveying equipment without having to file a petition for modification. MSHA assumes the cost of filing a petition currently presents a barrier to the use of electronic surveying equipment, and when that barrier is removed the purchase and use of electronic surveying equipment would be economically feasible for more mine operators. The total compliance costs of using non-permissible electronic surveying equipment consist of the following:

1. *Equipment purchases:* MSHA estimates that mine operators would need to purchase 113 total stations over 10 years at a cost of \$7,374 apiece. This results in a 10-year total cost of \$0.83 million.

2. *Methane monitoring by surveyors:* MSHA estimates that surveyors in coal mines earning \$65.99 per hour would spend a total of 125,488 hours over 10 years monitoring for methane, with a total cost of \$8.28 million.

3. *Examination of surveying equipment:*

a. *Pre-use examinations:* MSHA estimates that surveyors would need to conduct 40,216 pre-use electronic surveying equipment examinations over 10 years at a unit cost of \$5.51, resulting in a total cost of \$0.22 million for pre-use examinations.

b. *Weekly examinations:* MSHA estimates mine operators would conduct 45,700 weekly examinations over 10 years at a unit cost of \$9.48 per weekly examination, resulting in a total examination cost of \$0.43 million.

4. *Hazard awareness training for miners and surveyors:* MSHA estimates mine operators would train 1,634 miners each year on the hazards involved in working with and around electronic surveying equipment. At an average wage of \$57.85 per hour for coal miners and 1 hour for the training, the 10-year cost of training would be \$0.9 million over 10 years.

Cost Savings

MSHA estimates that mine operators would accrue a cost reduction from no longer having to file petitions for modification. Under the baseline scenario, MSHA believes mine operators would continue to file petitions to use electronic surveying equipment, while no new petitions would be filed under the proposed rule. Over the 10-year analysis period, MSHA estimates that there would be 6 petitions filed and approved without revision, 110 filed and approved with revisions, and 13 petitions litigated. MSHA assumes that the associated costs are \$6,367 per petition approved without revision, \$25,468 per petition approved with revisions, and \$397,943 per litigated petition.² Under the proposed rule, mine operators would not have to file petitions and would thus avoid petition associated costs of \$8.01 million undiscounted over 10 years. The annualized cost savings would be \$0.80 million at a 0 percent discount rate, \$0.88 million at a 3 percent discount rate, and \$0.99 million at a 7 percent discount rate.

Summary

To use electronic surveying equipment, mine operators would incur compliance costs of \$10.71 million undiscounted over 10 years, under both the baseline scenario (filing a petition in order to use electronic surveying equipment) or the proposed rule (using electronic surveying equipment without having to file a petition). Therefore, compliance costs are not considered incremental costs under the proposed rule.

Under the proposed rule, there would be incremental cost savings from avoiding petition and litigation costs that would be \$8.01 million, when compared with the baseline scenario.

MSHA estimates that the annualized cost savings for this proposed rule at discount rates of 0 percent, 3 percent, and 7 percent would be \$0.80 million, \$0.88 million, and \$0.99 million, respectively.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires preparation of an Initial Regulatory Flexibility Analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions.

Under the RFA, MSHA uses the Small Business Administration's (SBA) definition to set thresholds for small business sizes for the coal mining industry defined at the 6-digit North American Industry Classification System (NAICS) level. For underground coal mines the threshold is 1,500 employees.

MSHA evaluated data routinely provided by mine operators related to the number of mines, employment, and production from MSHA's Standardized Information System (MSIS) for underground coal mines. MSHA calculated revenue as production times the average price of coal. Using internal data, MSHA estimates that small coal mines produce roughly 92.1 million tons of coal annually. Using U.S. Energy Information Administration Annual Coal Report 2023 Table 28, Average Sales Price of Coal by State and Mine Type, the average coal price was \$54.04 per short ton in 2023. The price was then adjusted to 2024 dollars using CPI-U, \$55.63 per short ton, to estimate national coal revenues of \$5.1 billion generated by small coal mines.

MSHA assesses the impacts on small entities by comparing the estimated compliance costs of the proposed rule for small entities affected by the rule to the estimated revenues for the affected sector. When estimated compliance costs are less than 1 percent of the estimated revenues, the Agency believes it is generally appropriate to conclude that there is no significant economic impact on a substantial number of small entities. When estimated compliance costs exceed 1 percent of revenues, MSHA investigates whether further analysis is required. The impact as a

percentage of revenue is essentially zero under the proposed rule: for small coal mine operators average annualized cost is \$1.07 million while annual revenue is \$5,121 million, resulting in the ratio of 0.021 percent. Thus, no further analysis is required.

MSHA considered the compliance costs on small mines when developing the proposed rule. MSHA reviewed this proposed rule under the provisions of the RFA, which eliminates burdensome regulations. Therefore, MSHA initially concludes that the impacts of the proposed rule would not have a "significant economic impact on a substantial number of small entities," and the preparation of an IRFA is not warranted. MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government's collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring "a collection of information" from the public.

This proposed rule imposes no new information collection or recordkeeping requirements. The requirements for training recordkeeping are fully covered in a currently approved information collection request, OMB Control Number 1219-0009 "Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines." There is no change to this information collection request.

However, this proposed rule would result in substantive changes to another currently approved information collection request, OMB Control Number 1219-0065 "Petitions for Modification of Mandatory Safety Standards." The currently approved information collection request covers requirements in 30 CFR part 44, which set forth the procedures and rules to govern petitions for modification of mandatory safety standards filed under section 101(c) of the Mine Act.

Under this proposed rule, coal mine operators would no longer have to file

² The litigation of a petition by a mine operator can take several years to resolve, which could amount to hundreds, and possibly even thousands of legal hours.

petitions to use electronic surveying equipment in underground mine environments. This proposed change would decrease the paperwork burden and costs to mine operators as they would no longer file petitions for modification for using electronic surveying equipment in underground coal mines. MSHA proposes to revise the supporting statement for the information collection request 1219–0065 to reflect this and to seek public comment on these changes.

Type of Review: Substantive Change to currently approved information collection.

OMB Control Number: 1219–0065.

Title: Petitions for Modifications of Mandatory Safety Standards.

Description of the ICR:

Background

Under 30 CFR 44.4, mine operators can file a petition for modification to use an alternative method of achieving the same result of an existing standard that will at all times guarantee no less than the same measure of protection afforded by the standard. Currently, this is the only way mine operators are able to use electronic surveying equipment underground. Under the proposed rule, the requirements for using such equipment would be codified and mine operators would no longer have to file a petition for their use.

Based on MSHA records of petitions for modification received between 2021 through 2023, on average there were 46 total petitions submitted each year. Of these petitions, roughly 6 were requests to use non-permissible surveying equipment. Under this proposed rule, the Agency estimates that the average annual petitions would be reduced from current submissions of 46 to 40 petitions, as the 6 petitions for the use of non-permissible surveying equipment would no longer be needed. MSHA assumes that all 6 of those petitions would have been filed by underground coal mines, and that therefore, there would be a decrease in petitions from coal mines from 43 to 37 and no change in the number of petitions from MNM mines, 3.

Summary of Changes

This substantive change request will change the supporting statement for this information collection request due to an addition in the recordkeeping requirements in 30 CFR 75.1800 through 75.1808. Forty-six mines are affected by the existing standards and 40 mines would be required to provide information by the proposed rule. This change does not modify the authority or number of affected mine operators and

contractors, but it decreases the paperwork burden and costs associated with filing petitions as captured by this information collection request.

The number of respondents, frequency of response, annual hour burden, and recordkeeping cost are described below.

1. Preparing and Filing Petitions for Modification (30 FR 44.10 and 44.11(a))

Under 30 CFR 44.10 and 44.11(a), a mine operator or any representative of miners may file a petition for modification of the application of a mandatory safety standard. MSHA assumes that all petitions will be filed by mine operators or by third-party sources on behalf of mine operators. MSHA assumes that approximately 31 of the annually submitted petitions would be prepared by mine operators, 29 petitions from coal mines and 2 from MNM mines. MSHA estimates that it takes 40 hours to prepare and file a petition, which will be completed by a coal or MNM mining supervisor, earning \$95.72 or \$75.63 per hour, respectively.

As related to these requirements the proposed rule would reduce the number of annual respondents from 37 to 31, the number of annual responses from 37 to 31, and the annual burden hours from 1,480 to 1,240.

Additionally, MSHA assumes that the 9 remaining petitions would be prepared by third-party sources (independent legal counsel) each year. MSHA estimates that it takes an independent counsel, earning \$182.79 per hour, approximately 16 hours to prepare a petition. This will be a total of \$26,322 spent preparing the 9 petitions. MSHA assumes that due to their simplicity all the non-permissible surveying equipment related petitions would have been prepared by mine operators and not third parties, therefore this rescission does not impact the costs related to third-party preparations of petitions. There is an increase over the previous estimate of \$24,814 however, it is due to an increase in wages and not the proposed rule.

The prepared petitions must be submitted to MSHA for review and approval. MSHA estimates that each year only 2 petitions are submitted by mail and 38 are submitted electronically. MSHA assumes that there is no filing cost if submitted electronically. MSHA estimates the mailing costs for petitions for modification is \$8.00 for a certified mail from USPS, for a total cost of \$16.00 to mail in petitions, this is unchanged from the previous estimate of recordkeeping costs.

2. Posting Copies of Petitions on the Mine Bulletin Boards (30 CFR 44.9)

Under 30 CFR 44.9, a mine operator must, when there is no representative of miners, post a copy of each petition for modification concerning the mine on the mine bulletin board and must maintain the posting until a ruling on the petition becomes final. MSHA assumes that all mine operators will post the petition for modification on the mine's bulletin board.

MSHA assumes that 37 petitions would come from coal mines and 3 from MNM mines. MSHA estimates that it takes 10 minutes to make copies of the petition and to post the petition to the mine bulletin board. This will be done by a coal or MNM clerk, earning \$44.53 or \$45.42 per hour, respectively.

As related to this item the proposed rule would result in a reduction of information collection cost. It would reduce the number of annual respondents from 46 to 40, the number of annual responses from 46 to 40, and the annual burden hours from 7.67 to 6.67.

Additionally, MSHA assumes that on average a petition for modification is 3 pages long and the printing cost is \$0.15 per page, so the material cost of printing a copy of the petition would be \$0.45. By reducing the number of petitions to be posted at the mine bulletin board by 6 this rescission reduces the annual recordkeeping cost to respondents by \$2.70. The annual recordkeeping cost to respondents would decrease from \$20.70 to \$18.00.

3. Serving Representatives of Miners With Petitions (30 CFR 44.10)

Under 30 CFR 44.10, if a petition is filed by a mine operator, a copy of the petition must be served to a representative of miners at the affected mine. MSHA assumes 40 petitions would be filed each year, 37 from coal mines and 3 from MNM mines. MSHA estimates that it takes 10 minutes to make copies of the petition and serve the petition to a representative of miners. A coal or MNM clerk earns \$44.53 or \$45.42 per hour, respectively. For a total cost of \$297, this is an increase from the previous figure of \$267 because while the decrease in the number of petitions submitted lowers the estimated cost an increase in wages more than offsets the decrease.

As related to this item the proposed rule would result in a reduction of information collection cost. It would reduce the number of annual respondents from 46 to 40, the number of annual responses from 46 to 40, and the annual burden hours from 7.67 to

6.67. The annual burden cost increases from \$267 to \$297, however this is due to an increase in wages and not the proposed rule.

Additionally, MSHA assumes that on average a petition for modification is 3 pages long and the printing cost is \$0.15 per page, so the material cost of printing a copy of the petition would be \$0.45. By reducing the number of petitions to be served to miners' representatives by 6 this rescission reduces the annual other cost burden by \$2.70. The annual recordkeeping cost to respondents would decrease from \$20.70 to \$18.00.

4. Serving Miners' Representative With Copies of the Final Actions Granting Petitions and Posting Copies to the Mine Bulletin Boards (30 CFR 44.5(b))

Under 30 CFR 44.5(b), every final action granting a petition for modification must be posted by the operator on the mine bulletin board at the affected mine and remain posted as long as the modification is effective. If a summary of the final action is posted on the mine bulletin board, a copy of the full decision must be kept at the affected mine office and made available to the miners.

MSHA assumes that 30 petitions would be approved each year, including 28 from coal mines and 2 from MNM mines. For the 6 annual petitions concerning the use of non-permissible surveying equipment, MSHA assumes on average 1 would have been denied petition and 5 approved. MSHA estimates that it takes 10 minutes to make copies of the final action and then to serve them to the miners' representative or post on the mine bulletin board. This will be done by a coal or MNM clerk, earning \$44.53 or \$45.42 per hour, respectively.

As related to this item the proposed rule would result in a reduction of information collection cost. It would reduce the number of annual respondents from 46 to 40, the number of annual responses from 35 to 30, and the annual burden hours from 5.83 to 5.00.

Additionally, MSHA assumes that a mine operator will make 2 copies of each final actions granting petitions: 1 to be posted on the bulletin board and 1 copy available to miners. MSHA assumes that on average a petition for modification is 3 pages long and the printing cost is \$0.15 per page, so the cost of printing a copy of the petition would be \$0.45. This rescission would reduce the number of copies of final actions made by 10 (5 served to miners' representatives and 5 to posted to mine bulletin boards). This rescission reduces the annual other cost burden from \$32

to \$27. The annual recordkeeping cost to respondents would decrease from \$31.50 to \$27.00.

Summary of the Collection of Information

Under the proposed rule, the estimated number of respondents, responses and annual burden hours would decrease from the currently approved information collection request. The reduction comes from the decrease in the number of petitions being submitted. Annual recordkeeping costs to respondents would increase slightly due to increases in wage rates, not the proposed rule.

Affected Public: Businesses or For-Profit.

Estimated Number of Respondents: 40 (– 6 from proposed rule).

Frequency: On occasion.

Estimated Number of Responses: 141 (– 23 from proposed rule).

Estimated Number of Burden Hours: 1,258 (– 243 from proposed rule).

Estimated Recordkeeping Costs to Respondents: \$26,401 (\$1,571 from wage increases).

D. Review Under Executive Order 13132

E.O. 13132, "Federalism" 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has determined that the proposed rule would not have federalism implications because it would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, E.O. 13132 requires no further action or analysis.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform" 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1)

eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3 of E.O. 12988 contains requirements for Federal agencies promulgating new regulations or reviewing existing regulations to minimize litigation by eliminating drafting errors and ambiguity, providing a clear legal standard for affected conduct rather than a general standard, promoting simplification, and reducing burden. MSHA has reviewed the proposed rule and has determined that it would meet the applicable standards provided in E.O. 12988 to minimize litigation and undue burden on the Federal court system.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing

any requirements that might significantly or uniquely affect them.

MSHA examined this proposed rule according to UMRA and its statement of policy and determined that the proposed rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, no further Agency action or analysis is required.

G. Review Under the National Environmental Policy Act.

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on Agency actions that would significantly affect the quality of the environment; unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the proposed rule in accordance with NEPA requirements and the Department of Labor's NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this proposed rule would not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor provided an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), MSHA has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this proposed rule under the OMB and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, “Consultation and Coordination With Indian Tribal Governments” 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have “tribal implications.” This proposed rule does not have “tribal implications” because it will not “have substantial direct effects 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.” Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211.

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this proposed rule for its energy effects. For the energy analysis, this proposed rule will not exceed the relevant criteria for adverse impact.

M. Plain Language

Executive Orders 12866 and 13563 require regulations to be written in a manner that is easy to understand. MSHA has drafted the proposed rule in plain language.

N. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025);

and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025). This proposed rule is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 30 CFR Part 75

Electric power, Incorporation by reference, Mandatory safety standards, Mine safety and health, Reporting and recordkeeping requirements, Training, Underground coal mines.

For the reasons set out in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response (MINER) Act of 2006, MSHA is proposing to amend chapter I of title 30 of the Code of Federal Regulations as follows:

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

■ 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

■ 2. Add Subpart S, consisting of §§ 75.1800 through 75.1808, to read as follows:

Subpart S—Electronic Surveying Equipment

§ 75.1800 Purpose and Scope.

§ 75.1801 Definitions.

§ 75.1802 Electronic surveying equipment.

§ 75.1803 Requirements before the use of electronic surveying equipment.

§ 75.1804 Continuous monitoring during electronic surveying equipment operation.

§ 75.1805 Requirements for the use of electronic surveying equipment on a mechanized mining unit where production activities are occurring.

§ 75.1806 Requirements for batteries contained in electronic surveying equipment.

§ 75.1807 Electronic surveying equipment maintenance and examination.

§ 75.1808 Training.

§ 75.1800 Purpose and Scope.

(a) This subpart establishes requirements for electronic surveying equipment taken into and operated in or inby the last open crosscut, § 75.500(d), in the return air outby the last open crosscut, § 75.507–1(a), or within 150 feet of the pillar workings or longwall faces, § 75.1002(a), when electronic

surveying equipment that meets the permissibility requirements in part 18 of this chapter does not exist.

(b) This subpart also establishes requirements for the features, use, and maintenance of electronic surveying equipment and the training of the personnel using such equipment. This part includes requirements for the use of electronic surveying equipment when production activities are occurring and when production activities cease.

§ 75.1801 Definitions.

The following definitions apply to this subpart:

Electronic surveying equipment.

Battery-powered equipment essential for surveying, (*i.e.*, total stations and theodolites). This definition does not include electronic devices or accessories that are not essential for surveying, such as keyboards, spare batteries, and remote controls.

Production activities. Activities that generate coal dust or methane gas including but are not limited to cutting, drilling, blasting, transporting, cleaning, loading, and unloading.

Specified underground area. An underground area located in or inby the last open crosscut, in the return air outby the last open crosscut, or within 150 feet of the pillar workings or longwall faces.

Underground mine surveyor. A qualified person for testing for methane under § 75.151 and for testing air flow under § 75.152 and who also has experience or training in underground mine surveying.

§ 75.1802 Electronic surveying equipment.

Electronic surveying equipment taken into specified underground areas must meet the following conditions:

(a) Electronic surveying equipment, including batteries when assembled for use, must have an ingress protection (IP) rating of 66 or greater under ANSI/IEC 60529–2020 and must operate at a voltage of less than 8 volts DC. Lithium batteries must also meet the Underwriters Laboratories (UL) 1642 safety standards for lithium batteries. Surveying equipment must only have onboard or integrated battery packs and no external battery packs.

(b) A theodolite must be no older than 5 years from the date of manufacture.

(c) A total station must be no older than 10 years from the date of manufacture.

(d) The material listed in this paragraph (d) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation

by reference (IBR) material is available for inspection at U.S. Department of Labor, Mine Safety and Health Administration (MSHA) and at the National Archives and Records Administration (NARA). Contact MSHA at 200 Constitution Avenue NW, Washington, DC 20210. 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. The material may be obtained from the following sources in this paragraph (d).

(1) American National Standards Institute (ANSI), 1899 L Street NW, 11th Floor, Washington, DC 20036; phone: (202) 293–8020; website: www.ansi.org

(i) ANSI/IEC 60529–2020 Degrees of Protection Provided by Enclosures (IP Code) (Identical National Adoption of IEC 60529: 1989/AMD2:2013/COR1:2019), dated September 23, 2020.

(ii) [Reserved]

(2) UL Solutions. Comm 2000. 151 Eastern Avenue, Bensenville, IL 60106; phone: (888) 853–3503; website: www.ul.com.

(i) UL 1642 Standard for Safety, Lithium Batteries, Sixth Edition, September 29, 2020.

(ii) UL 1642, Standard for Safety for Lithium Batteries, Fifth Edition, March 13, 2012.

(iii) UL 1642, Standard for Safety for Lithium Batteries, Fourth Edition, September 19, 2005.

(iv) UL 1642, Standard for Safety for Lithium Batteries, Third Edition, April 26, 1995.

(v) UL 1642, Standard for Lithium Batteries, Second Edition, November 18, 1992.

(vi) UL 1642, Standard for Lithium Batteries, First Edition, October 24, 1985.

(vii) UL 62133, Secondary Cells and Batteries Containing Alkaline or Other Non-Acid Electrolytes—Safety Requirements for Portable Sealed Secondary Cells, and for Batteries Made From Them, for Use in Portable Applications, Edition 2 Published Date: September 5, 2017.

(viii) UL 62133–2, Secondary Cells and Batteries Containing Alkaline or Other Non-Acid Electrolytes—Safety Requirements for Portable Sealed Secondary Cells, and for Batteries Made from Them, for Use in Portable Applications—Part 2: Lithium Systems, May 31, 2024.

§ 75.1803 Requirements before the use of electronic surveying equipment.

(a) The underground mine surveyor must conduct a safety examination of electronic surveying equipment prior to taking it into the specified underground areas. The examination must include:

(1) Checking the equipment for any physical damage and integrity of the case;

(2) Examining all contact points to ensure a secure connection to the battery;

(3) Inspecting the battery pack for debris or corrosion;

(4) For equipment utilizing lithium type cells, ensuring that the lithium cells are not damaged and have not swelled in size;

(5) Reinserting the battery pack and powering up and shutting down the equipment to ensure proper connections;

(6) Checking the battery pack to ensure that it is securely fastened, with no dust or water ingress into the battery compartment; and

(7) Conducting all manufacturer-recommended checks and tests to ensure proper operations.

(b) If the approved mine ventilation plan requires a minimum air quantity in a specified underground area, then an underground mine surveyor will measure the air quantity immediately before taking the surveying equipment into that area.

(c) An underground mine surveyor must test for methane in the areas to be surveyed, in accordance with § 75.323. If excessive methane is found, then the mine operator must take actions specified under § 75.323 before surveying equipment is taken into a specified underground area.

(d) Prior to setting up and energizing the electronic surveying equipment in the specified underground areas:

(1) A certified person must conduct a visual examination to determine compliance under § 75.402, and to check the presence of accumulated float coal dust.

(2) The equipment may not be energized until rock dust has been applied under §§ 75.401–1, 75.400–2, and 75.403.

(e) Surveyors must be able to effectively communicate with the section foreman or equivalent mine official and miners on the working section at all times while the surveyor is conducting the surveying in a specified underground area.

§ 75.1804 Continuous monitoring during electronic surveying equipment operation.

(a)

(1) Underground mine surveyors must continuously monitor for methane immediately before and during the use of electronic surveying equipment in the specified underground areas. The underground mine surveyor(s) must monitor for methane with two portable detectors. All portable methane

detectors must be MSHA-approved and maintained in permissible and proper operating condition as required under § 75.320.

(2) All methane detectors must provide visual and audible warning signals when methane is detected at or above 1.0 percent.

(b) When 1.0 percent or more of methane is detected, the electronic surveying equipment must not be energized or must be immediately deenergized if in use and immediately withdrawn from specified underground areas to outby the last open crosscut, out of the return, or more than 150 feet from pillar workings or longwall faces under § 75.323.

§ 75.1805 Requirements for the use of electronic surveying equipment on a mechanized mining unit where production activities are occurring.

On a mechanized mining unit where production activities are occurring, the following requirements must be met.

(a) Electronic surveying equipment may be used except as provided in paragraphs (a)(1) and (a)(2) of this section:

(1) Electronic surveying equipment must not be used downwind of the discharge point of any face ventilation controls, such as tubing or curtains.

(2) Electronic surveying equipment must not be used in a split of air ventilating a mechanized mining unit.

(b) Electronic surveying equipment must not be used within 150 feet of pillar workings or longwall faces.

(c) When surveying cannot be completed with ventilation controls in place, the underground mine surveyor must notify the mine operator for approval of any changes. All changes must comply with approved ventilation plans.

(1) Before and while any ventilation controls are changed, all production activities must cease in areas affected by the change.

(2) Once production activities cease and approved ventilation changes have been completed, a certified person must notify underground mine surveyors when surveying may resume.

(3) Ventilation controls must be reestablished immediately after the change is no longer necessary.

(4) Production activities may resume only after all ventilation controls are reestablished and are in compliance with the approved ventilation plan.

§ 75.1806 Requirements for batteries contained in electronic surveying equipment.

(a) Before each shift of surveying, all batteries for the electronic surveying

equipment must be charged sufficiently to function the entire shift.

(b) Replacement batteries for electronic surveying equipment must be carried underground only in the compartment provided for a spare battery pack in the electronic surveying equipment carrying case. Replacement batteries must not be taken into the specified underground areas.

(c) Batteries contained in the electronic surveying equipment must be changed out in intake air outside of the specified underground areas.

(d) No batteries may be charged underground.

§ 75.1807 Electronic surveying equipment maintenance and examination.

(a) All electronic surveying equipment must be maintained to ensure safe operating condition. When a potentially dangerous condition is found with the equipment, such equipment must be immediately withdrawn from the specified underground areas and taken out of service and must be repaired before returning to service.

(b) As specified under § 75.1803(a), electronic surveying equipment must be examined weekly by a qualified person as defined by § 75.153 to assure safe operating condition.

(c) The mine operator must ensure that all electronic surveying equipment is serviced according to the manufacturer's recommendations.

§ 75.1808 Training.

(a) Miners and underground mine surveyors who will be involved with or affected by electronic surveying operations must be trained on the requirements of this subpart before the electronic surveying equipment can be used.

(b) Mine operators must train new miners and underground mine surveyors under § 48.5, train experienced miners and surveyors, under § 48.6, and train miners and surveyors assigned new work tasks under § 48.7 on the requirements of this subpart. The training must include hazard recognition specific to the mine.

(c) Mine operators must provide annual retraining to all miners and underground mine surveyors involved with or affected by surveying operations under § 48.8.

(d) Miners and underground mine surveyors using electronic surveying equipment must be trained to recognize the hazards and limitations associated with the use of electronic surveying equipment in the areas where methane could be present.

(e) Records of training required under this part must comply with part 48.

(f) Mine operators must provide such records to MSHA upon request.

James P. McHugh,

Deputy Assistant Secretary for Policy, Mine Safety and Health Administration.

[FR Doc. 2025–11741 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket # OSHA–2025–0006]

RIN 1218–AD48

Amending the Medical Evaluation Requirements in the Respiratory Protection Standard for Certain Types of Respirators

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: OSHA is proposing to remove some medical evaluation requirements in the Respiratory Protection Rule for certain types of respirators. This proposed change would only impact filtering facepiece respirators and loose-fitting powered air-purifying respirators.

DATES: Comments must be received on or before September 2, 2025.

Informal public hearing: OSHA will schedule an informal public hearing on the proposed rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register**.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA–2025–0006, electronically at <http://www.regulations.gov>, which is the *Federal e-Rulemaking Portal*. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0006). All comments, including any personal information that is provided, are placed in the public docket without change and may be made available online at <http://www.regulations.gov>. Therefore, OSHA

cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

When uploading multiple attachments to <http://www.regulations.gov>, please number all of your attachments because <http://www.regulations.gov> will not automatically number the attachments. This numbering will be very useful in identifying all attachments in the preamble for the final rule. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <http://www.regulations.gov>.

Docket: To read or download comments or other materials in the docket, go to Docket No. OSHA–2025–0006 at <http://www.regulations.gov> the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through that website. All comments and submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Documents submitted to the docket by OSHA or stakeholders are assigned document identification numbers (Document ID) for easy identification and retrieval. The full Document ID is the docket number plus a unique four-digit code. Some Document ID numbers also include one or more attachments.

When citing exhibits in the docket, OSHA includes the term “Document ID” followed by the last four digits of the Document ID number. For example, document OSHA–2025–0006 would appear as “Document ID 0006.” Citations also include the attachment number or tab number, if applicable. In a citation that contains two or more Document ID numbers, the Document ID numbers are separated by semi-colons (e.g., “Document ID 1231, Attachment 1; 1383, Attachment 1”). OSHA may also cite items that appear in another docket. When that is the case, OSHA includes the full document ID for the corresponding docket entry.

This information can be used to search for a supporting document in the docket at <http://www.regulations.gov>. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: 877–889–5627) for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Office of Communications, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–1999; email oshacomms@dol.gov.

For general information: Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–1950; email: osha.dsg@dol.gov.

*For copies of this **Federal Register** document:* Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, are also available at OSHA’s web page at www.osha.gov. A 100-word summary of this proposed rule is available on <http://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Background

A. Executive Summary

In 1971, the Occupational Safety and Health Administration (OSHA) adopted the American National Standards Institute (ANSI) standard Z88.2 1969, “Practices for Respiratory Protection,” as well as ANSI Standard K13.1 1969, “Identification of Gas Mask Canisters” as its standard for respiratory protection. In April of 1971, OSHA promulgated 29 CFR 1926.103, the initial respiratory protection standard for the construction industry. On February 9, 1979, OSHA announced that 29 CFR 1910.134 would be formally recognized as also being applicable to the construction industry (44 FR 8577). On November 15, 1994, OSHA issued a Notice of Proposed Rulemaking to revise 29 CFR 1910.134 (59 FR 58884). On January 8, 1998, OSHA issued a Final Rule in the **Federal Register** (63 FR 1152) revising 29 CFR 1910.134. The prior respirator standard was redesignated as 1910.139 and applied only to respiratory protection against M.

tuberculosis (TB). On December 31, 2003, OSHA withdrew 1910.139 and made compliance with 1910.134 effective immediately (68 FR 75776). On August 24, 2006, OSHA published revisions to the 1910.134 Final Rule, to add definitions and requirements for Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) (71 FR 50122). The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

The current OSHA Respiratory Protection Standard (29 CFR 1910.134) aims to protect workers from inhaling hazardous airborne contaminants (e.g., dusts, fogs, fumes, mists, gases, smokes, sprays, vapors) in the workplace by requiring employers to establish a comprehensive written respiratory protection program that includes procedures for respirator use, training, and fit testing. A key component of this program is medical evaluation, which determines whether employees are physically able to wear respirators safely. Before using a respirator, employees must be evaluated by a physician or other licensed health care professional (PLHCP), using the mandatory OSHA medical questionnaire or an equivalent method, to assess medical conditions that could interfere with respirator use, such as cardiovascular or pulmonary diseases. A medical evaluation helps ensure that any employee required to use a respirator can tolerate the physiological burden associated with respirator use which is crucial to ensure worker safety. Additionally, the standard mandates fit testing for tight-fitting facepiece respirators, training on proper use and maintenance, and ongoing monitoring of workplace conditions to ensure the selected respirators provide adequate protection. The program must be regularly evaluated for compliance and effectiveness, with records maintained for medical evaluations, fit testing, and training, to reduce the risk of respiratory-related occupational illnesses.

OSHA is proposing an update to the Respiratory Protection Standard to amend the medical evaluation requirements specified in paragraph (e) where an employee is required to wear either a filtering facepiece respirator (FFR) or loose-fitting powered air-purifying respirator (PAPR) and seeks comment on all aspects of this proposal. Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in

which the respirator is used, and the medical status of the employee. OSHA has preliminarily determined this burden differs based on the type of respirator worn and therefore proposes an amendment to the medical evaluation requirements of the standard for FFRs and loose-fitting PAPRs.

B. Health Literature Background

Introduction

In this section, OSHA provides an overview of the agency's evidence to determine whether this proposed rule impacts material impairment of health. The Secretary's material impairment determinations must be made "on the basis of the best available evidence" and must consider the "latest available scientific data in the field" (29 U.S.C. 655(b)(5)). This overview briefly acknowledges the original basis for the determination of a need for medical evaluations before using FFRs and loose fitting PAPRs as well as considers research published after the promulgation of that rule.

OSHA concludes that the data available for health effects are lacking and insufficient to establish that medical evaluations meaningfully reduce material impairment caused by wearing an FFR or a loose fitting PAPR. Even though "OSHA is not required to state with scientific certainty or precision the exact point at which each type of [harm] becomes a material impairment" (*AFL-CIO v. OSHA*, 965 F.2d 962, 975 (11th Cir. 1992)), the level of evidence in the following discussion is unconvincing as it pertains to the ability of medical evaluations to prevent material impairment induced by the wearing of FFRs or PAPRs. The Occupational Safety and Health Act (29 U.S.C. 651, *et seq.*) ("the Act" or "the OSH Act") charges OSHA with addressing all forms of material impairment, not just death or serious physical harm (*Id.*). The agency acknowledges that respirators may negatively impact some workers' health due to extreme exertion while wearing one, impact on communication or ability to see, triggering mental health concerns (*e.g.*, claustrophobia), and other impacts on their quality of life. However, medical evaluation before use of an FFR or loose fitting PAPR is not well evidenced to prevent these outcomes.

Original Basis of the Medical Questionnaire Requirement

When OSHA developed the respiratory protection standard in the 1990s, the use of medical evaluations to identify underlying conditions where

respirator use could cause material impairment was a well-accepted best practice. This process was "derived from studies of Navy SCUBA (self-contained underwater breathing apparatus) or military users under conditions unlike most current use" (Harber et al., 2025). For the proposed standard ("Respiratory Protection Standard; Proposed Rule, 59 FR 58884), OSHA gathered information and presented for comment several alternatives ranging from in-person medical evaluations by physicians, exempting workers who use respirators for less than five hours a week, or using medical questionnaires presented by a PLCHP as a screening tool before a medical evaluation would be required. From this robust stakeholder engagement process, OSHA concluded that medical questionnaires would be permitted as a screening tool to identify individuals for whom an in-person medical examination would then be required in the final rule (63 FR 1152–1300). The questionnaire was adapted from ANSI Z88.6–1984.

In the 1998 final rule (63 FR 1210), OSHA determined that there existed "the potential for adverse health effects resulting from respirator use, even for healthy employees using respirators designed for low breathing resistance and used for short durations." OSHA also found that "respirator use would impose a substantial risk of material impairment to the health of employees who have preexisting respiratory and cardiovascular impairments." Based on the results of studies in the record as well as the comments received, OSHA determined "the use of any respirator requires a prior medical evaluation to determine fitness."

OSHA now believes that the requirement for medical evaluations before the use of any type of respirator is too broad in practice; specifically with respect to the use of FFRs and loose fitting PAPRs. Even the 1998 final rule included two commenters who expressed that medical limitations on their workforce were fairly limited with Organization Resources Counselors, Inc (Ex. 54–424) noting that 2% of their workforce were limited based on claustrophobia, asthma, and heavy smoking and Boeing (Ex. 54–445) reporting that 1–2% of their workforce was limited due to not undergoing the evaluation or because of employee preference (63 FR 1213, 1219). While 2% of the workforce is a small yet significant number, it does not identify actual avoided adverse outcomes from wearing a respirator. While it may have been reasonable to avoid this increased risk at the time, the agency concludes

that it is important to consider new evidence in the years since the rule was published.

Lack of Data Showing Material Impairment Avoided by Medical Evaluations

i. Lack of large scale epidemiological studies.

The use of medical evaluations in respiratory protection programs as a prospective measure to avoid adverse health outcomes remains a well-accepted best practice. However, the agency is not aware of any epidemiological studies that evaluate their efficacy for FFRs and loose fitting PAPRs.

Many workers currently use FFRs and loose fitting PAPRs without medical evaluations. For instance, NIOSH found that in the immediate wake of the publishing of the 1998 Respiratory Protection Standard 51.2% of an estimated 281,776 establishments may not have performed medical evaluations to determine fitness for wearing a respirator (Doney et al., 2005). A 2015 study (Brousseau et al., 2015) reported that 14% of hospital workers in Illinois and 23% in Minnesota did not receive a medical evaluation. Medical evaluations are likely far less prevalent in many industries with smaller and more dispersed workforces. For instance, workers in hog farms commonly wear respirators, predominantly N95s, when performing some tasks, but are generally not subject to the Respiratory Protection Standard and are likely not following it (Gibbs et al., 2020). The agency knows of no data related to these worker populations showing that the lack of medical evaluations is causing adverse health effects. OSHA requests comment on the extent to which medical evaluations are effective at preventing adverse health outcomes resulting from the use of FFRs and loose-fitting PAPRs.

ii. Despite large increases in respirator usage after the emergence of COVID–19, no evidence has surfaced illustrating the need for medical evaluations for FFR and PAPR usage.

FFR and PAPR usage increased immensely after the emergence of COVID–19. Workers across industries performing a wide variety of tasks were suddenly wearing these respirators, often for their entire shifts every work day. Despite this sudden increase and widespread usage of these respirators, often without a medical evaluation, the agency is not aware of any data identifying adverse outcomes from individuals with underlying medical conditions during the COVID–19 pandemic. OSHA requests comment on

the extent to which workers have worn FFRs and loose-fitting PAPRs without medical evaluations since the emergence of COVID-19 in 2020.

With this lack of data about medical evaluation efficacy for FFRs and loose fitting PAPRs, it is difficult to reaffirm that medical evaluations are either necessary or appropriate for preventing adverse health outcomes.

iii. Few workers are refused respirators.

As noted earlier, the data reported in the final rule for Respiratory Protection (29 CFR 1910.134) found that 2% or fewer workers did not pass the medical evaluation. That proportion appears to be fairly consistent with more recent studies. A 1999 study (Pappas et al.) found that out of 5,569 workers who had a medical evaluation only 1.3% had limitations placed upon their work and 0.2% were denied use. Pregnancy was the reason for denial and the researchers found that physical examination and spirometry added nothing to the analysis. A 2017 study (Desai et al.) found that only 1.48% of 337 subjects who passed the medical questionnaire evaluation failed the spirometry test under the American Thoracic Society criteria. In a survey of 35 clinics or clinic groups, Harber et al. (2025) found that nearly all workers were approved without restrictions and it was considered very unusual to decline approval.

In practice, few workers have their respirator use limited. Additionally, we currently have no ability to estimate, to the agency's knowledge, how many adverse events are being avoided by restricting the use of FFRs and PAPRs by workers. As such, it is difficult to ascertain whether there is material impairment in these scenarios if a worker who should be restricted is permitted to use a respirator. OSHA requests comment on how many adverse events are being avoided by restricting the use of FFRs and PAPRs by workers.

iv. Workers are able to respond quickly when symptoms arise.

In the apparently rare circumstance that a worker develops symptoms from wearing an FFR or loose-fitting PAPR, these scenarios are not Immediately Dangerous to Life or Health (IDLH) situations. This is so because FFRs and loose fitting PAPRs are not permitted to protect employees in IDLH environments. Therefore, the worker should be able to seek safety with an exposure well below expected thresholds for adverse health outcomes. This is in contrast to other respirators—(e.g., self-contained breathing apparatus (SCBA))—that would be required in more dangerous exposure environments.

v. Available data on effects largely shows minimal impact on health.

As noted in the original rule (63 FR 1152–1300), self-contained breathing apparatus (SCBA) respirators require a great deal of exertion given the weight of that apparatus. However, the body of literature does largely agree that any physiological effects from wearing much lighter FFRs and PAPRs are minimal during low to moderate exertion. In studies assessing cardiovascular parameters, FFRs and PAPRs did not significantly impact health in low to moderate exercise scenarios that would be typical of the vast majority of workplaces (Epstein et al., 2020; Anil et al., 2023). Similarly, Rothstein et al. studied 42 individuals who did not have a history of claustrophobia or metabolic disease and found that individuals who wore N-95 respirators displayed minor changes in respiratory and metabolic effects, but those “physiological parameters remained within normal ranges at rest and would not impact daily functioning” (Rothstein et al., 2025). A limitation on these studies is that they are performed on populations that screen out unhealthy individuals (e.g., smokers, known cardiovascular issues), but one would surmise that changes in physiological parameters would be observable even in healthy individuals and this does not seem to be the case. It is reasonable to assume that work that requires high exertion could impact the health of a wearer, but that high exertion work likely self-selects for individuals who would be medically fit to wear an FFR or a PAPR.

The 1998 final rule also noted some concern about non-physiological impacts, specifically noting claustrophobia. A more recent look into the evidence found that the notion of large numbers of workers experiencing claustrophobia is unfounded (Harber and Beckett, 2023). In a letter to the editor, McClellan (2020) found that full-shift work using an FFR could cause issues, such as psychological stresses, that result in the wearer feeling compelled to remove their respirator in potentially unsafe situations. While psychological stressors have been observed and can induce physiological impairment, the agency is unable to adequately qualify the degree to which this occurs in the affected workplaces. And, as noted above, if a worker wearing an FFR or loose fitting PAPR had to remove their respirator due to psychological distress, the worker would necessarily not be exposed to an IDLH atmosphere but would rather be able to seek safety with an exposure

well below expected thresholds for adverse health outcomes.

Conclusion

The agency preliminarily concludes that there is not sufficient evidence to conclude that wearing FFRs and loose fitting PAPRs without a prior medical evaluation can result in unavoidable adverse outcomes, and that the assumption that medical evaluation effectively detects risk for adverse effects from the occupational use of FFRs and loose fitting PAPRs is unproven.

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II. Discussion

A. Pertinent Legal Authority

The purpose of the OSH Act is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act’s enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard’s requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “. . . a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, *reasonably necessary or appropriate* to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8) (emphasis added)). A standard is reasonably necessary or appropriate

within the meaning of section 652(8) if it substantially reduces or eliminates significant risk or prevents it from developing, and is economically and technologically feasible, cost effective, consistent with prior Agency action or supported by a reasoned justification for departing from prior Agency actions, and supported by substantial evidence. *See Am. Textile Mfrs. Institute, Inc. v. Donovan*, 452 U.S. 490 (1981); 58 FR 16612–16616. The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)–(2)).

As required by the OSH Act, OSHA originally determined that the respiratory protection standard would substantially reduce a significant risk of material harm when promulgating the standard. For the changes in this proposed rule, OSHA has not made a new finding of significant risk but is making changes that are reasonably related to the purpose of the respiratory protection standard as a whole. When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard. *See, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole. *See Asbestos Info. Ass’n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass’n v. Sec’y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL–CIO–CLC v. Marshall*, 647 F.2d 1189, 1237–38 (D.C. Cir. 1980) (“*Lead I*”).

The Act also provides that in promulgating standards dealing with toxic materials or harmful physical agents, OSHA must set the standard that “most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life” (29 U.S.C. 655(b)(5)). As discussed in Section IB, Health Literature Background, OSHA concludes that the data available for health effects are lacking and insufficient to establish that

medical evaluations effectively prevent material impairment caused by wearing an FFR or a loose fitting PAPR.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Pub. Citizen v. OSHA*, 557 F.3d 165, 170–71 (3d Cir. 2009) (citing *United Steelworkers of Am.*, 647 F.2d 1189, 1272)).

OSHA has determined that this proposed rule does not impose any new feasibility burdens on employers. All employers in compliance with the existing standard will also be in compliance with the proposed revisions. This proposed rule simply removes some requirements for the use of medical evaluations for loose-fitting PAPRs and FFRs. Therefore, OSHA has determined that the proposed changes to 29 CFR 1910.134 are technologically feasible.

In determining economic feasibility, OSHA must consider the cost of compliance in an industry rather than on individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *United Steelworkers of Am.*, 647 F.2d at 1272). OSHA has determined that this proposed rule is economically feasible because this action is deregulatory and imposes no additional costs.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. 553(c)); cf. 29 U.S.C. 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

Estimated Cost Savings From Eliminating Requirement for Medical Evaluation for Filtering Facepiece Respirators and Loose-Fitting PAPRs

OSHA estimated the potential cost savings associated with removing the medical evaluation requirement for

certain classes of respirators from CFR 1910.134 (Respiratory Protection) and potential reductions in the number of employees receiving follow-up medical exams. This required estimating the number of employees that would no longer receive the medical questionnaire for the specific type of respirators used as well as the number of employees that would no longer receive follow-up medical exams. A general description of the approach used to develop these estimates is presented below.

Annual Medical Questionnaire Cost Savings

To estimate the number of employees that would no longer receive a medical questionnaire, OSHA used data from the National Institute for Occupational Safety and Health (NIOSH) survey on Respirator Usage in Private Sector Firms for 2001 (NIOSH, 2003). This survey represents the most recent and complete dataset on respirator usage available at present. The dataset includes estimates of the number of employees using certain types of respirators by broad industry division. Based on the estimates of employees using certain types of respirators, OSHA calculated the percentage of all employees across industry groups that use these types of respirators, comparing these estimates to employment figures in the County Business Patterns (CBP) dataset for 2001. OSHA then applied these percentages to the number of employees across industry groups estimated in the CBP dataset for 2022, which represents the most recent CBP dataset available. The NIOSH survey included mining employees in its population sample. Because mining is not covered by OSHA, an adjustment was made to the total number of potentially affected employees by subtracting employees within the Mining, Quarrying, and Oil and Gas Extraction sector (NAICS 21) that are outside of the following industries:

- 1—Crude Petroleum Extraction (NAICS 211120)
- 2—Natural Gas Extraction (NAICS 211130)
- 3—Drilling Oil and Gas Wells (NAICS 213111)
- 4—Support Activities for Oil and Gas Operations (NAICS 213112)

One final adjustment that OSHA made for this analysis is to account for the specific type of respirator that employees use. Only those employees using either a filtering facepiece respirator (FFR) or loose-fitting powered air purifying respirator (PAPR) will no longer have to complete a medical questionnaire or receive a medical

evaluation. According to the 2022 County Business Patterns survey, there were approximately 136 million employees in the private sector. The NIOSH respirator survey found that about 1.939 percent of employees wore filtering facepieces, indicating that, assuming the profile remained the same, approximately 2.6 million employees wear filtering facepieces currently. Another 0.098 percent reported using loose-fitting PAPRs, which accounts for an additional 133,266 workers. These groups together would total 2.038 percent of employees, or 2,733,069 employees in private industry who currently use either an FFR or loose-fitting PAPR in their work. The spreadsheet detailing these calculations is available in the rulemaking docket on [regulations.gov](https://www.regulations.gov) (Docket No. OSHA–2025–0006).

Since the medical questionnaire is only required for new employees, OSHA estimates the number of questionnaires that are no longer required by multiplying the number of covered employees in non-mining private industry that use either an FFR or loose-fitting PAPR in the course of their work by the Bureau of Labor Statistics' (BLS') Job Openings and Labor Turnover Survey (JOLTS) annual total separations rate (43.9 percent). This approach results in an estimated 1,199,817 questionnaires that are no longer required annually.

The medical questionnaire is estimated to take an employee 15 minutes¹ on average to complete, which means that this new rule saves approximately 299,954 hours of labor time.

OSHA estimates the cost savings of this proposed rule using BLS' Occupational Employment and Wage Statistics data. Specifically, OSHA pulled the cross-industry median hourly wage for all occupations (\$23.80) and calculated the loaded hourly wage to account for fringe benefits. According to BLS' Employer Costs for Employee Compensation (ECEC) data for December 2024, the fringe rate was 31.1 percent. OSHA also accounts for indirect expenses that cannot be tied to producing a specific product or service, called overhead costs. OSHA used an overhead rate of 17 percent of base wages (EPA, 2002; Rice, 2002). This 17

percent rate is based on an estimate of overhead costs for safety and health professionals in large private organizations. A rate of 17 percent of base wages is equivalent to 11.71 percent of the hourly wage rate with fringe applied. To calculate the fully loaded hourly labor cost, OSHA added the three components together: base wages + fringe benefits (31.1 percent of total compensation) + applicable overhead (17 percent of base wages). OSHA estimates a fully loaded wage of \$38.59. Multiplying this wage by the total number of labor hours saved (approximately 299,954) results in total annual cost savings of \$11,575,237. The total cost savings over a 10-year time period would equal roughly \$115.8 million. The present value of these cost savings using a 3 and 7 percent discount rate would equal \$98.7 and \$81.3 million, respectively.

Annual Follow-Up Medical Exam Cost Savings

OSHA has previously estimated that 23 percent of all questionnaire recipients receive follow-up medical exams under the requirements of this standard.² OSHA estimates that, with the medical questionnaire no longer required, paralleling the earlier preamble discussion, only about 2 percent of the original questionnaire recipients would still receive follow-up medical exams (see Section I.B., Health Literature Background). These employees are expected to be referred for medical exams after undergoing training as required under paragraph (k) of the existing respiratory protection standard.

Using these estimates, OSHA calculated cost savings associated with medical exams no longer performed. OSHA multiplied the difference in pre- and post-standard revision required exams outlined above (21 percent) by the number of questionnaires estimated in Section 1 (1,199,817), which yields 251,962 employees that would no longer receive follow-up medical exams. The follow-up medical exams are estimated to take one hour to complete.³ Therefore, a total of 251,962 burden hours are avoided. Using a fully loaded worker wage of \$38.59 (derived previously), the total annual labor-based cost savings associated with medical exams equals \$9,723,199.

OSHA also estimated the cost savings associated with not administering the medical exam itself. Using price data

¹ This estimate of workers' time was used most recently in OSHA's estimates of cost of a respirator program in the COVID ETS rulemaking. See Document ID OSHA–2020–0004–1031. Arguably, a complementary amount of time would be required by the a PLHCP to review the questionnaire, but this cost may overlap with that already included in the cost of the exam. For simplicity this element has been left out of the calculation and therefore may be an underestimate.

² See the Supporting Statement for the PRA Information Collection Request (ICR) for 29 CFR 1910.134, Document ID OSHA–2011–0027–0020.

³ *Id.*

from the Centers for Medicare & Medicaid Services (CMS) (<https://www.cms.gov/medicare/physician-fee-schedule/search>), OSHA estimates that these follow-up medical exams cost \$193.75 each.⁴ Multiplying this unit cost by the number of medical exams previously estimated (251,962), OSHA calculates an additional \$48,817,566 in annual cost savings.

In total, OSHA estimates annual medical exam cost savings of \$58,540,765.

Annual Recordkeeping Cost Savings

This proposed regulatory revision also impacts the cost to maintain medical records and provide employees access to these records upon request. OSHA estimates that there are 1,199,817 medical questionnaires and 251,962 follow-up medical exams that will no longer be required and thus will also no longer have records maintained. OSHA has previously estimated that each medical record takes a secretary five minutes on average to record in their entity's recordkeeping system.⁵ Therefore, this recordkeeping task is estimated to take secretaries a total of 120,982 hours annually. OSHA also has estimated that 10 percent of employees will request their medical records, with each request requiring five minutes of secretarial time to process and deliver medical records to the requesting employee, totaling 12,098 hours of total burden time.⁶

In aggregate, this regulatory revision is expected to save 133,080 burden hours of annual recordkeeping activities. Using a fully loaded wage for secretaries (SOC 43-6010) (based on BLS' Occupational Employment and Wage Statistics) of \$37.00 yields \$4.9 million in annual cost savings, with a present value using both 3 and 7 percent discount rates equaling \$42.0 and \$34.6 million, respectively.

Questionnaire Cost Savings if Baseline Compliance Were To Increase

As part of this regulatory revision, OSHA also accounts for employees that have not yet received medical

questionnaires that should have in the absence of this regulatory revision. The resulting effects will be presented as though they occur in a concentrated period of time; however, there is uncertainty about whether the existing non-compliance would ever be addressed, and even if so, the timing is even more hypothetical.

OSHA calculated the number of employees that have not yet received medical questionnaires by first subtracting the number of Mining, Quarrying, and Oil and Gas Extraction sector employees using FFRs from the total projected number of employees using these respirators using the same methodology as outlined in Section 1 (2,599,807 employees). (Note that this does not include those employees wearing loose-fitting PAPRs (133,262).) Next, OSHA assumed that 30 percent of these employees started wearing respirators during the COVID-19 pandemic but were never properly evaluated during this period. As a result, OSHA estimates that, in the absence of this regulatory revision, there are 779,942 employees that would still need to receive the medical questionnaire. Assuming the same 15 minutes of burden time per medical questionnaire used in Section 1, OSHA calculates total burden savings of 194,986 hours of workers' time. OSHA multiplied this burden savings estimate by the fully loaded worker wage (\$38.59; derived previously) to estimate cost savings of \$7,524,491. Annualizing this savings over 10 years using 3 and 7 percent discount rates equals \$882,100 and \$1,071,318, respectively.

Medical Exam Cost Savings if Baseline Compliance Were To Increase

OSHA assumes that 23 percent of the employees that have not received a medical questionnaire identified in Section 4 will also not receive follow-up medical exams and does not require a further adjustment from 23 percent to 2 percent as was done in Section 2. Therefore, OSHA estimates that 179,387 current employees will not receive a follow-up medical exam given this

regulatory revision. Given an assumed one hour to complete these follow-up medical exams, OSHA estimates an additional 179,387 hours of burden time saved by this regulatory revision. Using a fully loaded worker wage of \$38.59, the one-time labor-based cost savings associated with these medical exams equals \$6,922,532. Again, using the CMS-based unit cost for medical exams (\$193.75), cost savings from the medical exams themselves equals \$34,756,170. Total one-time medical exam cost savings equal \$41,678,702. Annualizing these savings over 10 years using 3 and 7 percent discount rates equals \$4,886,015 and \$5,934,109, respectively.

Recordkeeping Cost Savings if Baseline Compliance Were To Increase

OSHA also considers cost savings associated with the medical records for those employees who should have but who did not receive a medical questionnaire or follow-up exam under the existing standard, for whom medical records will not be recorded and maintained due to this proposed revision. OSHA estimates that a total of 959,329 medical records (779,942 medical questionnaires and 179,387 follow-up medical exams) will no longer be needed to comply with this standard. OSHA assumes each medical record would have taken five minutes to record in recordkeeping systems. OSHA also assumes that 10 percent of employees would have requested access to these medical records, taking an additional five minutes per records request. These recordkeeping tasks are estimated to take 87,936 burden hours in total. Using a secretary's fully loaded wage of \$37.00, OSHA estimates one-time recordkeeping cost savings of \$3,253,723. Using discount rates of 3 and 7 percent and a time period of ten years, annualized cost savings equal \$381,436 and \$463,257, respectively.

Total Cost Savings

Table 1 shows the total annualized cost savings associated with regulatory revisions to this standard.

TABLE 1—TOTAL COST SAVINGS FROM RESPIRATORY PROTECTION STANDARD REVISIONS

Item	One-time cost savings*	Annual cost savings	Annualized one-time cost savings		Total annualized cost savings	
			3%	7%	3%	7%
Questionnaires	\$7,524,491	\$11,575,237	\$882,100	\$1,071,318	\$12,457,337	\$12,646,556
Medical Exams	41,678,702	58,540,765	4,886,015	5,934,109	63,426,781	64,474,875

⁴ This estimate uses the costs for an office visit (HCPCS 99203), spirometry (94010), chest x-ray (71048), and EKG (93000).

⁵ See the Supporting Statement for the PRA Information Collection Request (ICR) for 29 CFR 1910.134, Document ID OSHA-2011-0027-0020.

⁶ *Id.*

TABLE 1—TOTAL COST SAVINGS FROM RESPIRATORY PROTECTION STANDARD REVISIONS—Continued

Item	One-time cost savings *	Annual cost savings	Annualized one-time cost savings		Total annualized cost savings	
			3%	7%	3%	7%
Recordkeeping	3,253,723	4,923,950	381,436	463,257	5,305,386	5,387,207
Total	52,456,917	75,039,953	6,149,551	7,468,685	81,189,504	82,508,638

* The underlying assumption for these estimates is that, in the absence of the proposed rule, existing non-compliance would be addressed in a concentrated period of time. However, there is substantial uncertainty about the accrual of these savings and, if such accrual occurs, about the timing.

Source: OSHA DSG Office of Regulatory Analysis.

As indicated in Table 1, OSHA estimates the annualized cost savings would be approximately \$81 million at a 3 percent discount rate, or \$83 million at a 7 percent discount rate. The agency further estimates that the present value of those savings over the next 10 years would be \$693 million at a 3 percent discount rate, or \$704 million at a 7 percent discount rate. The agency has estimated these cost savings will be spread across 131,089 firms, of which 127,351 are considered “small” by the Small Business Administration.

Uncertainties and Request for Comment

The agency recognizes there is uncertainty in several areas in this calculation. One is the estimate of current respirator usage, which relies heavily on as a baseline from NIOSH’s 2001 respirator survey, adjusted for growth in employment.⁷ The agency has reasonable grounds for believing that the use of FFRs has likely increased in the interim, in part because of their common usage during the COVID–19 pandemic. If this is the case, the cost savings from this regulatory change could potentially be larger.

Another source of uncertainty is the percentage of potential respirator wearers who are referred for medical exams currently, based on their answers to the questionnaire. A long-standing assumption, used in the agency’s Information Collection Requests, based on earlier information originally used in its 1998 rulemaking, indicated that 23 percent of users of all respirator types would be referred for further medical evaluation based on the questionnaire. But given both the low rates of employees being placed on restrictions for respirator use, and the relatively modest physiological demands of the type of respirators in question, suggests the percentage may be much smaller for this subgroup of respirator wearers (*i.e.*,

those using FFRs and loose-fitting PAPRs).

A third potential factor of uncertainty is the assumption that all employees newly hired will need to receive a new medical assessment for their fitness to wear a respirator. This may have been a useful assumption initially for establishing the economic feasibility of the Respiratory Protection rule in 1998 and the agency believes that frequently employers will err on the side of caution. However, under some circumstances an employer may rely on the written medical evaluation from a prior employer’s PLHCP if the work conditions and type and weight of the respirator remains the same (see Section IX.E of OSHA’s Respiratory Protection Directive, CPL 02–00–158 (June 26, 2014), but OSHA lacks information on how often that might occur so cannot account for this possibility in these estimates.

These various sources of uncertainty will offset each other to some degree, and there are no doubt other parts of this cost-savings calculation that could be modified based on new information. The agency welcomes comment on the various assumptions and data sources used for this calculation.

B. Additional Requirements

i. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 (“PRA”) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the

collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR part 1320. This proposed rule would impose no new information collection requirements. Because the revisions would affect only minor changes to the existing information collections in 29 CFR 1910.134 (OMB Control Number 1218–0099), OMB has waived the requirements of 5 CFR part 1320 pursuant to 5 CFR 1320.18(d).

ii. State Plans

Under section 18 of the OSH Act, 29 U.S.C. 651 *et seq.*, Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”¹

When federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

⁷ In 2023, NIOSH was commissioned to develop and administer and updated respirator usage survey. That effort is still underway and the results are not available at this time.

iii. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed the proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal Responsibility Act of 2023 (Pub. L. 118–5, 321, 137 Stat. 10), and the Department of Labor's NEPA procedures (29 CFR part 11). OSHA has preliminarily determined that this proposal would have no impact on the quality of the human environment.

iv. Other Statutory and Executive Order Considerations

OSHA has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation.” This proposed rule is expected to be an Executive Order 14192 deregulatory action.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA certifies that the rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not required. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives,

rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed rule is a “significant regulatory action” under the criteria in section 3(f)(4) of E.O. 12866. Accordingly, this proposed rule was submitted to OIRA for review under E.O. 12866.⁸

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*), and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action that involves the removal of medical evaluation requirements for employees required to use PAPRs and FFRs, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders.

C. Summary and Explanation of the Proposed Rule

In this NPRM, OSHA proposes to remove medical evaluation requirements for employees required to use filtering facepiece respirators (FFRs) or loose-fitting powered air-purifying respirators (PAPRs), as specified in paragraph (e). As defined in paragraph (b), a *filtering facepiece respirator* means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium. Paragraph (b) also defines *loose-fitting* to mean a respiratory inlet covering that is designed to form a partial seal with the face and *powered air-purifying respirator* to mean an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

⁸ OIRA has determined that this proposed rule is not an economically significant regulatory action under section 3(f)(1) of E.O. 12866.

OSHA proposes that the initial medical evaluation requirements would only be removed for FFRs and loose fitting PAPRs and the medical evaluation requirements for any other air-purifying or supplied-air respirator would not be impacted and still apply. All other required provisions under the Respiratory Protection Standard (29 CFR 1910.134), including the hazard assessment; selection of respiratory protection equipment; fit testing; training and education; and maintenance and care continue to apply under this proposal. OSHA anticipates that this approach will allow employers to focus medical evaluations on employees for whom those evaluations are likely to be beneficial.

Currently, paragraph (e)(1) requires the medical evaluation of employees required to wear a respirator and a determination that those employees are able to use the respirators selected by the employer. Medical evaluation of employees prior to respirator use avoids exposing employees to the physiological stresses associated with such use. In the 1998 final rule revising the Respiratory Protection Standard (63 FR 1152), OSHA found that adverse health effects can result, in some cases, even from short duration use of respirators. Through extensive literature review, the agency previously concluded there is a potential for adverse health effects resulting from respirator use, even for healthy employees using respirators designed for low breathing resistance and used for short durations. As such, the agency determined that respirator use would impose a substantial risk of material impairment to the health of employees who have preexisting respiratory and cardiovascular impairments.

The proposed revision to the standard, as noted above, provides an exception for employees who use FFRs or loose-fitting PAPRs from the requirement that employers must medically evaluate employees required to wear a respirator. OSHA believes these revisions are appropriate due to the lack of data illustrating material impairment from wearing FFRs and loose-fitting PAPRs and the lack of data demonstrating that medical evaluations effectively predict adverse outcomes for workers wearing FFRs and loose-fitting PAPRs, as discussed in the *Health Literature Background* (Section IB. of this preamble). This lack of data is combined with widespread usage of FFRs and loose fitting PAPRs, especially in the wake of the COVID-19 pandemic. Ultimately, the agency preliminarily concludes that a finding that medical evaluations prevent adverse outcomes

from the occupational use of FFRs and loose-fitting PAPRs is unwarranted. While the agency does not question the need for medical evaluations for other types of respirators, the literature does not support their efficacy when using FFRs and loose-fitting PAPRs in environments that are not immediately dangerous to life or health. As such, proposed paragraph (e)(1)(ii) exempts employees required to use FFRs or loose-fitting PAPRs from the requirements of paragraph (e). The agency seeks comments on all aspects of this proposed change, including the submission of information and data on the efficacy of medical evaluations preventing adverse health outcomes when using FFRs or loose-fitting PAPRs. OSHA also seeks comment on voluntary respirator use, specifically if there are any concerns with the voluntary use of FFRs and loose-fitting PAPRs and the actions of this NPRM.

Paragraph(s) (e)(2) through (e)(7) would not be impacted by the proposed exemption in paragraph (e)(1) for FFRs and loose-fitting PAPRs. If medical evaluation is required under paragraph (e)(1), the employer must comply with all requirements of paragraph (e). OSHA seeks comment on whether paragraph (e)(7) should remain applicable to FFR and loose-fitting PAPR use and require the employer to provide medical evaluations whenever symptoms arise that may be related to this use as well as any information or data on the current frequency of medical reevaluations as required by paragraph (e)(7).

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's construction and maritime industry standards, which apply the requirements in 29 CFR 1910.134 to construction and maritime work. (See 29 CFR 1926.103 (construction); 29 CFR 1915.154, 29 CFR 1917.92, and 29 CFR 1918.102 (maritime)). OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

III. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this document under the

authority granted by sections 4 and 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act) (40 U.S.C. 3704); section 41 of the Longshore and Harbor Worker's Compensation Act (33 U.S.C. 941); 5 U.S.C. 553, Secretary of Labor's Order No. 8–2020 (85 FR 58393), and 29 CFR part 1911.

Signed at Washington, DC, on June 26, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

List of Subjects in 29 CFR 1910

Health, Occupational safety and health, Respirators, Respirator selection.

IV. Proposed Regulatory Text

Amendments

For the reasons set forth in the preamble, OSHA is proposing to amend 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

- 1. The authority citation for part 1910 continues to read:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754); 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 08–2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

Subpart I—Personal Protective Equipment.

- 2. Amend § 1910.134 by revising paragraph (e)(1) to read as follows:

§ 1910.134 Respiratory Protection.

* * * * *

(e) * * *

(1) *General.* (i) Except as otherwise provided in this paragraph, the employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

(ii) The medical evaluation requirements of this paragraph do not apply to the following:

(A) The required use of filtering facepiece respirators.

(B) The required use of loose-fitting powered air-purifying respirators.

* * * * *

[FR Doc. 2025–12235 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF LABOR

41 CFR Parts 60–1, 60–2, 60–3, 60–4, 60–20, 60–30, 60–40, 60–50 and 60–999

[Docket No. OFCCP–2025–0001]

RIN 1250–AA17

Rescission of Executive Order 11246 Implementing Regulations

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: The U.S. Department of Labor (DOL) proposes to rescind the regulations for Executive Order (E.O.) 11246, as amended. E.O. 11246 was revoked by E.O. 14173 on January 21, 2025. The E.O. 11246 regulations prohibited covered Federal contractors and subcontractors from discriminating in employment based on race, color, religion, sex, sexual orientation, gender identity, and national origin and required them to take affirmative action on those bases. They also prohibited these employers from taking adverse employment actions against applicants or employees because they inquired about, discussed, or disclosed information about their pay or their co-workers' pay, subject to certain limitations.

DATES: Comments must be received by September 2, 2025.

ADDRESSES: Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

- Electronically at <https://www.regulations.gov>. Follow the “Submit a comment” instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking's title to submit a comment to the [regulations.gov](https://www.regulations.gov) docket.

- You may mail written comments to the following address: Catherine L. Eschbach, Director, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Washington, DC 20210. Mailed comments must be received by the close of the comment period.

Do not include any personally identifiable information (such as name, address, or other contact information) or

confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on <https://www.regulations.gov> to view public comments. A brief summary of this document will be available on <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Catherine L. Eschbach, Director, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: 202-693-0101. Email: ofccp_guidance@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

A. Overview of Current Regulations

1. Affirmative Action Requirements

The E.O. 11246 regulations require covered contractors and subcontractors (“contractors”) to develop and undertake affirmative action programs. The regulations also require non-discrimination so that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. The regulations include different affirmative action requirements for nonconstruction and construction contractors. 41 CFR 60–1.4(a)(1).

The affirmative action requirements for nonconstruction contractors are found at 41 CFR part 60–2. DOL first codified these regulations in February 1970. *See* 35 FR 2586 (Feb. 5, 1970). As amended in 2000, by 65 FR 68042, these regulations prescribe the contents of nonconstruction Federal contractors’ affirmative action programs (AAPs) and standards and procedures for evaluating the compliance of those programs. 41 CFR 60–2.1(a). These regulations only require affirmative action regarding women and minorities. In effect, these regulations may act to incentivize and induce these nonconstruction Federal contractors to create policies and programs designed to account for race and sex in hiring and personnel decisions.

Specifically, the regulations require nonconstruction Federal contractors with 50 or more employees to develop and maintain a written AAP for each of their establishments. 41 CFR 60–2.1(b). The regulations specify that any contractor that fails to develop and maintain a written AAP for each of its establishments is not in full compliance

with Executive Order 11246, as amended. *Id.* 60.2–2(a). Noncompliance, according to these regulations, may result in a prospective contractor being deemed “nonresponsible” by procuring agencies or administrative enforcement. *Id.* 60–2.2(b), (c).

These regulations also specify the purpose and contents of AAPs. 41 CFR 60–2.10. Among other things, such programs must be “action-oriented,” meaning they must include specific practical steps designed to address situations where these regulations deem that women and minorities are not being employed at a rate to be expected given their availability in the relevant labor pool under the calculations set forth in the regulations. *Id.* 60–2.10(a)(1). The regulations likewise mandate that, when the percentage of minorities or women employed in a particular job group is less than would reasonably be expected given their availability percentage in that particular job group, the contractor must establish a placement goal. *Id.* 60–2.15(b). This, in essence, requires that regulated contractors take steps to achieve a representation of minorities and women in their workforce that reflects the estimated availability of minorities and women qualified to be employed. *Id.* 60–2.12 to 60–2.15.

The affirmative action requirements for construction contractors are found at 41 CFR part 60–4. This part applies to all contractors, subcontractors, contracting agencies, and applicants, as defined in 41 CFR 60–1.3, that are party to or seek to enter Federal and federally assisted construction contracts in excess of \$10,000, as well as certain Federal nonconstruction contractors awarding construction contracts. Nonconstruction contractors and subcontractors are required to comply with these requirements if, as a part of their Federal contract or subcontract, construction work is necessary in whole or in part to the performance of a nonconstruction contract or subcontract. *See* 41 CFR 60–4.1. Part 60–4 defines coverage, specifies clauses to be included in contracts, provides a procedure to ensure compliance by covered contractors, and specifies certain recordkeeping and reporting requirements.

Notable provisions include Sections 60–4.2, 60–4.3, and 60–4.6. Section 60–4.2 requires all contracting officers, applicants for construction contracts, and covered nonconstruction contractors to include a “Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)” in solicitations for offers and bids on all Federal and federally assisted

construction contracts or subcontracts. The notice includes information on minority and female participation goals applicable to the contractor’s workforce.

Section 60–4.2 also provides that construction contractors, contracting officers, applicants for construction contracts, and covered nonconstruction contractors must notify DOL’s Office of Federal Contract Compliance Programs with written notification within 10 working days of the award of a covered contract in excess of \$10,000. The Section 60–4.3 regulations further require these entities to incorporate the “Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)” set forth in Section 60–4.3 into all nonexempt Federal contracts and subcontracts. These standards describe the female and minority participation goal requirements (discussed in more detail below) and outline specific actions covered contractors must take to ensure equal employment opportunity in their work sites. For example, covered contractors must maintain a working environment free of harassment, intimidation, and coercion at all sites and must establish and maintain a current list of minority and female recruitment sources. *See* 41 CFR 60–4.3(a)(7)(a) and (b).

Section 60–4.6 outlines participation goals and timetables for minority and female utilization on construction projects. For women, the participation goal is set to 6.9% of the total hours worked by the contractor’s construction workforce in each trade. For minorities, there are participation goals for each geographic area in the United States. These goals apply to minority groups in the aggregate and include those groups enumerated in the definition of “minority” at 41 CFR 60–4.3(a)1.d. Covered contractors are required to apply the goals to each construction trade in their workforce in the relevant geographic area.

2. Nondiscrimination Provisions and Other Requirements

The 41 CFR part 60–1 regulations describe various obligations of contractors pursuant to E.O. 11246. One key provision is Section 60–1.4, which describes the equal opportunity clause that must be included in government contracts. This section includes the requirement that contractors state in all solicitations or advertisements for employment that applicants will receive consideration without regard to one or more of the protected bases and that contractors notify labor organizations of their obligations under E.O. 11246.

Contractors who meet the requirements set forth in Section 60–1.7 must file an annual Employer Information Report (EEO–1 Report) with the U.S. Equal Employment Opportunity Commission. In this report, covered contractors include information on their workforce demographics, including data by job category, sex, race, and ethnicity.

Section 60–1.10 requires the contractor to notify the Department of State and the Director of DOL’s Office of Federal Contract Compliance Programs when an employee or potential employee is denied a visa of entry to a country in which or with which it is doing business and it believes the denial was due to one, or more, of the protected bases covered by E.O. 11246.

Section 60–1.12 outlines the record retention requirements that apply to covered contractors under E.O. 11246. These regulations require contractors to preserve any personnel or employment record made or kept for a period of not less than two years from the date of the making of the record or the personnel action involved, whichever occurs later. However, if the contractor has fewer than 150 employees or does not have a contract of at least \$150,000, the record retention period is one year from the date of the making of the record or the personnel action involved, whichever occurs later. This section also provides that the contractor must be able to identify the gender, race and ethnicity of each employee for any record the contractor maintains. Where possible, the contractor must also identify the gender, race, and ethnicity of each applicant or internet Applicant, as defined at 41 CFR 60–1.3.

Section 60–1.20 outlines the investigative methods DOL uses to evaluate a contractor’s compliance with the E.O. 11246 regulations. A compliance evaluation may consist of one or any combination of the investigative procedures listed in the regulations, *i.e.*, a compliance review, an off-site review of records, a compliance check, and/or a focused review. This section also provides that if a contractor fails to submit an AAP and the supporting documents within 30 calendar days of DOL’s request, DOL may initiate enforcement procedures.

Section 60–1.40 requires the development and maintenance of an AAP under E.O. 11246. This section requires each contractor with 50 or more employees and contracts of \$50,000 or more to develop an annual AAP for each of their establishments. Pursuant to these regulations, contractors undertake the specific equal employment opportunity efforts set forth in 41 CFR

part 60–2 (such as analyses of the contractor’s employment processes) and document these efforts in a written AAP.

The regulations at 41 CFR part 60–3 contain the Uniform Guidelines on Employee Selection Procedures (UGESP). UGESP applies to tests and other selection procedures used to make employment decisions. When a test or other selection procedure is determined to have an adverse impact, UGESP requires the contractor to validate the test or procedure and to retain the validation documentation. Under UGESP, each contractor must maintain records and other information for each job sufficient to permit analyses of the impact of its selection procedures on the employment opportunities of people based on race, sex, or ethnic group. Using this information, the contractor and DOL identify and evaluate the contractor’s selection procedures for adverse impact. In this proposed rescission, DOL is proposing to rescind the 41 CFR part 60–3 regulations, as they are codified in the E.O. 11246 regulations. This action does not impact other agencies’ interpretation and application of UGESP.

The regulations at 41 CFR part 60–20 set forth DOL’s interpretations and guidelines for enforcing its sex discrimination protections. The regulations at 41 CFR part 60–30 provide the administrative procedures for instituting enforcement proceedings pursuant to E.O. 11246, Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended, and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (VEVRAA), as amended.

The regulations at 41 CFR part 60–40 describe the rules and restrictions the agency has in place for providing public access to its records. The 41 CFR part 60–50 regulations set forth DOL’s interpretations and guidelines for enforcing its religion and national origin discrimination protections.

Lastly, the regulations at 41 CFR part 60–999 provide information on Office and Management and Budget (OMB) approved information collections relevant to the regulations. The information in this part is outdated and refers to regulatory provisions that DOL is proposing to rescind through this rulemaking.

B. Rescission of E.O. 11246 Implementing Regulations

On January 21, 2025, President Trump issued E.O. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” 90 FR 8633 (Jan. 31, 2025). In addition to revoking E.O. 11246, E.O. 14173 directed DOL to

immediately cease the following: promoting “diversity,” holding Federal contractors and subcontractors responsible for taking “affirmative action,” and allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin. *Id.* at 8634. Accordingly, DOL has determined that it must rescind the regulations at 41 CFR parts 60–1, 60–2, 60–3, 60–4, 60–20, 60–40, and 60–50 which were promulgated under the authority of E.O. 11246.

DOL is also proposing to modify the administrative enforcement proceeding procedures at 41 CFR part 60–30 to remove the E.O. 11246 components. In addition to E.O. 11246, these procedures also apply to VEVRAA and Section 503. DOL is pursuing separate rulemaking to incorporate these procedures directly into the VEVRAA and Section 503 implementing regulations (which would make the 41 CFR part 60–30 regulations unnecessary). To implement these changes, DOL is first proposing to modify 41 CFR part 60–30 to remove the E.O. 11246 components and retain the Section 503 and VEVRAA components. If the VEVRAA and Section 503 rulemakings take effect, DOL will then rescind the 41 CFR part 60–30 regulations in their entirety.

DOL is also proposing to rescind the 41 CFR part 60–999 regulations, which provide information on OMB-approved information collections relevant to the regulations. As described earlier, the information in this part is outdated and refers to regulatory provisions that DOL is proposing to rescind through this rulemaking. Further, retaining the 41 CFR part 60–999 regulations is unnecessary, as DOL fulfills the 44 U.S.C. 3507 requirement to display its current control numbers through other means (*e.g.*, displaying the control numbers on the information collections).

As a further separate and independent reason for rescission, in light of recent course-corrections in Federal civil rights law, DOL has concerns that the affirmative action regulations are vulnerable to legal challenge as unlawful and should be rescinded. As recently explained by the Supreme Court, “[d]istinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Students for Fair Admissions v. Pres. & Fellows of Harv. Coll.*, 600 U.S. 181, 208 (*SFFA*). This principle, according to the Supreme Court, “cannot be overridden except in the most extraordinary case.” *Ibid.* Yet,

the E.O. 11246 affirmative action regulations do just that. Indeed, the 41 CFR part 60–2 regulations explicitly require covered nonconstruction Federal contractors to create personnel programs that include specific practical steps, *i.e.*, affirmative actions, designed to result in the contractors employing women and minorities. 41 CFR 60–2.10(a)(1). These regulatory requirements to take affirmative action as to women and minorities are based on statistical assumptions about how employment demographics should look without consideration of non-discriminatory reasons why statistical disparities might exist in employment demographics compared to an available labor pool. The regulatory requirements to take affirmative actions are also imposed without any showing that discriminatory practices towards women and minorities do in fact exist at the employer. The premise that the mere existence of statistical disparities is evidence of underutilization of women and minorities is based on the fundamentally flawed assumption that each and every federal contractor's workforce may harbor discrimination if it does not mirror the available labor pool for women or minorities. There are many non-discriminatory reasons that a particular contractor might attract more female or male applicants or applicants of a particular race and why that might be reflected in the contractor's workforce. For example, a woman-owned business may offer a company culture that women find more appealing than men do when considering employment opportunities leading to a larger number of women applying and also therefore being hired by that contractor at a greater rate than available in the general workforce. Similarly, a company that produces products targeted towards male demographics for sales might also naturally attract more male than female applicants in employment. That occurring is not evidence of discrimination or underutilization of a particular race or sex but of labor and product market forces at work. The E.O. 11246 regulations failed to take account of other factors that might influence the composition of a contractor's labor force and instead imposed uniform requirements that assumed without evidence that but for discrimination there would be no statistical demographic disparities between a contractor's workforce and the available area labor force.

E.O. 11246 required non-discrimination and the regulations expressly prohibit using placement

goals as quotas or set asides. 41 CFR 60–2.16(e). As such, it would have been improper for covered contractors to claim that OFCCP's regulations permitted them to engage in illegal discrimination. No part of E.O. 11246's regulatory scheme permits or requires illegal discrimination or engaging in unlawful disparate treatment in order to fully comply with E.O. 11246's regulatory requirements. However, in practice, contractors may have wrongly tried to ensure that they did not incur costly and lengthy audits or serious enforcement penalties that could jeopardize their ability to obtain and maintain federal contracts by taking and making legally impermissible hiring and employment actions and decisions.

The 41 CFR part 60–4 regulations similarly require covered construction Federal contractors to set participation goals for women and minorities based on labor market demographics without consideration of non-discriminatory reasons for the contractor's workforce utilization and without any showing that discriminatory practices exist at the contractor's worksites. *See* 41 CFR 60–4.6.

Though the regulations state that contractors must make employment decisions in a nondiscriminatory manner, the regulations may have induced and incentivized these entities to consider characteristics like race and sex when making such decisions to try to avoid, if scheduled for a compliance evaluation, becoming entangled in a costly audit process or to try to avoid DOL enforcement actions or conciliation procedures—scenarios which could potentially result in the contractor's debarment or the contractor incurring other penalties or sanctions, including back pay liability. *See* 41 CFR 60–1.4(a), 41 CFR 60–1.27 and 41 CFR 60–2.16(e)(2).

Affirmative action requirements like these that place a finger on the scale for an applicant based on their race or sex—without any showing of actual discrimination potentially meriting remedial action—are more legally vulnerable after the Supreme Court found certain universities' affirmative action systems violated the Equal Protection Clause of the Fourteenth Amendment in *FFA*. 600 U.S. at 215–16; 231 (invalidating college affirmative action programs that “concluded, wrongly, that the touchstone of an individual's identity is not challenges bested, skills built, or lessons learned but the color of their skin.”). Regulations that incentivize and induce adopting practices that can induce or incentivize disparate treatment in employment decisions based on race or

sex, “cannot be reconciled with the guarantees of the Equal Protection Clause.” *Id.* at 230. As such, they must be rescinded. *See id.* at 232 (Thomas, J. concurring) (“[A]ll forms of discrimination based on race—including so-called affirmative action—are prohibited under the Constitution[.]”).

Moreover, DOL's rationale for why it was constitutionally permitted to impose these affirmative action requirements has relied on the theory that, in the absence of discrimination, an employer's workforce should look like the available area labor force, even absent any express showing that discrimination caused the differences in rates of employment based on race or sex. DOL's rationale does not support imposing affirmative action requirements under the standards in recent case law, much less only for women and minorities but not men or white persons. And, even if the use of placement goals or action-oriented measures could potentially be justified on a theory of underutilization of employees of a particular race or sex, there is no legal justification for limiting the placement goals and action-oriented measures to only women and minorities. As Justice Jackson's opinion in *Ames v. Ohio Department of Youth*, No. 23–1039, 05 U.S. ___, (2025) (slip op.), explains, Supreme Court caselaw has long been “clear that the standard for proving disparate treatment under Title VII does not vary based on whether or not the plaintiff is a member of a majority group.” *Id.* at *6. Similarly, nothing in E.O. 11246's text justified creating different standards or regulatory requirements for women or minorities where the text simply imposed non-discrimination and affirmative action requirements as to race and sex. Additionally, nothing on the face of E.O. 11246's text justified treating race and sex differently in the regulations from the other protected categories of religion and national origin. If men, whites, or persons of a particular religion or national origin were also being underutilized based on the DOL's statistical regulatory formula, the regulations failed to impose any affirmative action measures or require placement goals to ensure persons with those characteristics were entitled to equal opportunity in employment.

These regulations and the imposition of placement goals and action-oriented items based on this reasoning relies on the unsupported assumptions. There are many non-discriminatory reasons why an employer's workforce may look different than the available labor force, but these regulations impose

requirements including placement goals and obligations to make good faith efforts towards meeting those goals without regard to non-discriminatory reasons why disparities may exist. And even apart from the issues with the foundational premise, the regulations rely on the arbitrary grouping of all minorities together for purposes of the affirmative action regulations' required statistical analyses.

The statistical analyses that contractors are required to undertake in determining whether placement goals and other action-oriented programs are required by regulation also rely on arbitrary line drawing in determining what is the correct area labor force against which to compare the contractor's labor force and arbitrary line drawing in the creation of job categories. That contractors and not DOL are the ones who determine the job categories and relevant geographic areas pursuant to the regulations does not make this exercise any less arbitrary. It is actually more arbitrary given that two similarly situated contractors in the same geographic area could select different job groups for substantially the same jobs and different geographic lines for the local area labor force analysis despite the same recruiting practices—and as a result as between two similarly situated contractors, one contractor could conclude based on their arbitrary categorization that placement goals and action oriented measures are regulatorily required and the other contractor could conclude those measures are not regulatorily required. This potential for unlike outcomes as between similarly situated contractors violates the fundamental principle that regulations should lead to like outcomes as between regulated entities.

Rescinding these regulations will also improve the efficiency of the Federal contracting process and decrease employer burden, as Federal contractors will no longer be required to undertake the E.O. 11246 requirements described in detail above. Rescinding these regulations will also provide regulatory certainty to Federal contractors and other stakeholders by aligning the regulations with the most recent executive orders. In addition to ensuring compliance with E.O. 14173, rescinding these regulations is also consistent with E.O. 14168, "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," 90 FR 8615 (Jan. 30, 2025), which directed Federal agencies to modify regulations or policies that use the terms "gender" and "gender identity." Gender identity and sexual orientation were added as

protected bases to E.O. 11246 with the issuance of E.O. 13672, 79 FR 42971 (July 21, 2014), *revoked by* E.O. 14173, Sec. 3(a)(iii), 90 FR 8633 (Jan. 31, 2025). These bases were then added to the E.O. 11246 implementing regulations pursuant to the "Implementation of Executive Order 13672 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors" rule, 79 FR 72985 (Dec. 9, 2014).

Further, the proposed rescission supports the objectives of E.O. 14192, "Unleashing Prosperity Through Deregulation," 90 FR 9065 (Feb. 6, 2025) and E.O. 14267, "Reducing Anti-Competitive Regulatory Barriers," 90 FR 15629 (Apr. 15, 2025) by alleviating unnecessary regulatory burdens and removing regulatory requirements that could have created barriers to entry for contractors who are new market participants.

Finally, pursuant to E.O. 14173, DOL has halted enforcement of the E.O. 11246 regulations. DOL believes that even though the E.O. 11246 regulations are null and void as there is no source of valid legal authority supporting the regulations, formal rescission of the regulations will avoid any potential for misunderstanding regarding the status of the regulations by covered contractors and the general public by removing these regulations from the **Federal Register**.

DOL has determined that each of these independent reasons justify the rescission of the E.O. 11246 regulations.

II. Authority

E.O. 14173, 90 FR 8633 (Jan. 31, 2025).

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated

entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) for review. In accordance with E.O. 12866, DOL has determined that this proposed rescission constitutes a "significant regulatory action" because it would have an annual effect on the economy of \$100 million or more. *See* E.O. 12866 sec. 3(f)(1). Accordingly, this proposed rescission was submitted to OIRA for review under E.O. 12866. Below is an overview of DOL's regulatory impact analysis conducted pursuant to E.O. 12866:

(1) Need for the Regulatory Action

As discussed in detail earlier, the proposed rescission is necessary to implement President Trump's mandate in E.O. 14173, which revoked the E.O. 11246 authority. Further, the proposal will align DOL's regulations with recent case law and will provide regulatory certainty to Federal contractors and other stakeholders by aligning the regulations with the most recent executive orders. *See* Discussion in Section I(B) above.

(2) Regulatory Alternatives

This proposed rescission imposes the least regulatory burden on Federal contractors, as it would be rescinding all the E.O. 11246 requirements (see estimated costs savings below). Alternatives include maintaining the E.O. 11246 implementing regulations or rescinding the affirmative action provisions while maintaining the nondiscrimination provisions. The Department considered these alternatives but concluded that these alternatives were not permissible because E.O. 14173 revoked the underlying E.O. 11246 authority in its entirety. E.O. 14173 also only provided for a 90-day period in which Federal contractors could continue to comply with the current regulatory scheme. *See* E.O. 14173 at Sec. 3(b)(i). As of April 21, 2025, this 90-day period has since passed. As such, rescinding the E.O. 11246 implementing regulations is the most appropriate regulatory action, as it aligns the regulations with the agency's legal authority and will provide clarity to stakeholders about their current obligations.

(3) Affected Entities & Cost-Benefits Analysis

The basic requirements in E.O. 11246 apply to any business or organization that (1) holds a single Federal contract, subcontract, or federally assisted construction contract in excess of \$10,000; (2) has Federal contracts or subcontracts that combined total in excess of \$10,000 in any 12-month period; or (3) holds Government bills of lading, serves as a depository of Federal funds, or is an issuing and paying agency for U.S. savings bonds and notes in any amount. Supply and service contractors with 50 or more employees and a single Federal contract or subcontract of \$50,000 or more also must develop and maintain an AAP that complies with 41 CFR part 60–2. Covered construction contractors are subject to the different affirmative action requirements under E.O. 11246 at 41 CFR part 60–4.

DOL estimates that approximately 107,165 supply & service establishments and 9,982 construction contractors are subject to the E.O. 11246 requirements. These estimates are derived from available EEO–1 and USA Spending data. See EEO–1 Reports at <https://www.eeoc.gov/data/eo-1-employer-information-report-statistics> and USA Spending Database at <https://www.usaspending.gov/> (estimates based on available 2020–2022 EEO–1 data and 2021–2023 USA Spending data). Based on case data from the previous three fiscal years, DOL estimates an annual time burden of 9,875,221 hours and \$996,373,735 in annual monetary costs associated with the E.O. 11246 requirements (e.g., recordkeeping, reporting, and compliance costs). Most of the costs (\$955,034,466) stem from the AAP obligations described above. Using these estimates, the 10-year cost savings related with the proposed rescission amount to \$8,499,270,061 at a 3% discount rate or \$6,998,112,173 at a 7% discount rate.

As illustrated by this analysis, a major benefit of the proposed rescission is the potential cost savings for covered contractors. As noted earlier, another benefit of the proposed rescission is that it would alleviate unnecessary regulatory burdens and remove regulatory requirements that could create barriers to entry for contractors who are new market participants. With the revocation of the E.O. 11246 authority, rescinding the E.O. 11246 implementing regulations will also reduce confusion about contractors' current regulatory obligations.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this proposed rescission under the provisions of the Regulatory Flexibility Act. This proposed rescission would eliminate burdensome regulations. DOL has determined that the burden largely applies to larger contractors who meet the AAP thresholds and are scheduled for a compliance review (which subjects contractors to additional reporting requirements). Therefore, DOL has concluded that the impacts of the proposed rescission would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. DOL will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b). DOL welcomes comments on this topic.

C. Review Under the Paperwork Reduction Act

The purpose of the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, includes minimizing the paperwork burden on affected entities. The PRA requires certain actions before an agency can adopt or revise a collection of information, including publishing for public comment a summary of the collection of information and a brief description of the need for and proposed use of the information.

As part of its continuing effort to reduce paperwork and respondent burden, the Department conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the PRA. See 44 U.S.C. 3506(c)(2)(A). This activity helps to ensure that the public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the

impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless it is approved by the Office of Management and Budget (OMB) under the PRA and it displays a currently valid OMB control number. The public is also not required to respond to a collection of information unless it displays a currently valid OMB control number. In addition, notwithstanding any other provisions of law, no person will be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512).

This rulemaking potentially affects specific information collections related to E.O. 11246 such as OMB Control # 1250–0002, *Complaint Involving Employment Discrimination by a Federal Contractor or Subcontractor*, which includes the Department's complaint and pre-complaint inquiry forms. Any changes will be communicated through separate **Federal Register** Notices.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this proposed rescission and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct

rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this proposed rescission meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this proposed rescission according to UMRA and its statement of policy and determined that the rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of

\$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rescission would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this proposed rescission would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this proposed rescission under the OMB guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Executive Order 13175

DOL has examined this proposed rescission and determined that it does not have tribal implications under E.O. 13175 that would require a tribal summary impact statement. It does not “have substantial direct effects 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.”

K. Review Under Additional Executive Orders and Presidential Memoranda

As detailed in Part I, this proposed rescission ensures compliance with E.O.

14173 and is consistent with E.O. 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” which directed Federal agencies to modify regulations or policies that use the terms “gender” and “gender identity.” Further, it supports the objectives of E.O. 14192, “Unleashing Prosperity Through Deregulation,” and E.O. 14267, “Reducing Anti-Competitive Regulatory Barriers,” by alleviating unnecessary regulatory burdens and removing regulatory requirements that could have created barriers to entry for contractors who are new market participants. This proposed rescission, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

List of Subjects

Civil rights, Construction industry, Employment, Equal employment opportunity, Government contracts, Investigations, Labor, OMB control numbers, Paperwork Reduction Act, Reporting and recordkeeping requirements, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Women.

For the reasons stated in the preamble, and under the authority of E.O. 14173, 90 FR 8633 (Jan. 31, 2025), DOL proposes to amend chapter 60 in title 41 of the Code of Federal Regulations by removing and reserving parts 60–1, 60–2, 60–3, 60–4, 60–20, 60–40, 60–50 and 60–999, and by revising part 60–30 as follows:

PART 60–1 [REMOVED AND RESERVED]

- 1. Remove and reserve 41 CFR part 60–1.

PART 60–2 [REMOVED AND RESERVED]

- 2. Remove and reserve 41 CFR part 60–2.

PART 60–3 [REMOVED AND RESERVED]

- 3. Remove and reserve 41 CFR part 60–3.

PART 60–4 [REMOVED AND RESERVED]

- 4. Remove and reserve 41 CFR part 60–4.

PART 60–20 [REMOVED AND RESERVED]

- 5. Remove and reserve 41 CFR part 60–20.

■ 6. Revise 41 CFR part 60–30 to read as follows:

PART 60–30—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS

Authority: 29 U.S.C. 793, as amended and 38 U.S.C. 4212, as amended.

General Provisions

§ 60–30.1 Applicability of rules.

This part provides the rules of practice for all administrative proceedings instituted by the Office of Federal Contract Compliance Programs (OFCCP), including but not limited to proceedings instituted against construction contractors or subcontractors, which relate to the enforcement of equal opportunity under the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, and Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended. In the absence of a specific provision, procedures shall be in accordance with the Federal Rules of Civil Procedure.

§ 60–30.2 Waiver, modification.

Upon notice to all parties, the Administrative Law Judge may, with respect to matters pending before him, modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

§ 60–30.3 Computation of time.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal Government in which event it includes the next business day.

§ 60–30.4 Form, filing, service of pleadings and papers.

(a) Form. The original of all pleadings and papers in a proceeding conducted under the regulations in this part shall be filed with the Administrative Law Judge assigned to the case or with the Chief Administrative Law Judge if the case has not been assigned. Every pleading and paper filed in the proceeding shall contain a caption setting forth the name of the agency instituting the proceeding, the title of the action, the case file number assigned by the Administrative Law Judge, and a designation of the pleading or paper (e.g., complaint, motion to dismiss, etc.). The pleading or papers shall be signed and shall contain the address and telephone number of the person

representing the party or the person on whose behalf the pleading or paper was filed. Unless otherwise ordered for good cause by the Administrative Law Judge regarding specific papers and pleadings in a specific case, all such papers and pleadings are public documents.

(b) Service. Service upon any party shall be made by the party filing the pleading or document in accordance with 29 CFR part 26. When a party is represented by an attorney, the service shall be upon the attorney.

(c) Proof of service. A certificate of the person serving the pleading or other document, setting forth the manner of service, shall be proof of the service.

Prehearing Procedures

§ 60–30.5 Administrative complaint.

(a) Filing. The Solicitor of Labor, Associate Solicitor for Labor Relations and Civil Rights Regional Solicitors and Regional Attorney upon referral from OFCCP, are authorized to institute enforcement proceedings by filing a complaint and serving the complaint upon the contractor which shall be designated as the defendant. The Department of Labor, OFCCP, shall be designated as the plaintiff.

(b) Contents. The complaint shall contain a concise jurisdictional statement, and a clear and concise statement sufficient to put the defendant on notice of the acts or practices it is alleged to have committed in violation of the order, the regulations, or its contractual obligations. The complaint shall also contain a prayer regarding the relief being sought, a statement of whatever sanctions the Government will seek to impose and the name and address of the attorney who will represent the Government.

(c) Amendment. The complaint may be amended once as a matter of course before an answer is filed, and the defendant may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the complaint or of the answer to the complaint shall be made only by leave of the Administrative Law Judge or by written consent of the adverse party; and leave shall be freely given where justice so requires. An amended complaint shall be answered within 14 days of its service, or within the time for filing an answer to the original complaint, whichever period is longer. An amended answer shall be responded to within 14 days of its service.

§ 60–30.6 Answer.

(a) Filing and service. Within 20 days after the service of the complaint, the defendant shall file an answer with the

Chief Administrative Law Judge if the case has not been assigned to an Administrative Law Judge. The answer shall be signed by the defendant or its attorney, and served on the Government in accordance with § 60–30.4(b).

(b) Contents; failure to file. The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the defendant is without knowledge, in which case the answer shall so state; or (2) state that the defendant admits all the allegations of the complaint. The answer may contain a waiver of hearing; and if not, a separate paragraph in the answer shall request a hearing. The answer shall contain the name and address of the defendant, or of the attorney representing the defendant. Failure to file an answer or to plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) Procedure, upon admission of facts. The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the Administrative Law Judge, without further hearing, may prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision and to file briefs in support of the exceptions.

§ 60–30.7 Notice of prehearing conference.

The Administrative Law Judge shall respond to defendant's request for a hearing within 15 days and shall serve a notice of prehearing conference on the parties. The notice shall contain the time and place of the conference.

§ 60–30.8 Motions; disposition of motions.

(a) Motions. Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the Administrative Law Judge. If made before or after the hearing itself, the motions shall be in writing. If made at the hearing, motions may be stated orally; but the Administrative Law Judge may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Unless otherwise ordered by the Administrative Law Judge, written motions shall be accompanied by a supporting memorandum. Within 10 days after a written motion is served, or such other time period as may be fixed, any party may file a response to a motion.

(b) Disposition of motions. The Administrative Law Judge may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing, but may overrule or deny such motion without awaiting response: Provided, That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions.

§ 60–30.9 Interrogatories, and admissions as to facts and documents.

(a) Interrogatories. Not later than 25 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party written interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless objected to. Answers are to be signed by the person making them and objections by the attorney or by whoever is representing the party. Answers and objections shall be filed and served within 25 days of service of the interrogatory.

(b) Admissions. Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within 25 days after service, the party to whom the request is directed serves upon the requesting party a sworn statement either (1) denying specifically the matter as to which an admission is requested, or (2) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

(c) Objections or failures to respond. The party submitting the interrogatory or request may move for an order with respect to any objection or other failure to respond.

§ 60–30.10 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any unprivileged documents, phonorecords, and other compilations, including computer tapes

and printouts which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and, which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 25 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 60–30.11 Depositions upon oral examination.

(a) Depositions; notice of examination. After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding, and may use an administrative subpoena. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) Production of witnesses; obligation of parties; objections. It shall be the obligation of each party to produce for examination any person, along with

such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Unless the parties agree otherwise, depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the Administrative Law Judge an objection within 5 days after notice of production of such witness is served, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(c) Before whom taken; scope of examination; failure to answer. Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, each party shall be permitted to examine and cross-examine the witness under oath upon any matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the Administrative Law Judge or the Administrative Law Judge rules that there was valid justification for the witness' failure or refusal to answer the question: Provided, That the examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) Subscription; certification; filing. The testimony shall be reduced to typewriting, either by the officer taking the deposition or under his direction, and shall be submitted to the witness for examination and signing. If the

deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver the original copy of the transcript, together with his certificate, in person or by mail to the Administrative Law Judge. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges, unless distribution is restricted by order of the Administrative Law Judge for good cause shown.

(e) Rulings on admissibility; use of deposition. Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the Administrative Law Judge, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the administrative law judge finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) Stipulations. If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 60–30.12 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the Administrative Law Judge may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of number of witnesses;

(5) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(6) Such other matters as may tend to expedite the disposition of the proceedings.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

§ 60–30.13 Consent findings and order.

(a) General. At any time after the issuance of a complaint and prior to or during the reception of evidence in any proceeding, the parties may jointly move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the Administrative Law Judge after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) Content. Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) That any further procedural steps are waived; and

(4) That any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement is waived.

(c) Submission. On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the Administrative Law Judge for his consideration;

(2) Inform the Administrative Law Judge that agreement cannot be reached.

(d) Disposition. In the event an agreement containing consent findings and an order is submitted within the time allowed, the Administrative Law Judge, within 30 days, shall accept such agreement by issuing his decision based upon the agreed findings, and his decision shall constitute the final Administrative order.

Hearings and Related Matters

§ 60–30.14 Designation of Administrative Law Judges.

Hearings shall be held before an Administrative Law Judge of the Department of Labor who shall be designated by the Chief Administrative Law Judge of the Department of Labor. After commencement of the proceeding but prior to the designation of an Administrative Law Judge, pleadings and papers shall be filed with the Chief Administrative Law Judge.

§ 60–30.15 Authority and responsibilities of Administrative Law Judges.

The Administrative Law Judge shall propose findings and conclusions to the Secretary on the basis of the record. In order to do so, he shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(b) Require parties to state their position with respect to the various issues in the proceeding;

(c) Require parties to produce for examination those relevant witnesses and documents under their control; and require parties to answer interrogatories and requests for admissions in full;

(d) Administer oaths;

(e) Rule on motions, and other procedural items or matters pending before him;

(f) Regulate the course of the hearing and conduct of participants therein;

(g) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(h) Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

(i) Fix time limits for submission of written documents in matters before

him and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(j) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

(2) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(3) Expelling any party or person from further participation in the hearing;

(k) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(l) Recommend whether the respondent is in current violation of the order, regulations, or its contractual obligations, as well as the nature of the relief necessary to insure the full enjoyment of the rights secured by the order;

(m) Issue subpoenas; and

(n) Take any action authorized by these rules.

§ 60–30.16 Appearances.

(a) Representation. The parties or other persons or organizations participating pursuant to this part 60–30 have the right to be represented by counsel.

(b) Failure to appear. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the Administrative Law Judge. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's recommended decision and to file exceptions to it.

§ 60–30.17 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice, which may be accomplished by an administrative subpoena, setting forth the time, date, and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories

of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the Administrative Law Judge and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 5 days after notice of production of such witness is served stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 60–30.18 Rules of evidence.

In any hearing, decision, or administrative review conducted pursuant to this part, all evidentiary matters shall be governed by Office of Administrative Law Judges' Rules of evidence at 29 CFR part 18, subpart B.

§ 60–30.19 Objections; exceptions; offer of proof.

(a) Objections. If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

(b) Exceptions. Formal exception to an adverse ruling is not required. Rulings by the Administrative Law Judge shall not be appealed prior to the transfer of the case to the Secretary, but shall be considered by the Secretary upon filing exceptions to the Administrative Law Judge's recommendations and conclusions.

(c) Offer of proof. An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for

identification and shall accompany the record as the offer of proof.

§ 60–30.20 Ex parte communications.

The Administrative Law Judge shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision in the case, except as witness or counsel in the proceeding.

§ 60–30.21 Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

§ 60–30.22 Official transcript.

The official transcripts of testimony taken, together with any exhibits, briefs, or memorandums of law, shall be filed with the Administrative Law Judge. Transcripts of testimony may be obtained from the official reporter by the parties and the public as provided in section 11(a) of the Federal Advisory Committee Act (86 Stat. 770). Upon notice to all parties, the Administrative Law Judge may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

§ 60–30.23 Summary judgment.

(a) For the Government. At any time after the expiration of 20 days from the commencement of the action, or after service of a motion for summary judgment by the respondent, the Government may move with or without supporting affidavits for a summary judgment upon all claims or any part.

(b) For defendant. The defendant may, at any time after commencement of the action, move with or without supporting affidavits for summary judgment in its favor as to all claims or any part.

(c) Other parties. Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Government or respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(d) Statement of uncontested facts. All motions for summary judgment shall be accompanied by a "Statement of Uncontested Facts" in which the moving party sets forth all alleged uncontested material facts which shall provide the basis for its motion. At least 5 days prior to the time fixed for hearing

on the motion, any party contending that any material fact regarding the matter covered by the motion is in dispute, shall file a "Statement of Disputed Facts." Failure to file a "Statement of Disputed Facts" shall be deemed as an admission to the "Statement of Uncontested Facts."

(e) Motion and proceedings. The motion shall be served upon all parties at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the complaint and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Summary judgment rendered for or against the Government or the respondent shall constitute the findings and recommendations on the issues involved. Hearings on motions made under this section shall be scheduled by the Administrative Law Judge.

(f) Case not fully adjudicated on motion. If on motion under this section judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the Administrative Law Judge at the hearing of the motion, by examining the notice and answer and the evidence before him and by interrogating counsel, shall, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

§ 60–30.24 Participation by interested persons.

(a) (1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final Administrative order could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under this section shall file with the Administrative Law Judge and serve on all parties a petition within 25 days after the commencement of the action or at such other time as ordered by the Administrative Law Judge, so long as it does not disrupt the proceeding. Such petition shall concisely state: (i) Petitioner's interest in the proceedings; (ii) who will appear for petitioner; (iii) the issues on which petitioner wishes to participate; and (iv) whether petitioner intends to present witnesses.

(4) The Administrative Law Judge shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the Administrative Law Judge may request all such petitioners to designate a single representative to represent all such petitioners: Provided, That the representative of a labor organization qualifying to participate under paragraph (a)(1) of the section must be permitted to participate in the proceedings. The Administrative Law Judge shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Administrative Law Judge shall give written notice to each party of each petition granted.

(b) (1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the Administrative Law Judge. Such petition shall concisely state: (i) The petitioner's interest in the hearing; (ii) who will represent the petitioner; and (iii) the issues on which petitioner intends to present argument. The Administrative Law Judge may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this section.

(2) An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Administrative Law Judge. He may submit a written statement of position to the Administrative Law Judge prior to the beginning of a hearing and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs

and exceptions, and he shall serve a copy on each party.

Post-Hearing Procedures

§ 60–30.25 Proposed findings of fact and conclusions of law.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Administrative Law Judge. Requests for additional time in which to file a brief shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

§ 60–30.26 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

§ 60–30.27 Recommended decision.

Within a reasonable time after the filing of briefs, the Administrative Law Judge shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision, to the Administrative Review Board, United States Department of Labor, for a final Administrative order. The recommended findings, conclusions, and decision shall be served on all parties and amici to the proceeding.

§ 60–30.28 Exceptions to recommended decisions.

Within 14 days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 14 days of their receipt by said parties. All exceptions and responses shall be filed with the Administrative Review Board, United States Department of Labor. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Administrative Review Board, United States Department of Labor, for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be

received no later than 3 days before the exceptions are due.

§ 60–30.29 Record.

After expiration of the time for filing briefs and exceptions, the Administrative Review Board, United States Department of Labor, shall make a decision, which shall be the Administrative order, on the basis of the record. The record shall consist of the record for recommended decision, the rulings and recommended decision of the Administrative Law Judge and the exceptions and briefs filed subsequent to the Administrative Law Judge's decision.

§ 60–30.30 Administrative Order.

After expiration of the time for filing, the Administrative Review Board, United States Department of Labor, shall make a decision which shall be served on all parties. If the Administrative Review Board, United States Department of Labor, concludes that the defendant has violated VEVRAA, Section 503, the equal opportunity clauses at 41 CFR 60–300.5 or 41 CFR 60–741.5, or the VEVRAA or Section 503 regulations, an Administrative Order shall be issued enjoining the violations, and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the immediate cancellation, termination, and suspension of the respondent's contracts and/or debarment of the respondent from further contracts.

Expedited Hearing Procedures

§ 60–30.31 Expedited hearings—when appropriate.

Expedited Hearings may be used, inter alia, when a contractor or subcontractor has violated a conciliation agreement; has not adopted and implemented an acceptable affirmative action program; has refused to give access to or to supply records or other information as required by the equal opportunity clause; or has refused to allow an on-site compliance review to be conducted.

§ 60–30.32 Administrative complaint and answer.

(a) Expedited hearings shall be commenced by filing an administrative complaint in accordance with 41 CFR 60–30.5. The complaint shall state that the hearing is subject to these expedited hearing procedures.

(b) The answer shall be filed in accordance with 41 CFR 60–30.6(a) and (b).

(c) Failure to request a hearing within the 20 days provided by 41 CFR 60–30.6(a) shall constitute a waiver of hearing, and all the material allegations of fact contained in the complaint shall be deemed to be admitted. If a hearing is not requested or is waived, within 25 days of the complaint's filing, the Administrative Law Judge shall adopt as findings of fact the material facts alleged in the complaint, and shall order the appropriate sanctions and/or penalties sought in the complaint. The Administrative Law Judge's findings and order shall constitute a final Administrative order, unless the Office of the Solicitor, U.S. Department of Labor, files exceptions to the findings and order within 10 days of receipt thereof. If the Office of the Solicitor, U.S. Department of Labor, files exceptions, the matter shall proceed in accordance with § 60–30.36 of this part.

(d) If a request for a hearing is received within 20 days as provided by 41 CFR 60–30.6(a), the hearing shall be convened within 45 days of receipt of the request and shall be completed within 15 days thereafter, unless more hearing time is required.

§ 60–30.33 Discovery.

(a) Any party may serve requests for admissions in accordance with § 60–30.9(b) and (c).

(b) Witness lists and hearing exhibits will be exchanged at least 10 days in advance of the hearing.

(c) For good cause shown, and upon motion made in accordance with § 60–30.8, the Administrative Law Judge may allow the taking of depositions. Other discovery will not be permitted.

§ 60–30.34 Conduct of hearing.

(a) At the hearing, the Government shall be given an opportunity to demonstrate the basis for the request for sanctions and/or remedies, and the contractor shall be given an opportunity to show that the violation complained of did not occur and/or that good cause or good faith efforts excuse the alleged violations. Both parties shall be allowed to present evidence and argument and to cross-examine witnesses.

(b) The hearing shall be informal in nature, and the Administrative Law Judge shall not be bound by formal rules of evidence.

§ 60–30.35 Recommended decision after hearing.

Within 15 days after the hearing is concluded, the Administrative Law Judge shall recommend findings,

conclusions, and a decision. The Administrative Law Judge may permit the parties to file written post-hearing briefs within this time period, but the Administrative Law Judge's recommendations shall not be delayed pending receipt of such briefs. These recommendations shall be certified, together with the record, to the Administrative Review Board, United States Department of Labor, for a final Administrative order. The recommended decision shall be served on all parties and amici to the proceeding.

§ 60–30.36 Exceptions to recommendations.

Within 10 days after receipt of the recommended findings, conclusions and decision, any party may submit exceptions to said recommendations. Exceptions may be responded to by other parties within 7 days after receipt by said parties of the exceptions. All exceptions and responses shall be filed with the Administrative Review Board, United States Department of Labor. Briefs or exceptions and responses shall be served simultaneously on all parties to the proceeding.

§ 60–30.37 Final Administrative Order.

After expiration of the time for filing exceptions, the Administrative Review Board, United States Department of Labor, shall issue an Administrative Order which shall be served on all parties. Unless the Administrative Review Board, United States Department of Labor, issues an Administrative Order within 30 days after the expiration of the time for filing exceptions, the Administrative Law Judge's recommended decision shall become a final Administrative Order which shall become effective on the 31st day after expiration of the time for filing exceptions. Except as to specific time periods required in this subsection, 41 CFR 60–30.30 shall be applicable to this section.

§ 60–30.38 Severability.

Should a court of competent jurisdiction hold any provision(s) of this part to be invalid, such action will not affect any other provision of this part.

PART 60–40 [REMOVED AND RESERVED]

■ 1. Remove and reserve 41 CFR part 60–40.

PART 60–50 [REMOVED AND RESERVED]

■ 2. Remove and reserve 41 CFR part 60–50.

PART 60–999 [REMOVED AND RESERVED]**■ 3. Remove and reserve 41 CFR part 60–999.**

Dated: June 27, 2025.

Catherine Eschbach,
Director, Office of Federal Contract Compliance Programs.

[FR Doc. 2025–12276 Filed 6–30–25; 8:45 am]

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DEPARTMENT OF LABOR**Office of Federal Contract Compliance Programs****41 CFR Part 60–300**

[Docket No. OFCCP–2025–0002]

RIN 1250–AA19

Modifications to the Regulations Implementing the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as Amended

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: The U.S. Department of Labor is proposing to revise its implementing regulations for the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212. The proposed revisions will better align the regulations with recent case law and executive orders, including Executive Order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” and Executive Order 14219, “Ensuring Lawful Governance and Implementing the President's ‘Department of Government Efficiency’ Deregulatory Initiative.”

DATES: Comments must be received by September 2, 2025.

ADDRESSES: Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

- Electronically at <https://www.regulations.gov>. Follow the “Submit a comment” instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking's title to submit a comment to the [regulations.gov](https://www.regulations.gov) docket.

- You may mail written comments to the following address: Catherine L. Eschbach, Director, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Washington, DC 20210. Mailed comments must be

received by the close of the comment period.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on <https://www.regulations.gov> to view public comments.

FOR FURTHER INFORMATION CONTACT: Catherine L. Eschbach, Director, OFCCP, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: 202–693–0101. Email: ofccp_guidance@dol.gov.

SUPPLEMENTARY INFORMATION:**I. Legal Authority**

DOL enforces the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, 38 U.S.C. 4212, and its implementing regulations at 41 CFR 60–300. The VEVRAA regulations prohibit Federal contractors and subcontractors (“contractors”) from discriminating against employees and applicants because of their status as a protected veteran (defined by the statute to include disabled veterans, recently separated veterans, Armed Forces Service Medal Veterans, and active duty wartime or campaign badge veterans). VEVRAA also requires covered contractors to take steps to employ and advance in employment these veterans. The basic requirements in VEVRAA generally apply to any business or organization that holds a single Federal contract or subcontract in excess of \$150,000. Effective October 1, 2015, the coverage threshold under VEVRAA increased from \$100,000 to \$150,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908. *See Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds*, 80 FR 38293 (July 2, 2015). The \$150,000 dollar threshold is subject to Federal Acquisition Regulation inflationary adjustments.

Under the current regulations, contractors with 50 or more employees and a single Federal contract or subcontract of \$150,000 or more are also required to develop and maintain an affirmative action program, where they must implement and document their equal employment opportunity efforts on an annual basis, as provided in 41 CFR part 60–300, subpart C. As

discussed below, DOL is proposing to revise these regulations to better align them with recent case law and executive orders.

II. Discussion

Prior to January 21, 2025, DOL's Office of Federal Contract Compliance Programs enforced three authorities: Executive Order (E.O.) 11246, as amended, Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended, and VEVRAA. On January 21, 2025, President Trump issued E.O. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” 90 FR 8633 (Jan. 31, 2025). E.O. 14173 revoked E.O. 11246, which prohibited covered contractors from discriminating in employment based on race, color, religion, sex, sexual orientation, gender identity, and national origin and required them to take affirmative action. E.O. 11246 also prohibited covered contractors from taking adverse employment actions against applicants or employees because they inquired about, discussed, or disclosed information about their pay or the pay of their co-workers, subject to certain limitations.

While VEVRAA remains in effect, the VEVRAA regulations adopt and cross-reference the E.O. 11246 administrative enforcement proceeding procedures at 41 CFR 60–30. Specifically, the VEVRAA regulations provide, in part, that “[a]ll hearings conducted under [VEVRAA and part 60–300] shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR part 60–30...” 41 CFR 60–300.65(b)(1). With the revocation of E.O. 11246, DOL is proposing to remove this cross-reference and add the administrative enforcement proceeding provisions to 41 CFR part 60–300, except where duplicative of current part 60–300 provisions (e.g., the severability clause). Specifically, DOL is proposing to add these regulatory provisions to 41 CFR 60–300.65.¹

In addition to these changes, DOL also proposes to remove a reference to 41 CFR part 60–3 that is included in 41 CFR 60–300.21(g)(2). DOL is proposing to remove this citation because 41 CFR part 60–3 is part of the revoked E.O. 11246 authority.

¹ In a separate rulemaking, DOL is proposing similar changes to the Section 503 regulations. If these proposed changes become final, the 41 CFR part 60–30 regulations will be duplicative and unnecessary as they will be incorporated into 41 CFR parts 60–300 and 60–741. As such, as part of the Section 503 proposed rule, DOL is also proposing to rescind 41 CFR part 60–30 using a delayed effective date.

DOL also proposes to remove the 29 U.S.C. 793 reference in the authority citation of the VEVRAA regulations. The 29 U.S.C. 793 reference refers to the Section 503 authority and is unnecessary.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This proposed rule would eliminate burdensome regulations. Therefore, DOL has concluded that the impacts of the

proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an FRFA is not warranted. DOL will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The purpose of the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, includes minimizing the paperwork burden on affected entities. The PRA requires certain actions before an agency can adopt or revise a collection of information, including publishing for public comment a summary of the collection of information and a brief description of the need for and proposed use of the information.

As part of its continuing effort to reduce paperwork and respondent burden, the Department conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the PRA. See 44 U.S.C. 3506(c)(2)(A). This activity helps to ensure that the public understands the Department’s collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless it is approved by the Office of Management and Budget (OMB) under the PRA and it displays a currently valid OMB control number. The public is also not required to respond to a collection of information unless it displays a currently valid OMB control number. In addition, notwithstanding any other provisions of law, no person will be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512).

This rulemaking does not result in any changes to existing information collections. Accordingly, OMB clearance is not required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this proposed

rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

DOL examined this proposed rule according to UMRA and its statement of policy and determined that the proposed rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this proposed rule would not result in any takings that

might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this proposed rule under the OMB guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Executive Order 13175

DOL has examined this proposed rule and determined that it does not have tribal implications under E.O. 13175 that would require a tribal summary impact statement. It does not “have substantial direct effects 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.”

K. Review Under Additional Executive Orders and Presidential Memoranda

DOL has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” and E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative.” This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

List of Subjects

Administrative practice and procedure, Civil rights, Employment, Equal employment opportunity, Government contracts, Government procurement, Investigations, Labor, Veterans.

For the reasons set forth in the preamble, DOL amends 41 CFR part 60–300, as set forth below:

PART 60–300—AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF FEDERAL CONTRACTORS AND SUBCONTRACTORS REGARDING DISABLED VETERANS, RECENTLY SEPARATED VETERANS, ACTIVE DUTY WARTIME OR CAMPAIGN BADGE VETERANS, AND ARMED FORCES SERVICE MEDAL VETERANS

■ 1. Revise the authority citation for 41 CFR part 60–300 to read as follows:

Authority: 38 U.S.C. 4211 and 4212; E.O. 11758 (3 CFR, 1971–1975 Comp., p. 841).

■ 2. Revise § 60–300.21(g)(2) to read as follows:

§ 60–300.21 Prohibitions.

* * * * *

(g) * * *

(1) * * *

(2) The Uniform Guidelines on Employee Selection Procedures do not apply to 38 U.S.C. 4212 and are similarly inapplicable to this part.

* * * * *

■ 3. Revise § 60–300.65 to read as follows:

§ 60–300.65 Enforcement proceedings.

(a) *General.*

(1) If a compliance evaluation, complaint investigation or other review by OFCCP finds a violation of the Act or this part, and the violation has not been corrected in accordance with the conciliation procedures in this part, or OFCCP determines that referral for consideration of formal enforcement (rather than settlement) is appropriate, OFCCP may refer the matter to the Solicitor of Labor with a recommendation for the institution of enforcement proceedings to enjoin the violations, to seek appropriate relief, and to impose appropriate sanctions, or any of the above in this sentence. OFCCP may seek back pay and other make whole relief for aggrieved individuals identified during a complaint investigation or compliance evaluation. Such individuals need not have filed a complaint as a prerequisite to OFCCP seeking such relief on their behalf. Interest on back pay shall be calculated from the date of the loss and compounded quarterly at the percentage rate established by the Internal Revenue Service for the underpayment of taxes.

(2) In addition to the administrative proceedings set forth in this section, the Director may, within the limitations of applicable law, seek appropriate judicial action to enforce the contractual provisions set forth in § 60–300.5, including appropriate injunctive relief.

(b) *Hearing practice and procedure.*

(1) In administrative enforcement proceedings the contractor shall be provided an opportunity for a formal hearing. All hearings conducted under the Act and this part shall be governed by the regulations at 41 CFR 60–300.65(c) to (mm) and the Rules of Evidence set out in the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges contained in 29 CFR part 18, subpart B: *Provided*, That a final administrative order shall be issued within one year from the date of the issuance of the recommended findings, conclusions and decision of the Administrative Law Judge, or the submission of exceptions and responses to exceptions to such decision (if any), whichever is later.

(2) Complaints may be filed by the Solicitor, the Associate Solicitor for Civil Rights and Labor-Management, Regional Solicitors, and Associate Regional Solicitors.

(3) [Reserved]

(c) *Applicability of rules of practice for administrative proceedings.*

The regulations at 41 CFR 60–300.65(c) to (mm) provide the rules of practice for all administrative proceedings that relate to the enforcement of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, including but not limited to proceedings instituted against contractors or subcontractors covered by 41 CFR 60–300. In the absence of a specific provision, procedures shall be in accordance with the Federal Rules of Civil Procedure.

(d) *Waiver, modification.*

Upon notice to all parties, the Administrative Law Judge may, with respect to matters pending before him modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

(e) *Computation of time.*

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal Government in which event it includes the next business day.

(f) *Form, filing, service of pleadings and papers.*

(1) *Form.* The original of all pleadings and papers in a proceeding conducted under the 41 CFR 60–300.65 regulations shall be filed with the Administrative Law Judge assigned to the case or with the Chief Administrative Law Judge if the case has not been assigned. Every

pleading and paper filed in the proceeding shall contain a caption setting forth the name of the agency instituting the proceeding, the title of the action, the case file number assigned by the Administrative Law Judge, and a designation of the pleading or paper (e.g., complaint, motion to dismiss, etc.). The pleading or papers shall be signed and shall contain the address and telephone number of the person representing the party or the person on whose behalf the pleading or paper was filed. Unless otherwise ordered for good cause by the Administrative Law Judge regarding specific papers and pleadings in a specific case, all such papers and pleadings are public documents.

(2) *Service.* Service upon any party shall be made by the party filing the pleading or document in accordance with 29 CFR part 26. When a party is represented by an attorney, the service shall be upon the attorney.

(3) *Proof of service.* A certificate of the person serving the pleading or other document, setting forth the manner of service, shall be proof of the service.

(g) *Prehearing procedures: Administrative complaint.*

(1) *Filing.* The Solicitor of Labor, Associate Solicitor for Labor Relations and Civil Rights Regional Solicitors and Regional Attorney upon referral from the Office of Federal Contract Compliance Programs, are authorized to institute enforcement proceedings by filing a complaint and serving the complaint upon the contractor which shall be designated as the defendant. The Department of Labor, OFCCP, as shall be designated on plaintiff.

(2) *Contents.* The complaint shall contain a concise jurisdictional statement, and a clear and concise statement sufficient to put the defendant on notice of the acts or practices it is alleged to have committed in violation of the order, the regulations, or its contractual obligations. The complaint shall also contain a prayer regarding the relief being sought, a statement of whatever sanctions the Government will seek to impose and the name and address of the attorney who will represent the Government.

(3) *Amendment.* The complaint may be amended once as a matter of course before an answer is filed, and the defendant may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the complaint or of the answer to the complaint shall be made only by leave of the Administrative Law Judge or by written consent of the adverse party; and leave shall be freely given where justice so requires. An amended

complaint shall be answered within 14 days of its service, or within the time for filing an answer to the original complaint, whichever period is longer. An amended answer shall be responded to within 14 days of its service.

(h) *Prehearing procedures: Answer.*

(1) *Filing and service.* Within 20 days after the service of the complaint, the defendant shall file an answer with the Chief Administrative Law Judge if the case has not been assigned to an Administrative Law Judge. The answer shall be signed by the defendant or its attorney and served on the Government in accordance with § 60–300.65(f)(2).

(2) *Contents; failure to file.* The answer shall (i) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the defendant is without knowledge, in which case the answer shall so state; or (ii) state that the defendant admits all the allegations of the complaint. The answer may contain a waiver of hearing; and if not, a separate paragraph in the answer shall request a hearing. The answer shall contain the name and address of the defendant, or of the attorney representing the defendant. Failure to file an answer or to plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(3) *Procedure, upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the Administrative Law Judge, without further hearing, may prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision and to file briefs in support of the exceptions.

(i) *Prehearing procedures: Notice of prehearing conference.*

The Administrative Law Judge shall respond to defendant's request for a hearing within 15 days and shall serve a notice of prehearing conference on the parties. The notice shall contain the time and place of the conference.

(j) *Prehearing procedures: Motions; disposition of motions.*

(1) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the Administrative Law Judge. If made before or after the hearing itself, the motions shall be in writing. If made at the hearing, motions may be stated orally; but the Administrative Law Judge may require that they be reduced

to writing and filed and served on all parties in the same manner as a formal motion. Unless otherwise ordered by the Administrative Law Judge, written motions shall be accompanied by a supporting memorandum. Within 10 days after a written motion is served, or such other time period as may be fixed, any party may file a response to a motion.

(2) *Disposition of motions.* The Administrative Law Judge may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing, but may overrule or deny such motion without awaiting response: *Provided*, That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions.

(k) *Prehearing procedures: Interrogatories and admissions as to facts and documents.*

(1) *Interrogatories.* Not later than 25 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party written interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless objected to. Answers are to be signed by the person making them and objections by the attorney or by whoever is representing the party. Answers and objections shall be filed and served within 25 days of service of the interrogatory.

(2) *Admissions.* Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within 25 days after service, the party to whom the request is directed serves upon the requesting party a sworn statement either (i) denying specifically the matter as to which an admission is requested, or (ii) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

(3) *Objections or failures to respond.* The party submitting the interrogatory or request may move for an order with respect to any objection or other failure to respond.

(l) *Prehearing procedures: Production of documents and things and entry upon land for inspection and other purposes.*

(1) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any unprivileged documents, phonorecords, and other compilations, including computer tapes and printouts which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(2) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and, which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(3) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(4) The party upon whom the request is served shall respond within 25 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

(m) *Prehearing procedures: Depositions upon oral examination.*

(1) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding, and may use an administrative subpoena. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he

belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(2) *Production of witnesses; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Unless the parties agree otherwise, depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the Administrative Law Judge an objection within 5 days after notice of production of such witness is served, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(3) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, each party shall be permitted to examine and cross-examine the witness under oath upon any matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the Administrative Law Judge or the Administrative Law Judge rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided*, That the examining party shall note on the record during the deposition the question which the

deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(4) *Subscription; certification; filing.*

The testimony shall be reduced to typewriting, either by the officer taking the deposition or under his direction, and shall be submitted to the witness for examination and signing. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver the original copy of the transcript, together with his certificate, in person or by mail to the Administrative Law Judge. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges, unless distribution is restricted by order of the Administrative Law Judge for good cause shown.

(5) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the Administrative Law Judge, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice, in accordance with the following provisions:

(i) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(ii) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(iii) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the administrative law judge finds: (A) That the witness is dead; or (B) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (C) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (D) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(iv) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(6) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

(n) *Prehearing procedures: Prehearing conferences.*

(1) Upon his own motion or the motion of the parties, the Administrative Law Judge may direct the parties or their counsel to meet with him for a conference to consider:

(i) Simplification of the issues;

(ii) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(iii) Stipulations, admissions of fact and of contents and authenticity of documents;

(iv) Limitation of number of witnesses;

(v) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(vi) Such other matters as may tend to expedite the disposition of the proceedings.

(2) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

(o) *Prehearing procedures: Consent findings and order.*

(1) *General.* At any time after the issuance of a complaint and prior to or during the reception of evidence in any proceeding, the parties may jointly move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the Administrative Law Judge after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(2) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(i) That the order shall have the same force and effect as an order made after full hearing;

(ii) That the entire record on which any order may be based shall consist

solely of the complaint and the agreement;

(iii) That any further procedural steps are waived; and

(iv) That any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement is waived.

(3) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(i) Submit the proposed agreement to the Administrative Law Judge for his consideration;

(ii) Inform the Administrative Law Judge that agreement cannot be reached.

(4) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed, the Administrative Law Judge, within 30 days, shall accept such agreement by issuing his decision based upon the agreed findings, and his decision shall constitute the final Administrative order.

(p) *Hearings and Related Matters: Designation of Administrative Law Judges.*

Hearings shall be held before an Administrative Law Judge of the Department of Labor who shall be designated by the Chief Administrative Law Judge of the Department of Labor. After commencement of the proceeding but prior to the designation of an Administrative Law Judge, pleadings and papers shall be filed with the Chief Administrative Law Judge.

(q) *Hearings and Related Matters: Authority and responsibilities of Administrative Law Judges.*

The Administrative Law Judge shall propose findings and conclusions to the Secretary on the basis of the record. In order to do so, he shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(1) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(2) Require parties to state their position with respect to the various issues in the proceeding;

(3) Require parties to produce for examination those relevant witnesses and documents under their control; and require parties to answer interrogatories and requests for admissions in full;

(4) Administer oaths;

(5) Rule on motions, and other procedural items or matters pending before him;

(6) Regulate the course of the hearing and conduct of participants therein;

(7) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(8) Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

(9) Fix time limits for submission of written documents in matters before him and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(10) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(i) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

(ii) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(iii) Expelling any party or person from further participation in the hearing;

(11) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(12) Recommend whether the respondent is in current violation of the order, regulations, or its contractual obligations, as well as the nature of the relief necessary to insure the full enjoyment of the rights secured by the order;

(13) Issue subpoenas; and

(14) Take any action authorized by these rules.

(r) Hearings and Related Matters: Appearances.

(1) *Representation.* The parties or other persons or organizations participating pursuant to 41 CFR 60–300.65 have the right to be represented by counsel.

(2) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the Administrative Law Judge. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's recommended decision and to file exceptions to it.

(s) Hearings and Related Matters: Appearance of witnesses.

(1) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice, which may be accomplished by an administrative subpoena, setting forth the time, date, and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the Administrative Law Judge and additional copies shall be served upon the opposing parties.

(2) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(3) The party or prospective witness may file an objection within 5 days after notice of production of such witness is served stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

(t) Hearings and Related Matters: Rules of evidence.

In any hearing, decision, or administrative review conducted pursuant to this part, all evidentiary matters shall be governed by Office of Administrative Law Judges' Rules of Evidence at 29 CFR part 18, subpart B, *Provided however*, That the provision at 29 CFR 18.1104 which delays the effective date of the rule with respect to certain investigations does not apply.

(u) Hearings and Related Matters: Objections; exceptions; offer of proof.

(1) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

(2) *Exceptions.* Formal exception to an adverse ruling is not required. Rulings by the Administrative Law Judge shall not be appealed prior to the transfer of the case to the Secretary, but

shall be considered by the Secretary upon filing exceptions to the Administrative Law Judge's recommendations and conclusions.

(3) *Offer of proof.* An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

(v) Hearings and Related Matters: Ex parte communications.

The Administrative Law Judge shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision in the case, except as witness or counsel in the proceeding.

(w) Hearings and Related Matters: Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

(x) Hearings and Related Matters: Official transcript.

The official transcripts of testimony taken, together with any exhibits, briefs, or memorandums of law, shall be filed with the Administrative Law Judge. Transcripts of testimony may be obtained from the official reporter by the parties and the public as provided in section 11(a) of the Federal Advisory Committee Act (86 Stat. 770). Upon notice to all parties, the Administrative Law Judge may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

(y) Hearings and Related Matters: Summary judgment.

(1) *For the Government.* At any time after the expiration of 20 days from the commencement of the action, or after service of a motion for summary judgment by the respondent, the Government may move with or without supporting affidavits for a summary judgment upon all claims or any part.

(2) *For defendant.* The defendant may, at any time after commencement of the action, move with or without supporting affidavits for summary

judgment in its favor as to all claims or any part.

(3) *Other parties.* Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Government or respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(4) *Statement of uncontested facts.* All motions for summary judgment shall be accompanied by a "Statement of Uncontested Facts" in which the moving party sets forth all alleged uncontested material facts which shall provide the basis for its motion. At least 5 days prior to the time fixed for hearing on the motion, any party contending that any material fact regarding the matter covered by the motion is in dispute, shall file a "Statement of Disputed Facts." Failure to file a "Statement of Disputed Facts" shall be deemed as an admission to the "Statement of Uncontested Facts."

(5) *Motion and proceedings.* The motion shall be served upon all parties at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the complaint and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Summary judgment rendered for or against the Government or the respondent shall constitute the findings and recommendations on the issues involved. Hearings on motions made under this section shall be scheduled by the Administrative Law Judge.

(6) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the Administrative Law Judge at the hearing of the motion, by examining the notice and answer and the evidence before him and by interrogating counsel, shall, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

(z) *Hearings and Related Matters: Participation by interested persons.*

(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final Administrative order could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under this section shall file with the Administrative Law Judge and serve on all parties a petition within 25 days after the commencement of the action or at such other time as ordered by the Administrative Law Judge, so long as it does not disrupt the proceeding. Such petition shall concisely state: (i) Petitioner's interest in the proceedings; (ii) who will appear for petitioner; (iii) the issues on which petitioner wishes to participate; and (iv) whether petitioner intends to present witnesses.

(4) The Administrative Law Judge shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the Administrative Law Judge may request all such petitioners to designate a single representative to represent all such petitioners: *Provided*, That the representative of a labor organization qualifying to participate under paragraph (1) of the section must be permitted to participate in the proceedings. The Administrative Law Judge shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Administrative Law Judge shall give written notice to each party of each petition granted.

(5) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the Administrative Law Judge. Such petition shall concisely state: (i) The petitioner's interest in the hearing; (ii) who will represent the petitioner; and (iii) the issues on which petitioner intends to present argument. The Administrative Law Judge may grant the petition if he finds that the petitioner

has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this section.

(6) An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Administrative Law Judge. He may submit a written statement of position to the Administrative Law Judge prior to the beginning of a hearing and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and he shall serve a copy on each party.

(aa) *Post-Hearing Procedures: Proposed findings of fact and conclusions of law.*

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Administrative Law Judge. Requests for additional time in which to file a brief shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

(bb) *Post-Hearing Procedures: Record for recommended decision.*

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

(cc) *Post-Hearing Procedures: Recommended decision.*

Within a reasonable time after the filing of briefs, the Administrative Law Judge shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision, to the Administrative Review Board, United States Department of Labor, for a final Administrative order. The recommended findings, conclusions, and decision shall be served on all parties and amici to the proceeding.

(dd) *Post-Hearing Procedures: Exceptions to recommended decisions.*

Within 14 days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 14 days of their receipt by said parties. All exceptions

and responses shall be filed with the Administrative Review Board, United States Department of Labor. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Administrative Review Board, United States Department of Labor, for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

(ee) *Post-Hearing Procedures: Record.*

After expiration of the time for filing briefs and exceptions, the Administrative Review Board, United States Department of Labor, shall make a decision, which shall be the Administrative order, on the basis of the record. The record shall consist of the record for recommended decision, the rulings and recommended decision of the Administrative Law Judge and the exceptions and briefs filed subsequent to the Administrative Law Judge's decision.

(ff) *Post-Hearing Procedures: Administrative Order.*

After expiration of the time for filing, the Administrative Review Board, United States Department of Labor, shall make a decision which shall be served on all parties. If the Administrative Review Board, United States Department of Labor, concludes that the defendant has violated VEVRAA, the equal opportunity clause, or the regulations, an Administrative Order shall be issued enjoining the violations, and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the immediate cancellation, termination, and suspension of the respondent's contracts and/or debarment of the respondent from further contracts.

(gg) *Expedited Hearing Procedures: Expedited hearings—when appropriate.*

Expedited Hearings may be used, *inter alia*, when a contractor or subcontractor has violated a conciliation agreement; has not adopted and implemented an acceptable affirmative action program; has refused to give access to or to supply records or other information as required by the equal opportunity clause; or has refused to allow an on-site compliance review to be conducted.

(hh) *Expedited Hearing Procedures: Administrative complaint and answer.*

(1) Expedited hearings shall be commenced by filing an administrative complaint in accordance with 41 CFR 60–300.65(g). The complaint shall state that the hearing is subject to these expedited hearing procedures.

(2) The answer shall be filed in accordance with 41 CFR 300.65(h)(1) and (2).

(3) Failure to request a hearing within the 20 days provided by 41 CFR 60–300.65(h)(1) shall constitute a waiver of hearing, and all the material allegations of fact contained in the complaint shall be deemed to be admitted. If a hearing is not requested or is waived, within 25 days of the complaint's filing, the Administrative Law Judge shall adopt as findings of fact the material facts alleged in the complaint, and shall order the appropriate sanctions and/or penalties sought in the complaint. The Administrative Law Judge's findings and order shall constitute a final Administrative order, unless the Office of the Solicitor, U.S. Department of Labor, files exceptions to the findings and order within 10 days of receipt thereof. If the Office of the Solicitor, U.S. Department of Labor, files exceptions, the matter shall proceed in accordance with 41 CFR 60–300.65(ll).

(4) If a request for a hearing is received within 20 days as provided by 41 CFR 60–300.65(h)(1), the hearing shall be convened within 45 days of receipt of the request and shall be completed within 15 days thereafter, unless more hearing time is required.

(ii) *Discovery.*

(1) Any party may serve requests for admissions in accordance with 41 CFR 60–300.65(k)(2) and (3).

(2) Witness lists and hearing exhibits will be exchanged at least 10 days in advance of the hearing.

(3) For good cause shown, and upon motion made in accordance with 41 CFR 60–300.65(j), the Administrative Law Judge may allow the taking of depositions. Other discovery will not be permitted.

(jj) *Conduct of hearing.*

(1) At the hearing, the Government shall be given an opportunity to demonstrate the basis for the request for sanctions and/or remedies, and the contractor shall be given an opportunity to show that the violation complained of did not occur and/or that good cause or good faith efforts excuse the alleged violations. Both parties shall be allowed to present evidence and argument and to cross-examine witnesses.

(2) The hearing shall be informal in nature, and the Administrative Law

Judge shall not be bound by formal rules of evidence.

(kk) *Recommended decision after hearing.*

Within 15 days after the hearing is concluded, the Administrative Law Judge shall recommend findings, conclusions, and a decision. The Administrative Law Judge may permit the parties to file written post-hearing briefs within this time period, but the Administrative Law Judge's recommendations shall not be delayed pending receipt of such briefs. These recommendations shall be certified, together with the record, to the Administrative Review Board, United States Department of Labor, for a final Administrative order. The recommended decision shall be served on all parties and amici to the proceeding.

(ll) *Exceptions to recommendations.*

Within 10 days after receipt of the recommended findings, conclusions and decision, any party may submit exceptions to said recommendations. Exceptions may be responded to by other parties within 7 days after receipt by said parties of the exceptions. All exceptions and responses shall be filed with the Administrative Review Board, United States Department of Labor. Briefs or exceptions and responses shall be served simultaneously on all parties to the proceeding.

(mm) *Final Administrative Order.*

After expiration of the time for filing exceptions, the Administrative Review Board, United States Department of Labor, shall issue an Administrative Order which shall be served on all parties. Unless the Administrative Review Board, United States Department of Labor, issues an Administrative Order within 30 days after the expiration of the time for filing exceptions, the Administrative Law Judge's recommended decision shall become a final Administrative Order which shall become effective on the 31st day after expiration of the time for filing exceptions. Except as to specific time periods required in this subsection, 41 CFR 60–300.65(ff) shall be applicable to this section.

Dated: June 25, 2025.

Catherine Eschbach,

Director, Office of Federal Contract Compliance Programs.

[FR Doc. 2025–12006 Filed 6–30–25; 8:45 am]

BILLING CODE 4510-CM-P

DEPARTMENT OF LABOR**Federal Contract Compliance Program Office****41 CFR Parts 60–30 and 60–741****[Docket No. OFCCP–2025–0003]****RIN 1250–AA18****Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act of 1973, as Amended****AGENCY:** Office of Federal Contract Compliance Programs, Labor.**ACTION:** Proposed rule; request for comments.

SUMMARY: The U.S. Department of Labor proposes to revise its implementing regulations for Section 503 of the Rehabilitation Act of 1973, as amended. The proposed revisions will better align the regulations with recent case law and executive orders, including Executive Order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” and Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative.”

DATES: Comments must be received by September 2, 2025.

ADDRESSES: Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

- Electronically at <https://www.regulations.gov>. Follow the “Submit a comment” instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking’s title to submit a comment to the *regulations.gov* docket.

- You may mail written comments to the following address: Catherine L. Eschbach, Director, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Washington, DC 20210. Mailed comments must be received by the close of the comment period.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on <http://www.regulations.gov> to view

public comments. A brief summary of this document will be available on <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Catherine L. Eschbach, Director, OFCCP, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: 202–693–0101. Email: ofccp_guidance@dol.gov.

SUPPLEMENTARY INFORMATION:**I. Legal Authority**

The U.S. Department of Labor (DOL) enforces Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended, and its implementing regulations at 41 CFR part 60–741, which together prohibit Federal contractors and subcontractors (“contractors”) from discriminating against employees and applicants because of their disability status. Section 503 also requires contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. Its basic requirements apply to contractors with a government contract in excess of \$15,000, as effective October 1, 2010, the coverage threshold under Section 503 increased from \$10,000 to \$15,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908. *See*, Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 75 CFR 53129 (Aug. 30, 2010).

Under the current regulations, contractors with 50 or more employees and a single Federal contract or subcontract of \$50,000 or more are also required to develop and maintain an affirmative action program, where they must implement and document their equal employment opportunity efforts on an annual basis, as provided in 41 CFR part 60–741, subpart C. As discussed below, DOL is proposing to revise these regulations to better align them with recent case law and executive orders.

II. Discussion

Prior to January 21, 2025, DOL’s Office of Federal Contract Compliance Programs enforced three authorities: Executive Order (E.O.) 11246, as amended, Section 503, and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (VEVRAA), as amended. On January 21, 2025, President Trump issued E.O. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” 90 FR 8633 (Jan. 31, 2025). E.O. 14173 revoked E.O. 11246, which prohibited covered contractors from discriminating in employment based on race, color,

religion, sex, sexual orientation, gender identity, and national origin and required them to take affirmative action. E.O. 11246 also prohibited covered contractors from taking adverse employment actions against applicants or employees because they inquired about, discussed, or disclosed information about their pay or the pay of their co-workers, subject to certain limitations.

While Section 503 remains in effect, the Section 503 regulations adopt and cross-reference the E.O. 11246 administrative enforcement proceeding procedures at 41 CFR part 60–30. Specifically, the Section 503 regulations provide, in part, that “[a]ll hearings conducted under [Section 503 and part 60–741] shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR part 60–30 . . .” 41 CFR 60–741.65(b)(1). With the revocation of E.O. 11246, DOL is proposing to remove this cross-reference and add the administrative enforcement proceeding provisions to part 60–741, except where duplicative of current part 60–741 provisions (e.g., the severability clause). Specifically, DOL is proposing to add these regulatory provisions to 41 CFR 60–741.65. In a separate rulemaking, DOL is proposing similar changes to the VEVRAA regulations. If these proposed changes become final, the 41 CFR part 60–30 regulations will be duplicative and unnecessary as they will be incorporated into 41 CFR parts 60–300 and 60–741. As such, DOL is also proposing to rescind 41 CFR part 60–30 using a delayed effective date.

DOL is also proposing to rescind the regulations at 41 CFR 60–741.42, which require contractors to invite applicants and employees to self-identify their disability status, as well as the utilization goal requirements at 41 CFR 60–741.45. The regulations at 41 CFR 60–741.45(a) require contractors to apply a seven percent utilization goal for employment of qualified individuals with disabilities to each of their job groups, or to their entire workforce if the contractor has 100 or fewer employees. The regulations also require covered contractors to conduct a utilization analysis, where they evaluate the representation of individuals with disabilities in each job group within their workforce (or across the entire workforce if they have 100 or fewer employees) with the seven percent utilization goal. 41 CFR 60–741.45(d). When the percentage is less than the utilization goal established, the contractor must take steps to determine whether and where impediments to

equal employment opportunity exist. 41 CFR 60–741.45(e). When making this determination, the contractor must assess its personnel processes, the effectiveness of its outreach and recruitment efforts, the results of its affirmative action program audit, and any other areas that might affect the success of its affirmative action program. *Id.*

While the Section 503 regulations state that the use of quotas is prohibited, contractors may, in practice, be induced to using quotas to meet the utilization goal. DOL has concerns that the self-identification and utilization goal regulations are inconsistent with the ADA. Section 60–741.45 sets out utilization goals for persons with disabilities, as well as requiring outreach and recruitment of individuals with disabilities. Inherent in any utilization goal, however, is the need for applicants with disabilities to identify their conditions to the employer. But the ADA is clear; an employer may not, prior to an offer of employment, make any disability-related inquiries, even if that inquiry is related to the job. 42 U.S.C. 12112(d)(2)(A). And even after an employee starts a job, an employer may make disability-related inquiries only if such inquiries are job-related and consistent with business necessity. 42 U.S.C. 12112(d)(4)(A).

OFCCP's previous reliance in the 2016 rulemaking on an August 8, 2013 letter provided by the U.S. Equal Employment Opportunity Commission (EEOC) Legal Counsel to the OFCCP Director does not reflect a binding view of the EEOC on the permissibility of inviting employment candidates to self-identify as individuals with disabilities under the ADA. That letter merely reflected the opinion of one legal officer at the EEOC over ten years ago. It was not issued by any EEOC Commissioner or voted on by the EEOC Commission. Moreover, in the ADA context, even a formal opinion letter issued by the EEOC is of limited authority. Unlike a Title VII EEOC opinion letter, EEOC ADA opinion letters cannot provide employers with a defense to liability. Thus, the 2013 letter reflects the opinion of one lawyer at the Commission and not the Commission itself as to whether this practice was permissible under the ADA.

Nothing in the statutory text of Section 503 requires use of a utilization goal. Given the coercive effect of the placement goals and the inducement on federal contractors to trespass the ADA's restrictions on pre-conditional job offer disability inquiries in order to avoid regulatory issues with DOL, DOL has determined that it is no longer

appropriate to seek a regulatory exception to what the ADA otherwise prohibits. The ADA expressly states that: “a covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability.” 42 U.S.C. 12112(d)(2)(A). This text says “shall not” make inquiries as to whether an applicant has a disability and does not include any exception for pre-employment offer inquiries about disability status as part of affirmative action requirements, regardless of whether or not disclosure by the applicant is voluntary. Where Congress wanted to create an exception to this text it knew how to do so and in fact did so in 42 U.S.C. 12112(d)(3). Moreover, to the extent that DOL or EEOC regulations had previously created an exception to this clear statutory command prohibiting pre-employment inquiries about disabilities for affirmative action-related purposes, that regulatory interpretation of the text is now unlikely to survive scrutiny under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2023).

Further, DOL is proposing to rescind 41 CFR 60–741.45 because the Section 503 utilization analysis required therein is dependent on the E.O. 11246 requirements, which no longer have the force of law. Specifically, the Section 503 regulations require contractors to conduct the utilization analysis using the same job groups established for their analyses under E.O. 11246. *See* 41 CFR 60–741.45(d)(2). However, with the revocation of E.O. 11246, contractors no longer conduct E.O. 11246 analyses. These changes have created confusion and uncertainty for covered contractors and have made the current regulatory framework for the Section 503 utilization analysis unworkable. DOL will not impose new requirements for conducting the Section 503 analyses, as doing so would be contrary to E.O. 14219, which directs Federal agencies to implement deregulatory measures and reduce undue burden on businesses. *See* E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” 90 FR 10583 (Feb. 25, 2025).

DOL also notes that the self-identification and utilization analysis requirements are not required by the Section 503 statute. *See* 29 U.S.C. 793. By rescinding these burdensome requirements, DOL would be fulfilling E.O. 14219’s mandate to rescind or modify regulations that are not authorized by clear statutory authority.

See E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” 90 FR 10583 (Feb. 25, 2025).

In addition to these changes, DOL also proposes to remove cross-references and language related to the self-identification requirement that are included in 41 CFR 60–741.23(c), 41 CFR 741.41, 41 CFR 741.44(f)(3), 41 CFR 60–741.44(k), 41 CFR 60–741.46(a)(2), 41 CFR 741.80(b), and Appendix A to Part 60–741, paragraph 2. With the rescission of 41 CFR 60–741.42, these provisions will no longer be applicable. DOL welcomes comments on these proposed changes, particularly comments on whether any form of data collection on an applicant or employee’s disability status could be maintained consistent with the ADA requirements at 42 U.S.C. 12112(d)(2)(A) and 42 U.S.C. 12112(d)(4)(A).

DOL is also proposing to remove a reference to 41 CFR part 60–3 that is included in 41 CFR 60–741.21(a)(7)(iii) and a reference to E.O. 11246 that is included in 41 CFR 741.46(d). DOL is proposing to remove these references because they are related to the revoked E.O. 11246 authority. DOL is also proposing to correct a typographical error in 41 CFR 741.46(d) (correcting the spelling of “Veterans”).

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DOL reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. To the extent that the proposed changes may result in cost savings for covered contractors, those cost savings would largely apply large contractors who meet the affirmative action program thresholds and are scheduled for compliance reviews (which impose additional reporting requirements). Therefore, DOL has concluded that the impacts of the proposed rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an FRFA is not warranted. DOL will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act (PRA)

The purpose of the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, includes minimizing the paperwork burden on affected entities. The PRA requires certain actions before an agency can adopt or revise a collection of information, including publishing for public comment a summary of the collection of information and a brief description of the need for and proposed use of the information.

As part of its continuing effort to reduce paperwork and respondent burden, DOL conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the

PRA. *See* 44 U.S.C. 3506(c)(2)(A). This activity helps to ensure that the public understands DOL’s collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and DOL can properly assess the impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless it is approved by the Office of Management and Budget (OMB) under the PRA and it displays a currently valid OMB control number. The public is also not required to respond to a collection of information unless it displays a currently valid OMB control number. In addition, notwithstanding any other provisions of law, no person will be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512).

This rulemaking potentially affects specific information collections, such as OMB Control Number 1250–0005, which includes the form contractors currently use to invite applicants and employees to self-identify their disability. Any changes to DOL’s collections will be communicated through an upcoming 60-day **Federal Register** Notice.

D. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

DOL has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O.

12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOL has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a) and (b). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing

any requirements that might significantly or uniquely affect them.

DOL examined this proposed rule according to UMRA and its statement of policy and determined that the proposed rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOL has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOL has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002). DOL has reviewed this proposed rule under the OMB guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Executive Order 13175

DOL has examined this proposed rule and determined that it does not have tribal implications under E.O. 13175 that would require a tribal summary impact statement. It does not “have substantial direct effects 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.”

K. Review Under Additional Executive Orders and Presidential Memoranda

As detailed above, DOL has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” and E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative.” This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 41 CFR Parts 60–30 and 60–741

Administrative practice and procedure, Civil rights, Employment, Equal employment opportunity, Government contracts, Government procurement, Individuals with disabilities, Investigations, Labor.

For the reasons set forth in the preamble, and under the authority of E.O. 14173 and 29 U.S.C. 793, as amended, DOL proposes to amend chapter 60 in title 41 of the Code of Federal Regulations by removing and reserving 41 CFR part 60–30 and by revising 41 CFR part 60–741, as set forth below:

PART 60–30 [REMOVED AND RESERVED]

- 1. Effective March 31, 2026, remove and reserve 41 CFR part 60–30.

PART 60–741—AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF FEDERAL CONTRACTORS AND SUBCONTRACTORS REGARDING INDIVIDUALS WITH DISABILITIES

- 2. The authority citation for part 60–741 continues to read as follows:

Authority: 29 U.S.C. 705 and 793; E.O. 11758 (3 CFR, 1971–1975 Comp., p. 841).

- 3. Revise § 60–741.21(a)(7)(iii) to read as follows:

§ 60–741.21 Prohibitions.

- (a) * * *
- (7) * * *
- (i) * * *
- (ii) * * *

(iii) The Uniform Guidelines on Employee Selection Procedures do not apply to the Rehabilitation Act and are similarly inapplicable to this part.

* * * * *

- 4. Revise § 60–741.23 to read as follows:

§ 60–741.23 Medical Examinations and Inquiries.

* * * * *

- (c) [Reserved]

(d) *Confidentiality and use of medical information.* (1) Information obtained under this section regarding the medical condition or history of any applicant or employee shall be collected and maintained on separate forms and in separate medical files and treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the applicant or employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials engaged in enforcing the laws administered by OFCCP, including this part, or enforcing the Americans with Disabilities Act, as amended, shall be provided relevant information on request.

(2) Information obtained under this section regarding the medical condition or history of any applicant or employee shall not be used for any purpose inconsistent with this part.

- 5. Revise § 60–741.41 to read as follows:

§ 60–741.41 Availability of affirmative action program.

The full affirmative action program shall be available to any employee or applicant for employment for inspection upon request. The location and hours during which the program may be obtained shall be posted at each establishment.

§ 60–741.42 [REMOVED AND RESERVED]

- 6. Remove and reserve § 60–741.42.

- 7. Amend § 60–741.44 by revising paragraph (f)(3) and paragraph (k) to read as follows:

§ 60–741.44 Required contents of affirmative action programs.

* * * * *

- (f) * * *

- (1) * * *

- (2) * * *

(3) *Assessment of external outreach and recruitment efforts.* The contractor shall, on an annual basis, review the outreach and recruitment efforts it has taken over the previous twelve months to evaluate their effectiveness in identifying and recruiting qualified individuals with disabilities. The contractor shall document each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and the

contractor's conclusion as to whether each effort was effective. The contractor's conclusion as to the effectiveness of its outreach efforts must be reasonable as determined by OFCCP in light of these regulations. If the contractor concludes the totality of its efforts were not effective in identifying and recruiting qualified individuals with disabilities, it shall identify and implement alternative efforts listed in paragraphs (f)(1) or (f)(2) of this section in order to fulfill its obligations.

(4) * * *

(g) * * *

(h) * * *

(i) * * *

(j) * * *

(k) [Reserved]

§ 60–741.45 [REMOVED AND RESERVED]

■ 8. Remove and reserve § 60–741.45.

■ 9. Amend § 60–741.46 by revising paragraph (a)(2) and paragraph (d) to read as follows:

§ 60–741.46 Voluntary affirmative action programs for employees with disabilities.

(a) * * *

(1) * * *

(2) [Reserved]

(b) * * *

(c) * * *

(d) These voluntary training and development programs should not result in discrimination against other groups and do not relieve a contractor from liability for discrimination under this act or the Vietnam Era Veterans' Readjustment Assistance Act.

■ 10. Revise § 60–741.65 to read as follows:

§ 60–741.65 Enforcement proceedings.

(a) *General.* (1) If a compliance evaluation, complaint investigation, or other review by OFCCP finds a violation of the act or this part, and the violation has not been corrected in accordance with the conciliation procedures in this part, or OFCCP determines that referral for consideration of formal enforcement (rather than settlement) is appropriate, OFCCP may refer the matter to the Solicitor of Labor with a recommendation for the institution of enforcement proceedings to enjoin the violations, to seek appropriate relief, and to impose appropriate sanctions, or any combination of these outcomes. OFCCP may seek back pay and other make whole relief for aggrieved individuals identified during a complaint investigation or compliance review. Such individuals need not have filed a complaint as a prerequisite to OFCCP seeking such relief on their behalf. Interest on back pay shall be calculated from the date of the loss and

compounded quarterly at the percentage rate established by the Internal Revenue Service (IRS) for the underpayment of taxes.

(2) In addition to the administrative proceedings set forth in this section, the Director may, within the limitations of applicable law, seek appropriate judicial action to enforce the contractual provisions set forth in § 60–741.5, including appropriate injunctive relief.

(b) *Hearing practice and procedure.* (1) In administrative enforcement proceedings the contractor shall be provided an opportunity for a formal hearing. All hearings conducted under the act and this part shall be governed by the regulations at 41 CFR 60–741.65(c) to (mm) and the Rules of Evidence set out in the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges contained in 29 CFR part 18, subpart B: *Provided*, That a final administrative order shall be issued within one year from the date of the issuance of the recommended findings, conclusions, and decision of the Administrative Law Judge, or the submission of any exceptions and responses to exceptions to such decision (if any) whichever is later.

(2) Complaints may be filed by the Solicitor, the Associate Solicitor for Civil Rights and Labor-Management, Regional Solicitors and Associate Regional Solicitors.

(3) [Reserved]

(c) *Applicability of rules of practice for administrative proceedings.*

The regulations at 41 CFR 60–741.65(c) to (mm) provide the rules of practice for all administrative proceedings that relate to the enforcement of Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended, including but not limited to proceedings instituted against contractors or subcontractors covered by 41 CFR part 60–741. In the absence of a specific provision, procedures shall be in accordance with the Federal Rules of Civil Procedure.

(d) *Waiver, modification.*

Upon notice to all parties, the Administrative Law Judge may, with respect to matters pending before him modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

(e) *Computation of time.*

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal

Government in which event it includes the next business day.

(f) *Form, filing, service of pleadings and papers.*

(1) *Form.* The original of all pleadings and papers in a proceeding conducted under the 41 CFR 60–741.65 regulations shall be filed with the Administrative Law Judge assigned to the case or with the Chief Administrative Law Judge if the case has not been assigned. Every pleading and paper filed in the proceeding shall contain a caption setting forth the name of the agency instituting the proceeding, the title of the action, the case file number assigned by the Administrative Law Judge, and a designation of the pleading or paper (e.g., complaint, motion to dismiss, etc.). The pleading or papers shall be signed and shall contain the address and telephone number of the person representing the party or the person on whose behalf the pleading or paper was filed. Unless otherwise ordered for good cause by the Administrative Law Judge regarding specific papers and pleadings in a specific case, all such papers and pleadings are public documents.

(2) *Service.* Service upon any party shall be made by the party filing the pleading or document in accordance with 29 CFR part 26. When a party is represented by an attorney, the service shall be upon the attorney.

(3) *Proof of service.* A certificate of the person serving the pleading or other document, setting forth the manner of service, shall be proof of the service.

(g) *Prehearing procedures:*

Administrative complaint.

(1) Filing. The Solicitor of Labor, Associate Solicitor for Labor Relations and Civil Rights Regional Solicitors and Regional Attorney upon referral from the Office of Federal Contract Compliance Programs, are authorized to institute enforcement proceedings by filing a complaint and serving the complaint upon the contractor which shall be designated as the defendant. The Department of Labor, OFCCP, as shall be designated on plaintiff.

(2) *Contents.* The complaint shall contain a concise jurisdictional statement, and a clear and concise statement sufficient to put the defendant on notice of the acts or practices it is alleged to have committed in violation of the order, the regulations, or its contractual obligations. The complaint shall also contain a prayer regarding the relief being sought, a statement of whatever sanctions the Government will seek to impose and the name and address of the attorney who will represent the Government.

(3) *Amendment.* The complaint may be amended once as a matter of course

before an answer is filed, and the defendant may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the complaint or of the answer to the complaint shall be made only by leave of the Administrative Law Judge or by written consent of the adverse party; and leave shall be freely given where justice so requires. An amended complaint shall be answered within 14 days of its service, or within the time for filing an answer to the original complaint, whichever period is longer. An amended answer shall be responded to within 14 days of its service.

(h) *Prehearing procedures: Answer.*

(1) *Filing and service.* Within 20 days after the service of the complaint, the defendant shall file an answer with the Chief Administrative Law Judge if the case has not been assigned to an Administrative Law Judge. The answer shall be signed by the defendant or its attorney and served on the Government in accordance with § 60–741.65(f)(2).

(2) *Contents; failure to file.* The answer shall (i) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the defendant is without knowledge, in which case the answer shall so state; or (ii) state that the defendant admits all the allegations of the complaint. The answer may contain a waiver of hearing; and if not, a separate paragraph in the answer shall request a hearing. The answer shall contain the name and address of the defendant, or of the attorney representing the defendant. Failure to file an answer or to plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(3) *Procedure, upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the Administrative Law Judge, without further hearing, may prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision and to file briefs in support of the exceptions.

(i) *Prehearing procedures: Notice of prehearing conference.*

The Administrative Law Judge shall respond to defendant's request for a hearing within 15 days and shall serve a notice of prehearing conference on the parties. The notice shall contain the time and place of the conference.

(j) *Prehearing procedures: Motions; disposition of motions.*

(1) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the Administrative Law Judge. If made before or after the hearing itself, the motions shall be in writing. If made at the hearing, motions may be stated orally; but the Administrative Law Judge may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Unless otherwise ordered by the Administrative Law Judge, written motions shall be accompanied by a supporting memorandum. Within 10 days after a written motion is served, or such other time period as may be fixed, any party may file a response to a motion.

(2) *Disposition of motions.* The Administrative Law Judge may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing, but may overrule or deny such motion without awaiting response: *Provided*, That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions.

(k) *Prehearing procedures: Interrogatories and admissions as to facts and documents.*

(1) *Interrogatories.* Not later than 25 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party written interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless objected to. Answers are to be signed by the person making them and objections by the attorney or by whoever is representing the party. Answers and objections shall be filed and served within 25 days of service of the interrogatory.

(2) *Admissions.* Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within 25 days after service, the party to whom the request is directed serves upon the requesting party a sworn statement

either (i) denying specifically the matter as to which an admission is requested, or (ii) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

(3) *Objections or failures to respond.* The party submitting the interrogatory or request may move for an order with respect to any objection or other failure to respond.

(l) *Prehearing procedures: Production of documents and things and entry upon land for inspection and other purposes.*

(1) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any unprivileged documents, phonorecords, and other compilations, including computer tapes and printouts which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(2) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and, which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(3) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(4) The party upon whom the request is served shall respond within 25 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

(m) *Prehearing procedures: Depositions upon oral examination.*

(1) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination. A party desiring to take a deposition shall

give reasonable notice in writing to every other party to the proceeding, and may use an administrative subpoena. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(2) *Production of witnesses; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Unless the parties agree otherwise, depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the Administrative Law Judge an objection within 5 days after notice of production of such witness is served, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(3) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, each party shall be permitted to examine and cross-examine the witness under oath upon any matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the

answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the Administrative Law Judge or the Administrative Law Judge rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided*, That the examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(4) *Subscription; certification; filing.* The testimony shall be reduced to typewriting, either by the officer taking the deposition or under his direction, and shall be submitted to the witness for examination and signing. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver the original copy of the transcript, together with his certificate, in person or by mail to the Administrative Law Judge. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges, unless distribution is restricted by order of the Administrative Law Judge for good cause shown.

(5) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the Administrative Law Judge, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice, in accordance with the following provisions:

(i) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(ii) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(iii) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the administrative law judge finds: (A) That the witness is dead; or (B) that the

witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (C) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (D) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(iv) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(6) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

(n) *Prehearing procedures: Prehearing conferences.*

(1) Upon his own motion or the motion of the parties, the Administrative Law Judge may direct the parties or their counsel to meet with him for a conference to consider:

(i) Simplification of the issues;

(ii) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(iii) Stipulations, admissions of fact and of contents and authenticity of documents;

(iv) Limitation of number of witnesses;

(v) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(vi) Such other matters as may tend to expedite the disposition of the proceedings.

(2) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

(o) *Prehearing procedures: Consent findings and order.*

(1) *General.* At any time after the issuance of a complaint and prior to or during the reception of evidence in any proceeding, the parties may jointly move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the Administrative Law Judge after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will

result in a just disposition of the issues involved.

(2) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(i) That the order shall have the same force and effect as an order made after full hearing;

(ii) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(iii) That any further procedural steps are waived; and

(iv) That any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement is waived.

(3) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(i) Submit the proposed agreement to the Administrative Law Judge for his consideration;

(ii) Inform the Administrative Law Judge that agreement cannot be reached.

(4) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed, the Administrative Law Judge, within 30 days, shall accept such agreement by issuing his decision based upon the agreed findings, and his decision shall constitute the final Administrative order.

(p) *Hearings and Related Matters: Designation of Administrative Law Judges.*

Hearings shall be held before an Administrative Law Judge of the Department of Labor who shall be designated by the Chief Administrative Law Judge of the Department of Labor. After commencement of the proceeding but prior to the designation of an Administrative Law Judge, pleadings and papers shall be filed with the Chief Administrative Law Judge.

(q) *Hearings and Related Matters: Authority and responsibilities of Administrative Law Judges.*

The Administrative Law Judge shall propose findings and conclusions to the Secretary on the basis of the record. In order to do so, he shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(1) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(2) Require parties to state their position with respect to the various issues in the proceeding;

(3) Require parties to produce for examination those relevant witnesses and documents under their control; and require parties to answer interrogatories and requests for admissions in full;

(4) Administer oaths;

(5) Rule on motions, and other procedural items or matters pending before him;

(6) Regulate the course of the hearing and conduct of participants therein;

(7) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(8) Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

(9) Fix time limits for submission of written documents in matters before him and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(10) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(i) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

(ii) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(iii) Expelling any party or person from further participation in the hearing;

(11) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(12) Recommend whether the respondent is in current violation of the order, regulations, or its contractual obligations, as well as the nature of the relief necessary to insure the full enjoyment of the rights secured by the order;

(13) Issue subpoenas; and

(14) Take any action authorized by these rules.

(r) *Hearings and Related Matters: Appearances.*

(1) Representation. The parties or other persons or organizations participating pursuant to 41 CFR 60–741.65 have the right to be represented by counsel.

(2) *Failure to appear.* In the event that a party appears at the hearing and no

party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the Administrative Law Judge. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's recommended decision and to file exceptions to it.

(s) *Hearings and Related Matters: Appearance of witnesses.*

(1) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice, which may be accomplished by an administrative subpoena, setting forth the time, date, and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the Administrative Law Judge and additional copies shall be served upon the opposing parties.

(2) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(3) The party or prospective witness may file an objection within 5 days after notice of production of such witness is served stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

(t) *Hearings and Related Matters: Rules of evidence.*

In any hearing, decision, or administrative review conducted pursuant to this part, all evidentiary matters shall be governed by Office of Administrative Law Judges' Rules of evidence at 29 CFR part 18, subpart B.

(u) *Hearings and Related Matters: Objections; exceptions; offer of proof.*

(1) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in

the record. Only objections made on the record may be relied upon subsequently in the proceedings.

(2) *Exceptions.* Formal exception to an adverse ruling is not required. Rulings by the Administrative Law Judge shall not be appealed prior to the transfer of the case to the Secretary, but shall be considered by the Secretary upon filing exceptions to the Administrative Law Judge's recommendations and conclusions.

(3) *Offer of proof.* An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

(v) *Hearings and Related Matters: Ex parte communications.*

The Administrative Law Judge shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision in the case, except as witness or counsel in the proceeding.

(w) *Hearings and Related Matters: Oral argument.*

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

(x) *Hearings and Related Matters: Official transcript.*

The official transcripts of testimony taken, together with any exhibits, briefs, or memorandums of law, shall be filed with the Administrative Law Judge. Transcripts of testimony may be obtained from the official reporter by the parties and the public as provided in section 11(a) of the Federal Advisory Committee Act (86 Stat. 770). Upon notice to all parties, the Administrative Law Judge may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

(y) *Hearings and Related Matters: Summary judgment.*

(1) *For the Government.* At any time after the expiration of 20 days from the commencement of the action, or after service of a motion for summary judgment by the respondent, the

Government may move with or without supporting affidavits for a summary judgment upon all claims or any part.

(2) *For defendant.* The defendant may, at any time after commencement of the action, move with or without supporting affidavits for summary judgment in its favor as to all claims or any part.

(3) *Other parties.* Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Government or respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(4) *Statement of uncontested facts.* All motions for summary judgment shall be accompanied by a "Statement of Uncontested Facts" in which the moving party sets forth all alleged uncontested material facts which shall provide the basis for its motion. At least 5 days prior to the time fixed for hearing on the motion, any party contending that any material fact regarding the matter covered by the motion is in dispute, shall file a "Statement of Disputed Facts." Failure to file a "Statement of Disputed Facts" shall be deemed as an admission to the "Statement of Uncontested Facts."

(5) *Motion and proceedings.* The motion shall be served upon all parties at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the complaint and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Summary judgment rendered for or against the Government or the respondent shall constitute the findings and recommendations on the issues involved. Hearings on motions made under this section shall be scheduled by the Administrative Law Judge.

(6) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the Administrative Law Judge at the hearing of the motion, by examining the notice and answer and the evidence before him and by interrogating counsel, shall, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in

controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

(z) *Hearings and Related Matters: Participation by interested persons.*

(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final Administrative order could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under this section shall file with the Administrative Law Judge and serve on all parties a petition within 25 days after the commencement of the action or at such other time as ordered by the Administrative Law Judge, so long as it does not disrupt the proceeding. Such petition shall concisely state: (i) Petitioner's interest in the proceedings; (ii) who will appear for petitioner; (iii) the issues on which petitioner wishes to participate; and (iv) whether petitioner intends to present witnesses.

(4) The Administrative Law Judge shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the Administrative Law Judge may request all such petitioners to designate a single representative to represent all such petitioners: Provided, That the representative of a labor organization qualifying to participate under paragraph (1) of the section must be permitted to participate in the proceedings. The Administrative Law Judge shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as *amicus curiae*. The Administrative Law Judge shall give written notice to each party of each petition granted.

(5) Any other interested person or organization wishing to participate as *amicus curiae* shall file a petition before the commencement of the final hearing with the Administrative Law Judge.

Such petition shall concisely state: (i) The petitioner's interest in the hearing; (ii) who will represent the petitioner; and (iii) the issues on which petitioner intends to present argument. The Administrative Law Judge may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this section.

(6) An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Administrative Law Judge. He may submit a written statement of position to the Administrative Law Judge prior to the beginning of a hearing and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and he shall serve a copy on each party.

(aa) Post-Hearing Procedures: Proposed findings of fact and conclusions of law.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Administrative Law Judge. Requests for additional time in which to file a brief shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

(bb) Post-Hearing Procedures: Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

(cc) Post-Hearing Procedures: Recommended decision.

Within a reasonable time after the filing of briefs, the Administrative Law Judge shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision, to the Administrative Review Board, United States Department of Labor, for a final Administrative order. The recommended findings, conclusions, and decision shall be served on all parties and amici to the proceeding.

(dd) Post-Hearing Procedures: Exceptions to recommended decisions.

Within 14 days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 14 days of their receipt by said parties. All exceptions and responses shall be filed with the Administrative Review Board, United States Department of Labor. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Administrative Review Board, United States Department of Labor, for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

(ee) Post-Hearing Procedures: Record.

After expiration of the time for filing briefs and exceptions, the Administrative Review Board, United States Department of Labor, shall make a decision, which shall be the Administrative order, on the basis of the record. The record shall consist of the record for recommended decision, the rulings and recommended decision of the Administrative Law Judge and the exceptions and briefs filed subsequent to the Administrative Law Judge's decision.

(ff) Post-Hearing Procedures: Administrative Order.

After expiration of the time for filing, the Administrative Review Board, United States Department of Labor, shall make a decision which shall be served on all parties. If the Administrative Review Board, United States Department of Labor, concludes that the defendant has violated Section 503, the equal opportunity clause, or the regulations, an Administrative Order shall be issued enjoining the violations, and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the immediate cancellation, termination, and suspension of the respondent's contracts and/or debarment of the respondent from further contracts.

(gg) Expedited Hearing Procedures: Expedited hearings—when appropriate.

Expedited Hearings may be used, *inter alia*, when a contractor or subcontractor has violated a conciliation agreement; has not adopted and implemented an acceptable affirmative action program; has refused to give access to or to supply records or other information as required by the equal

opportunity clause; or has refused to allow an on-site compliance review to be conducted.

(hh) Expedited Hearing Procedures: Administrative complaint and answer.

(1) Expedited hearings shall be commenced by filing an administrative complaint in accordance with 41 CFR 60–741.65(g). The complaint shall state that the hearing is subject to these expedited hearing procedures.

(2) The answer shall be filed in accordance with 41 CFR 741.65(h)(1) and (2).

(3) Failure to request a hearing within the 20 days provided by 41 CFR 60–741.65(h)(1) shall constitute a waiver of hearing, and all the material allegations of fact contained in the complaint shall be deemed to be admitted. If a hearing is not requested or is waived, within 25 days of the complaint's filing, the Administrative Law Judge shall adopt as findings of fact the material facts alleged in the complaint, and shall order the appropriate sanctions and/or penalties sought in the complaint. The Administrative Law Judge's findings and order shall constitute a final Administrative order, unless the Office of the Solicitor, U.S. Department of Labor, files exceptions to the findings and order within 10 days of receipt thereof. If the Office of the Solicitor, U.S. Department of Labor, files exceptions, the matter shall proceed in accordance with 41 CFR 60–741.65(l).

(4) If a request for a hearing is received within 20 days as provided by 41 CFR 60–741.65(h)(1), the hearing shall be convened within 45 days of receipt of the request and shall be completed within 15 days thereafter, unless more hearing time is required.

(ii) Discovery.

(1) Any party may serve requests for admissions in accordance with 41 CFR 60–741.65(k)(2) and (3).

(2) Witness lists and hearing exhibits will be exchanged at least 10 days in advance of the hearing.

(3) For good cause shown, and upon motion made in accordance with 41 CFR 60–741.65(j), the Administrative Law Judge may allow the taking of depositions. Other discovery will not be permitted.

(jj) Conduct of hearing.

(1) At the hearing, the Government shall be given an opportunity to demonstrate the basis for the request for sanctions and/or remedies, and the contractor shall be given an opportunity to show that the violation complained of did not occur and/or that good cause or good faith efforts excuse the alleged violations. Both parties shall be allowed to present evidence and argument and to cross-examine witnesses.

(2) The hearing shall be informal in nature, and the Administrative Law Judge shall not be bound by formal rules of evidence.

(kk) *Recommended decision after hearing.*

Within 15 days after the hearing is concluded, the Administrative Law Judge shall recommend findings, conclusions, and a decision. The Administrative Law Judge may permit the parties to file written post-hearing briefs within this time period, but the Administrative Law Judge's recommendations shall not be delayed pending receipt of such briefs. These recommendations shall be certified, together with the record, to the Administrative Review Board, United States Department of Labor, for a final Administrative order. The recommended decision shall be served on all parties and amici to the proceeding.

(ll) *Exceptions to recommendations.*

Within 10 days after receipt of the recommended findings, conclusions and decision, any party may submit exceptions to said recommendations. Exceptions may be responded to by other parties within 7 days after receipt by said parties of the exceptions. All exceptions and responses shall be filed with the Administrative Review Board, United States Department of Labor. Briefs or exceptions and responses shall be served simultaneously on all parties to the proceeding.

(mm) *Final Administrative Order.*

After expiration of the time for filing exceptions, the Administrative Review Board, United States Department of Labor, shall issue an Administrative Order which shall be served on all parties. Unless the Administrative Review Board, United States Department of Labor, issues an Administrative Order within 30 days after the expiration of the time for filing exceptions, the Administrative Law Judge's recommended decision shall become a final Administrative Order which shall become effective on the 31st day after expiration of the time for filing exceptions. Except as to specific time periods required in this subsection, 41 CFR 60-741.65(ff) shall be applicable to this section.

■ 11. Revise § 60-741.80 to read as follows:

§ 60-741.80 Recordkeeping.

(a) *General requirements.* Except as set forth in paragraph (b) of this section, any personnel or employment record made or kept by the contractor shall be preserved by the contractor for a period of two years from the date of the making of the record or the personnel action

involved, whichever occurs later. However, if the contractor has fewer than 150 employees or does not have a Government contract of at least \$150,000, the minimum record retention period shall be one year from the date of the making of the record or the personnel action involved, whichever occurs later, except as set forth in paragraph (b) of this section. Such records include, but are not necessarily limited to, records relating to requests for reasonable accommodation; the results of any physical examination; job advertisements and postings; applications and resumes; tests and test results; interview notes; and other records having to do with hiring, assignment, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of two years from the date of the termination, except that contractors that have fewer than 150 employees or that do not have a Government contract of at least \$150,000 shall keep such records for a period of one year from the date of the termination. Where the contractor has received notice that a complaint of discrimination has been filed, that a compliance evaluation has been initiated, or that an enforcement action has been commenced, the contractor must preserve all personnel records relevant to the complaint, compliance evaluation, or action until final disposition of the complaint, compliance evaluation or action. The term "personnel records relevant to the complaint, compliance evaluation, or action" will include, for example, personnel or employment records relating to the aggrieved person and to all other employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected.

(b) *Records with three-year retention requirement.* Records required by § 60-741.44(f)(4) shall be maintained by all contractors for a period of three years from the date of the making of the record.

(c) *Failure to preserve records.* Failure to preserve complete and accurate records as required by this part constitutes noncompliance with the contractor's obligations under the act and this part. Where the contractor has destroyed or failed to preserve records

as required by this section, there may be a presumption that the information destroyed or not preserved would have been unfavorable to the contractor: *Provided*, That this presumption shall not apply where the contractor shows that the destruction or failure to preserve records results from circumstances that are outside of the contractor's control.

■ 12. Amend Appendix A to Part 60-741 by revising paragraph 2 to read as follows:

Appendix A to Part 60-741—Guidelines on a Contractor's Duty To Provide Reasonable Accommodation

* * * * *

2. Although the contractor would not be expected to accommodate disabilities of which it is unaware, the contractor has an affirmative obligation to provide reasonable accommodation for applicants and employees of whose disabilities the contractor has actual knowledge. Section 60-741.44(d) provides that if an employee with a known disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the disability, the contractor is required to confidentially inquire whether the problem is disability related and if the employee is in need of a reasonable accommodation.

* * * * *

Dated: June 26, 2025.

Catherine Eschbach,
Director, Office of Federal Contract Compliance Programs.

[FR Doc. 2025-12233 Filed 6-30-25; 8:45 am]

BILLING CODE 4510-CM-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 327

[Docket Number MARAD-2025-0089]

RIN 2133-AC02

Deregulatory—Seamen's Claims; Administrative Action and Litigation

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking, request for comments.

SUMMARY: MARAD is proposing to revise its regulations pertaining to the filing of claims and the administrative allowance or disallowance of claims filed by officers or members of crew employed on vessels owned, operated, or chartered by MARAD. The rule is intended (1) to correct numerous citations in accordance with the

codification of Title 46 of the United States Code; (2) to improve accessibility by modernizing text and updating agency contact information; and (3) to remove obsolete references.

DATES: Comments should be filed on or before September 2, 2025. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2025–0089 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Search using the DOT Docket Number (see above) and follow the instructions for submitting comments.
- *Email:* Rulemakings.MARAD@dot.gov. Include the docket number in the subject line of the message.
- *Mail/Hand-Delivery/Courier:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. If you would like to know that your comments reached the facility, please enclose a stamped, self-addressed postcard or envelope. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on federal holidays.

Note: We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission. If you submit your inputs by mail or hand-delivery, they must be submitted in an unbound format, no larger than 8½ by 11 inches, single-sided, suitable for copying and electronic filing. All submissions received should include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking.

Instructions: All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the section entitled Public Participation.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Mitch Hudson, Office of the Chief Counsel, Division of Legislation and

Regulation, (202) 366–9373 or via email at Mitch.Hudson@dot.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question. You will receive a reply during normal business hours. You may send mail to Department of Transportation, Maritime Administration, Office of the Chief Counsel, Division of Legislation and Regulations, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

As required by 5 U.S.C. 553(b)(4), this document, including a summary of the rule, and all comments may be viewed online through the Federal eRulemaking portal at www.regulations.gov. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at: www.federalregister.gov.

Background

Improvement of regulations is a continuous focus for DOT and MARAD. For that reason, DOT/MARAD regularly and deliberately review their rules in accordance with DOT Order 2100.6B, Policies and Procedures for Rulemakings, Executive Order (E.O.) 12866, Regulatory Planning and Review (Oct. 4, 1993), and section 610 of the Regulatory Flexibility Act. That process is summarized in Appendix D of DOT's semi-annual regulatory agenda. In addition, E.O. 14192, Unleashing Prosperity Through Deregulation (Feb. 6, 2025), and E.O. 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative (Feb. 19, 2025), directed agencies to further scrutinize their regulations to reduce unnecessary costs, clear barriers to emerging technology, and alleviate unnecessary regulatory burdens.

Accordingly, MARAD has identified its Seamen's Claims regulations governing claims and administrative procedures for consideration. In this proposed rule, MARAD seeks comments to ensure that the program remains current, modern, and the least burdensome to the public. MARAD welcomes your comments to ensure that agency programs benefit from current and comprehensive best practices.

Public Participation

How long do I have to submit comments?

We are providing a 60-day comment period.

How do I prepare and submit comments?

To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.

Comments may be submitted to the docket electronically by logging onto the Docket Management System website at <http://www.regulations.gov>. Search using the docket number and follow the online instructions for submitting comments.

Please note that pursuant to the Data Quality Act, for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the Office of Management and Budget (OMB) and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at <http://www.whitehouse.gov/omb/fedreg/reproducible.html>. DOT's guidelines may be accessed at http://www.bts.gov/programs/statistical_policy_and_research/data_quality_guidelines.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

Will the agency consider late comments?

MARAD will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider in developing any follow-on action, we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The

hours of the Docket are indicated above in the same location. You may also see the comments on the internet. To read the comments on the internet, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, MARAD will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the docket for new material.

Section by Section Analysis

Section 327.1 Purpose.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.2 Statutory provisions.

MARAD is proposing to revise the statutory provisions for accuracy.

Section 327.3 Required claims submission.

MARAD is proposing to revise citations for accuracy.

Section 327.4 Claim requirements.

MARAD is proposing to make minor, non-substantive edits to this section for clarity and to improve accessibility.

Section 327.5 Filing claims.

MARAD is proposing to make minor, non-substantive edits to this section for clarity and to improve accessibility.

Section 327.6 Notice of allowance or disallowance.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.7 Administrative disallowance presumption.

MARAD is proposing to revise citations for accuracy.

Section 327.8 Court action.

MARAD is proposing to revise minor, non-substantive edits to this section for clarity.

Section 327.20 Admiralty Jurisdiction Extension Claims: Required claims.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.21 Definitions.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.22 Who may present claims.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.23 Insurance and other subrogated claims.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.24 Actions by claimant. MARAD is making contact information updates.

Section 327.25 Contents of claim.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.26 Evidence supporting a claim.

No change is being proposed.

Section 327.27 Proof of amount claimed for personal injury.

No change is being proposed.

Section 327.28 Proof of amount claimed for loss of, or damage to, property.

No change is being proposed.

Section 327.29 Effect of other payments to claimant.

No change is being proposed.

Section 327.30 Statute of limitations for AEA and claim requirements.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.31 Statute of limitations not tolled by administrative consideration of claims.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.32 Notice of claim acceptance or denial.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.33 Claim denial presumption.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.34 Court action.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.40 Other Admiralty claims.

MARAD is proposing to update citations for accuracy.

Section 327.41 Definitions.

No change is being proposed.

Section 327.42 Who may present claims.

No change is being proposed.

Section 327.43 Insurance and other subrogated claims.

No change is being proposed.

Section 327.44 Actions by claimant. MARAD is proposing to update contact information.

Section 327.45 Contents of a claim.

No change is being proposed.

Section 327.46 Evidence supporting a claim.

No change is being proposed.

Section 327.47 Proof of amount claimed for personal injury.

No change is being proposed.

Section 327.48 Proof of amount claimed for loss of, or damage to, property.

No change is being proposed.

Section 327.49 Effect of other payments to claimant.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.50 Statute of limitations for other admiralty claims and claim requirements.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.51 Statute of limitations not tolled by administrative consideration of claims.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Section 327.52 Notice of claim acceptance or denial.

MARAD is proposing to make minor, non-substantive edits to this section for clarity.

Rulemaking Analysis and Notices

Executive Orders 12866 and DOT Rulemaking Procedures

This rule is not a significant regulatory action under Executive Order (E.O.) 12866 and DOT Order 2100.6B and, therefore it was not reviewed by the Office of Management and Budget. It is also not considered a major rule for purposes of Congressional review under Public Law 104–121. This rule is limited to updating the citations, addresses, and modernizing text.

Executive Order 14192 (Deregulation)

E.O. 14192 requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.” Implementation guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 26, 2025), defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

Executive Order 13132 (Federalism)

MARAD analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”) and has determined that it has no substantial effect on the States, on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Nothing in this document preempts any State law or regulation. Therefore, MARAD did not consult with State and local officials on this rulemaking and did not prepare a Federalism summary impact statement.

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This rulemaking will not significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires MARAD to assess whether this rulemaking would have a significant economic impact on a substantial number of small entities and to minimize any adverse impact. The revisions to the regulations are only clerical and should result in no substantive change to the regulation. MARAD certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Privacy Impact Assessment

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Pub. L. 108–447, div. H, 118 Stat. 2809 at 3268) requires the Department of Transportation and certain other federal agencies to conduct a privacy impact assessment of each proposed rule that will affect the privacy of individuals.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 requires agencies to evaluate whether an agency action would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$206 million or more (as adjusted for inflation) in any 1 year, and if so, to take steps to minimize these unfunded mandates. This rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$206 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the

heading of this document can be used to cross-reference this action with the Unified Agenda.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a federal agency unless the collection displays a valid OMB control number. This rulemaking includes no new collection of information.

List of Subjects in 46 CFR Part 327

Administrative practice and procedure, claims, national defense, Seamen.

For the reasons described in the preamble, MARAD proposes to revise 46 CFR part 327 as set forth below:

PART 327—SEAMEN'S CLAIMS; ADMINISTRATIVE ACTION AND LITIGATION

Subpart A—Clarification Act Claims: Seamen's Claims; Administrative Action and Litigation.

Sec.

- 327.1 Purpose.
- 327.2 Statutory provisions.
- 327.3 Required claims submission.
- 327.4 Claim requirements.
- 327.5 Filing claims.
- 327.6 Notice of allowance or disallowance.
- 327.7 Administrative disallowance presumption.
- 327.8 Court action.

Subpart B—Admiralty Extension Act Claims; Administrative Action and Litigation

Sec.

- 327.20 Admiralty Jurisdiction Extension Claims: Required claims.
- 327.21 Definitions.
- 327.22 Presentation of claims.
- 327.23 Insurance and other subrogated claims.
- 327.24 Actions by claimant.
- 327.25 Contents of a claim.
- 327.26 Evidence supporting a claim.
- 327.27 Proof of amount claimed for personal injury.
- 327.28 Proof of amount claimed for loss of, or damage to, property.
- 327.29 Effect of other payments to claimant.
- 327.30 Statute of limitations for AEA and claim requirements.
- 327.31 Statute of limitations not tolled by administrative consideration of claims.
- 327.32 Notice of claim acceptance or denial.
- 327.33 Claim denial presumption.
- 327.34 Court action.

Subpart C—Other Admiralty Claims

Sec.

- 327.40 Other Admiralty claims.
- 327.41 Definitions.
- 327.42 Presentation of claims.
- 327.43 Insurance and other subrogated claims.
- 327.44 Actions by claimant.

- 327.45 Contents of a claim.
- 327.46 Evidence supporting a claim.
- 327.47 Proof of amount claimed for personal injury.
- 327.48 Proof of amount claimed for loss of, or damage to, property.
- 327.49 Effect of other payments to claimant.
- 327.50 Statute of limitations for other admiralty claims and claim requirements.
- 327.51 Statute of limitations not tolled by administrative consideration of claims.
- 327.52 Notice of claim acceptance or denial.

PART 327—SEAMEN'S CLAIMS; ADMINISTRATIVE ACTION AND LITIGATION

Authority: 46 U.S.C. Chapters 301–309, 49 CFR 1.93(b).

Subpart A—Clarification Act Claims: Seamen's Claims; Administrative Action and Litigation

§ 327.1 Purpose.

This part prescribes rules and regulations pertaining to the filing of claims designated in section 327.3 and the administrative allowance, or disallowance (actual and presumed), of such claims, in whole or in part, filed by officers and members of crews (hereafter referred to as “seamen”) employed on vessels owned, operated, or chartered by the Maritime Administration (MARAD), or successor.

§ 327.2 Statutory provisions.

These regulations are enacted to implement the administrative claims procedures set forth in 50 U.S.C.A. 4701(a).

§ 327.3 Required claims submission.

All claims specified in 50 U.S.C.A. 4701(a) must be submitted for administrative consideration, as provided in sections 327.4 and 327.5, prior to institution of court action thereon.

§ 327.4 Claim requirements.

(a) *Form.* The claim must be in writing, in any form, and must provide the following:

- (1) Designated as a claim,
 - (2) Disclose that the object sought is the administrative allowance of the claim,
 - (3) Comply with the requirements of this part, and
 - (4) Filed as provided in section 327.5.
- (5) The claim must be signed or attested to by the claimant. The statements made in the claim should be made to the best of the knowledge of the claimant and are subject to the provision of 18 U.S.C. 287 and 1001 and all other penalty provisions for making

false, fictitious, or fraudulent claims, statements or entries, or falsifying, concealing, or covering up a material fact in any matter within the jurisdiction of any department or agency of the United States.

(b) *Contents.* Each claim must include the following information:

(1) With respect to the seaman:

- (i) Name;
- (ii) Mailing address;
- (iii) Email address;
- (iv) Date of birth;
- (v) Legal residence address;
- (vi) Place of birth; and
- (vii) Merchant mariner license or document number and last four digits of the seaman's social security number.

(2) With respect to the basis for the claim:

- (i) Name of vessel on which the seaman was serving when the incident occurred that is the basis for the claim;
- (ii) Place where the incident occurred;
- (iii) Time of incident—year, month and day, and the precise time of day, to the minute, where possible;
- (iv) Narrative of the facts and circumstances surrounding the incident, including a statement explaining why the United States is liable for this claim;
- (v) Pictures, video recordings and other physical evidence related to the case and
- (vi) The names, addresses, and telephone numbers, if available, of others who can supply factual information about the incident and its consequences.

(3) A sum certain dollar amount of claim, which includes a total for all amounts sought. The claim must explain the amounts sought for:

- (i) Past loss of earnings or earning capacity;
- (ii) Future loss of earnings or earning capacity;
- (iii) Medical expenses paid out of pocket;
- (iv) Pain and suffering; and
- (v) Any other loss arising out of the incident (describe).

(4) All medical and clinical records of physicians and hospitals related to a seaman's claim for injury, illness, or death must be attached. If the claimant does not have a copy of each record, the claimant must identify every physician and hospital having records relating to the seaman and provide written authorization for MARAD to obtain all such records. The claim must also include the number of days the seaman worked as a merchant mariner and the earnings received for the current calendar year, as well as for the two preceding calendar years.

(5) If the claim does not involve a seaman's death, the following

information must be submitted with the claim:

- (i) Date the seaman signed a reemployment register as a merchant mariner;
- (ii) Copy of the medical fit-for-duty certificate issued to the seaman;
- (iii) Date and details of next employment as a seaman; and
- (iv) Date and details of next employment as other than a seaman.

(6) If the claim is for other than personal injury, illness or death, the claim must provide all supporting information concerning the nature and dollar amount of the loss.

§ 327.5 Filing claims.

(a) Claims may be filed by or on behalf of seamen or their surviving dependents or beneficiaries, or by their legal representatives.

(b) Claims may be filed either by personal delivery or by registered mail to the Maritime Administration, Attn: Marine Insurance, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

(c) A copy of each claim must be filed with the Ship Manager or General Agent of the vessel with respect to which such claim arose.

§ 327.6 Notice of allowance or disallowance.

MARAD will give prompt notice in writing of the allowance or disallowance of each claim, in whole or in part, by mail to the last known address of, by personal delivery, or by email to, the claimant or the claimant's legal representative. In the case of administrative disallowance, in whole or in part, such notice will contain a brief statement of the reason for such disallowance.

§ 327.7 Administrative disallowance presumption.

If MARAD fails to give written notice of allowance or disallowance of a claim in accordance with section 327.6 within sixty calendar days following the date of the receipt of such claim by the proper person designated in section 327.5, such claim will be presumed to have been "administratively disallowed," within the meaning in section 1(a) of 50 U.S.C.A. 4701(a).

§ 327.8 Court action.

No seamen, their surviving dependents and beneficiaries, or their legal representatives may institute a court action unless such claim has been prepared and filed in accordance with sections 327.4 and 327.5 and was administratively disallowed in accordance with section 327.6 or section 327.7.

Subpart B—Admiralty Extension Act Claims; Administrative Action and Litigation

§ 327.20 Admiralty Jurisdiction Extension Claims: Required claims.

(a) Pursuant to 46 U.S.C. 30101(c) of the Admiralty Extension Act (AEA), administrative claims involving the extension of admiralty jurisdiction to cases of damage or injury on land caused by a MARAD vessel on navigable waters must be presented in writing to MARAD in accordance with sections 327.20 through 327.34 prior to institution of a court action thereon.

(b) A civil action against the United States for injury or damage done or consummated on land by a vessel on navigable waters may not be brought until the earlier occurrence of either the denial of the claim by MARAD or the presumptive denial of the claim which arises 6 months after the claim has been presented in writing to MARAD. 46 U.S.C. 30101(c)(2). Note that the six month period of review will not begin until a valid claim is filed pursuant to section 327.25.

(c) Proceedings against the United States pursuant to the requirements of the AEA and these regulations is the exclusive remedy available against the United States of America, acting by and through MARAD, with respect to such injuries and damages.

§ 327.21 Definitions.

The following definitions apply to this subpart:

(a) *Accrual date.* The day on which the alleged wrongful act or omission results in injury or damage for which a claim is made.

(b) *Claim.* A written notification of an incident, signed by the claimant, describing the incident, and explaining why the United States is liable.

§ 327.22 Presentation of claims.

(a) A claim for property loss or damage may be presented by anyone having an interest in the property, including an insurer or other subrogee.

(b) A claim for personal injury may be presented by the person injured.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or any other person legally entitled to assert such a claim under local law. The claimant's status must be stated in the claim.

(d) A claim for medical, hospital, or burial expenses may be presented by any person who by reason of family relationship has, in fact, incurred the expenses.

(e) A joint claim must be presented in the names of and signed by, the joint

claimants, and the settlement will be made payable to the joint claimants.

(f) A claim may be presented by a duly authorized agent, legal representative, or survivor, if it is presented in the name of the claimant. If the claim is not signed by the claimant, the agent, legal representative, or survivor must indicate their title or legal capacity and provide evidence of their authority to present the claim.

(g) Where the same claimant has a claim for damage to or loss of property and a claim for personal injury or a claim based on death arising out of the same incident, they must be combined into one claim.

§ 327.23 Insurance and other subrogated claims.

(a) The claims of an insured (subrogor) and an insurer (subrogee) for damages arising out of the same incident constitute a single claim.

(b) An insured (subrogor) and an insurer (subrogee) may file a claim jointly or separately. If the insurer has fully reimbursed the insured, payment will only be made to the insurer. If separate claims are filed, the settlement will be made payable to each claimant to the extent of that claimant's undisputed interest. If joint claims are filed, the settlement will be sent to the insurer.

(c) Each claimant must include with a claim, a written disclosure concerning insurance coverage including:

- (1) The names and addresses of all insurers;
- (2) The kind and amount of insurance;
- (3) The policy number;
- (4) Whether a claim has been or will be presented to an insurer, and, if so, the amount of that claim; and whether the insurer has paid the claim in whole or in part, or has indicated payment will be made.

(d) Each subrogee must substantiate an interest or right to file a claim by appropriate documentary evidence and support the claim as to liability and measure of damages in the same manner as required of any other claimant. Documentary evidence of payment to a subrogor does not constitute evidence of liability of the United States or conclusive evidence of the amount of damages. MARAD will make an independent determination on the issues of fact and law based upon the evidence of record.

§ 327.24 Actions by claimant.

(a) *Form of claim.* The claim must meet the requirements of this section.

(b) *Presentation.* The claim must be presented in writing to the Maritime Administration, Attn: Marine Insurance,

1200 New Jersey Avenue SE, Washington, DC 20590-0001.

§ 327.25 Contents of a claim.

(a) A valid claim will contain the following:

(1) Identification of MARAD as the agency whose act or omission gave rise to the claim;

(2) The full name, mailing address, and email address of the claimant. If the mailing address is not claimant's residence, the claimant must also include a residence address;

(3) The date, time, and place of the incident giving rise to the claim;

(4) The amount claimed, in a sum certain, supported by independent evidence of property damage or loss, personal injury, or death, as applicable together with supporting medical records and a HIPPA compliant medical waiver for each treating physician or hospital;

(5) A detailed description of the incident giving rise to the claim and the factual basis upon which it is claimed MARAD is liable for the claim;

(6) A description of any property damage or loss, including the identity of the owner, if other than the claimant, as applicable;

(7) The nature and extent of the injury, as applicable;

(8) The full name, title, if any, and address of any witness to the incident and a brief statement of the witness' knowledge of the incident;

(9) A description of any insurance carried by the claimant or owner of the property and the status of any insurance claim arising from the incident; and

(10) An agreement by the claimant to accept the total amount claimed in full satisfaction and final settlement of the claim, lien or subrogation claim on the claimed amount, or any assignment of the claim.

(b) A claimant or duly authorized agent or legal representative must sign in ink a claim and any amendment to that claim. The claim must include a statement that the information provided is true and correct to the best of the claimant's knowledge, information, and belief. If the person's signature does not include the first name, middle initial, if any, and surname, that information must be included in the claim. A married woman must sign her claim in her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

§ 327.26 Evidence supporting a claim.

(a) The claimant must present any evidence in the claimant's possession that supports the claim. This evidence must include, if available, statements of witnesses, accident or casualty reports, photographs, and drawings.

(b) Notwithstanding anything in the regulations in this part, the claimant must provide such additional reasonable documents and evidence as requested by MARAD with respect to the claim. Failure to respond to reasonable requests for additional information and documentation can result in a determination that a valid claim has not been submitted.

§ 327.27 Proof of amount claimed for personal injury.

The following evidence must be presented when appropriate in claims:

(a) Itemized medical, hospital, and burial bills.

(b) A written report by the attending physician including:

(1) The nature and extent of the injury and the treatment;

(2) The necessity and reasonableness of the various medical expenses incurred;

(3) Duration of time injuries prevented or limited employment;

(4) Past, present, and future limitations on employment;

(5) Duration and extent of pain and suffering and of any disability or physical disfigurement;

(6) A current prognosis;

(7) Any anticipated medical expenses;

(8) Any past medical history of the claimant relevant to the injury alleged; and

(9) If required by MARAD, an examination by an independent medical facility or physician to provide independent medical evidence against which to evaluate the written report of the claimant's physician. If MARAD determines the need for this examination, it will make mutually convenient arrangements for such an examination and will bear the costs thereof.

(c) All hospital records or other medical documents from either this injury or any relevant past injury.

(d) If the claimant is employed, a written statement by the claimant's employer certifying the claimant's:

(1) Age;

(2) Occupation;

(3) Hours of employment;

(4) Hourly rate of pay or weekly salary;

(5) Time lost from work because of the incident; and

(6) Claimant's actual period of employment, full-time or part-time, and any effect of the injury upon such employment to support claims for lost earnings.

(e) If the claimant is self-employed, written statements, or other evidence showing:

(1) The amount of earnings actually lost; and

(2) The federal tax return if filed for the three previous years.

(f) If the claim arises out of injuries to a person providing services to the claimant, statement of the cost necessarily incurred to replace the services to which claimant is entitled under law.

§ 327.28 Proof of amount claimed for loss of, or damage to, property.

The following evidence must be presented when appropriate:

(a) For each lost item, evidence of its value such as a bill of sale and a written appraisal, or two written appraisals, from separate disinterested dealers or brokers, market quotations, commercial catalogs, or other evidence of the price at which like property can be obtained in the community. MARAD may waive these requirements when circumstances warrant. The reasonable cost of any appraisal may be included as an element of damage if not deductible from any bill submitted to claimant.

(b) For each damaged item which can be economically repaired, evidence of cost of repairs such as a receipted bill and one estimate, or two estimates, from separate disinterested repairmen. MARAD may waive these requirements when circumstances warrant. The reasonable cost of any estimate may be included as an element of damage if not deductible from any repair bill submitted to claimant.

(c) For any claim for property damage which may result in payment in excess of \$20,000.00, a survey or appraisal must be performed as soon as practicable after the damage accrues, and, unless waived in writing, be performed jointly with a government representative.

(d) If the item is so severely damaged that it cannot be economically repaired or used, it must be treated as a lost item.

(e) If a claim includes loss of earnings or use during repairs to the damaged property, the following must also be furnished and supported by competent evidence:

(1) The date the property was damaged;

(2) The name and location of the repair facility;

(3) The beginning and ending dates of repairs and an explanation of any delay between the date of damage and the beginning date;

(4) A complete description of all repairs performed, segregating any work performed for the owner's account and not attributable to the incident involved, and the costs thereof;

(5) The date and place the property was returned to service after completion of repairs, and an explanation, if applicable, of any delay;

(6) Whether or not a substitute for the damaged property was available. If a substitute was used by the claimant during the time of repair, an explanation of the necessity of using the substitute, how it was used, and for how long, and the costs involved. Any costs incurred that would have been similarly incurred by the claimant in using the damaged property must be identified;

(7) Whether or not during the course of undergoing repairs the property would have been used, and an explanation submitted showing the identity of the person who offered that use, the terms of the offer, time of prospective service, and rate of compensation; and

(8) If at the time of damage, the property was under charter or hire, or was otherwise employed, or would have been employed, the claimant must submit a statement of operating expenses that were, or would have been, incurred. This statement must include wages and all bonuses which would have been paid, the value of fuel and the value of consumable stores, separately stated, which would have been consumed, and all other costs of operation which would have been incurred including, but not limited to, license and parking fees, personnel expenses, harbor fees, wharfage, dockage, shedding, stevedoring, towage, pilotage, inspection, tolls, lockage, anchorage and moorage, grain elevation, storage, and customs fees.

(f) For each item which is lost, actual or constructive, proof of ownership.

§ 327.29 Effect of other payments to claimant.

The total amount to which the claimant may be entitled is normally computed as follows:

(a) The total amount of the loss, damage, or personal injury suffered for which the United States is liable, less any payment the claimant has received from the following sources:

(1) The military member or civilian employee who caused the incident;

(2) The military member's or civilian employee's insurer; and

(3) Any joint tort-feasor or insurer.

(b) No deduction is generally made for any payment the claimant has received by way of voluntary contributions, such as donations of charitable organizations.

§ 327.30 Statute of limitations for AEA and claim requirements.

A civil suit must be filed within two years of the Accrual Date. No civil suit may be brought until the earlier occurrence of either the denial of a claim or the presumptive denial of the claim after six months from the date the

claim was properly presented in writing to MARAD.

§ 327.31 Statute of limitations not tolled by administrative consideration of claims.

The statute of limitations for filing a civil action under 46 U.S.C. 30101(b) is not tolled by MARAD's administrative consideration of a claim.

§ 327.32 Notice of claim acceptance or denial.

MARAD will give prompt notice in writing of the acceptance or denial of each claim in whole or in part, by mail to the last known address of, by personal delivery to, or by email to the claimant or the claimant's legal representative. In the case of denial, such notice will contain a brief statement of the reason for such a denial.

§ 327.33 Claim denial presumption.

If MARAD fails to give written notice of acceptance or denial of a claim in accordance with section 327.30 within six months following the date of receipt of such a claim by the proper person designated in section 327.24(b), such claim will be presumed to have been denied by MARAD.

§ 327.34 Court action.

No person, surviving dependent or beneficiary, or legal representative, having a claim specified under 46 U.S.C. 30101(a) against MARAD, may institute a court action against MARAD unless an administrative claim has previously been properly presented and filed in accordance with sections 327.22, 327.23, and 327.24, and such administrative claim has been subsequently denied in accordance with section 327.32 or section 327.33.

Subpart C—Other Admiralty Claims

§ 327.40 Other Admiralty claims.

(a) Admiralty claims caused by United States owned and operated vessels on navigable waters or otherwise that are not covered under the Clarification Act (50 U.S.C.A. 4701(a)), the Admiralty Extension Act (46 U.S.C. 30101) or the Contracts Disputes Act (41 U.S.C. 601 *et seq.*) may be filed with MARAD in accordance with sections 327.40 through 327.52.

(b) A civil action against the United States for admiralty claims caused by United States owned and operated vessels on navigable waters or otherwise that are not covered under the Clarification Act (50 U.S.C.A. 4701(a)), the Admiralty Extension Act (46 U.S.C. 30101) or the Contracts Disputes Act (41 U.S.C. 601 *et seq.*) may be brought without the filing of an administrative

claim. This Part III sets forth the optional procedure for filing such claims with MARAD in advance of litigation. Once litigation is filed, the authority to handle such claims is vested with the Justice Department, not the agency.

(c) Proceeding against the United States pursuant to the requirements this Part III is not a requirement for filing suit against the United States of America, acting by and through MARAD, with respect to such admiralty claims.

§ 327.41 Definitions.

The following definitions apply to this subpart:

(a) *Accrual date.* The day on which the alleged wrongful act or omission results in injury or damage for which a claim is made.

(b) *Claim.* A written notification of an incident, signed by the claimant, describing the incident, and explaining why the United States is liable. The claim must be accompanied by a demand for the payment of a sum certain of money, with a statement as to how that sum certain was calculated and all documents supporting the amount claimed. Where damages for medical injuries are made, the doctor's statement relating the injuries to the accident should be attached as well as medical release forms for each treating physician, hospital, and medical care provider.

§ 327.42 Presentation of claims.

(a) A claim for property loss or damage may be presented by anyone having an interest in the property, including an insurer or other subrogee.

(b) A claim for personal injury may be presented by the person injured.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or any other person legally entitled to assert such a claim under local law. The claimant's status must be stated in the claim.

(d) A claim for medical, hospital, or burial expenses may be presented by any person who by reason of family relationship has, in fact, incurred the expenses.

(e) A joint claim must be presented in the names of and signed by, the joint claimants, and the settlement must be made payable to the joint claimants.

(f) A claim may be presented by a duly authorized agent, legal representative, or survivor, if it is presented in the name of the claimant. If the claim is not signed by the claimant, the agent, legal representative, or survivor must indicate their title or

legal capacity and provide evidence of their authority to present the claim.

(g) Where the same claimant has a claim for damage to or loss of property and a claim for personal injury or a claim based on death arising out of the same incident, they must be combined in one claim.

§ 327.43 Insurance and other subrogated claims.

(a) The claims of an insured (subrogor) and an insurer (subrogee) for damages arising out of the same incident constitute a single claim.

(b) An insured (subrogor) and an insurer (subrogee) may file a claim jointly or separately. If the insurer has fully reimbursed the insured, payment will only be made to the insurer. If separate claims are filed, the settlement will be made payable to each claimant to the extent of that claimant's undisputed interest. If joint claims are filed, the settlement will be sent to the insurer.

(c) Each claimant must include with a claim, a written disclosure concerning insurance coverage including:

- (1) The names and addresses of all insurers;
- (2) The kind and amount of insurance;
- (3) The policy number; and
- (4) Whether a claim has been or will be presented to an insurer, and, if so, the amount of that claim; and whether the insurer has paid the claim in whole or in part, or has indicated payment will be made.

(d) Each subrogee must substantiate an interest or right to file a claim by appropriate documentary evidence and support the claim as to liability and measure of damages in the same manner as required of any other claimant. Documentary evidence of payment to a subrogor does not constitute evidence of liability of the United States or conclusive evidence of the amount of damages. MARAD will make an independent determination on the issues of fact and law based upon the evidence of record.

§ 327.44 Actions by claimant.

(a) *Form of claim.* The claim should meet the requirements of section 327.44.

(b) *Presentation.* The claim must be presented in writing to the Maritime Administration, Attn: Marine Insurance, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

§ 327.45 Contents of a claim.

(a) A properly filed claim must include the following, however, any of the following requirements may be waived by MARAD:

(1) Identification of MARAD as the agency whose act or omission gave rise to the claim;

(2) The full name, mailing address, and email address of the claimant. If this mailing address is not claimant's residence, the claimant must also include a residence address;

(3) The date, time, and place of the incident giving rise to the claim;

(4) The amount claimed, in a sum certain, supported by independent evidence of property damage or loss, personal injury, or death, as applicable together with supporting medical records and a HIPPA compliant medical waiver for each treating physician, hospital, or medical provider;

(5) A detailed description of the incident giving rise to the claim and the factual basis upon which it is claimed the United States is liable for the claim;

(6) A description of any property damage or loss, including the identity of the owner, if other than the claimant, as applicable;

(7) The nature and extent of the injury, as applicable;

(8) The full name, title, if any, and address of any witness to the incident and a brief statement of the witness' knowledge of the incident;

(9) A description of any insurance carried by the claimant or owner of the property and the status of any insurance claim arising from the incident; and

(10) An agreement by the claimant to accept the total amount claimed in full satisfaction and final settlement of the claim, lien, or subrogation claim on the claimed amount, or any assignment of the claim.

(b) A claimant or duly authorized agent or legal representative must sign in ink a claim and any amendment to that claim. The claim must include a statement that the information provided is true and correct to the best of the claimant's knowledge, information, and belief. If the person's signature does not include the first name, middle initial, if any, and surname, that information must be included in the claim. A married woman must sign her claim in her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

§ 327.46 Evidence supporting a claim.

(a) The claimant should present any evidence in the claimant's possession that supports the claim. This evidence must include, if available, statements of witnesses, accident or casualty reports, photographs, and drawings.

Notwithstanding anything in the regulations in this subpart, the claimant must provide such additional documents and evidence as requested by MARAD with respect to the claim.

Failure to respond to reasonable requests for additional information and documentation can result in a determination that a proper claim has not been submitted.

§ 327.47 Proof of amount claimed for personal injury.

The following evidence must be presented when appropriate in claims:

- (a) Itemized medical, hospital, and burial bills.
- (b) A written report by the attending physician including:
 - (1) The nature and extent of the injury and the treatment;
 - (2) The necessity and reasonableness of the various medical expenses incurred;
 - (3) Duration of time injuries prevented or limited employment;
 - (4) Past, present, and future limitations on employment;
 - (5) Duration and extent of pain and suffering and of any disability or physical disfigurement;
 - (6) A current prognosis;
 - (7) Any anticipated medical expenses;
 - (8) Any past medical history of the claimant relevant to the injury alleged; and
 - (9) At the request of MARAD, an examination by an independent medical facility or physician may be required to provide independent medical evidence against which to evaluate the written report of the claimant's physician. If MARAD determines the need for this examination, it will make mutually convenient arrangements for such an examination and bears the costs thereof.
- (c) All hospital records or other medical documents from either this injury or any relevant past injury.
- (d) If the claimant is employed, a written statement by the claimant's employer certifying the claimant's:
 - (1) Age;
 - (2) Occupation;
 - (3) Hours of employment;
 - (4) Hourly rate of pay or weekly salary;
 - (5) Time lost from work because of the incident; and
 - (6) Claimant's actual period of employment, full-time or part-time, and any effect of the injury upon such employment to support claims for lost earnings.
- (e) If the claimant is self-employed, written statements, or other evidence showing:
 - (1) The amount of earnings actually lost, and
 - (2) The federal tax return, if filed, for the three previous years.
- (f) If the claim arises out of injuries to a person providing services to the claimant, statement of the cost

necessarily incurred to replace the services to which claimant is entitled under law.

§ 327.48 Proof of amount claimed for loss of, or damage to, property.

The following evidence should be presented when appropriate:

- (a) For each lost item, evidence of its value such as a bill of sale and a written appraisal, or two written appraisals, from separate disinterested dealers or brokers, market quotations, commercial catalogs, or other evidence of the price at which like property can be obtained in the community. MARAD may waive these requirements when circumstances warrant. The reasonable cost of any appraisal may be included as an element of damage if not deductible from any bill submitted to claimant.
- (b) For each damaged item which can be economically repaired, evidence of cost of repairs such as a receipted bill and one estimate, or two estimates, from separate disinterested repairmen. MARAD may waive these requirements when circumstances warrant. The reasonable cost of any estimate may be included as an element of damage if not deductible from any repair bill submitted to claimant.
- (c) For any claim which may result in payment in excess of \$20,000.00, a survey or appraisal shall be performed as soon as practicable after the damage accrues, and, unless waived in writing, must be performed jointly with a government representative.
- (d) If the item is so severely damaged that it cannot be economically repaired or used, it must be treated as a lost item.
- (e) If a claim includes loss of earnings or use during repairs to the damaged property, the following must also be furnished and supported by competent evidence:
 - (1) The date the property was damaged;
 - (2) The name and location of the repair facility;
 - (3) The beginning and ending dates of repairs and an explanation of any delay between the date of damage and the beginning date;
 - (4) A complete description of all repairs performed, segregating any work performed for the owner's account and not attributable to the incident involved, and the costs thereof;
 - (5) The date and place the property was returned to service after completion of repairs, and an explanation, if applicable, of any delay;
 - (6) Whether or not a substitute for the damaged property was available. If a substitute was used by the claimant during the time of repair, an explanation of the necessity of using the substitute,

how it was used, and for how long, and the costs involved. Any costs incurred that would have been similarly incurred by the claimant in using the damaged property must be identified;

(7) Whether or not during the course of undergoing repairs the property would have been used, and an explanation submitted showing the identity of the person who offered that use, the terms of the offer, time of prospective service, and rate of compensation; and

(8) If at the time of damage, the property was under charter or hire, or was otherwise employed, or would have been employed, the claimant must submit a statement of operating expenses that were, or would have been, incurred. This statement must include wages and all bonuses which would have been paid, the value of fuel and the value of consumable stores, separately stated, which would have been consumed, and all other costs of operation which would have been incurred including, but not limited to, license and parking fees, personnel expenses, harbor fees, wharfage, dockage, shedding, stevedoring, towage, pilotage, inspection, tolls, lockage, anchorage and moorage, grain elevation, storage, and customs fees.

(f) For each item which is lost, actual or constructive, proof of ownership.

§ 327.49 Effect of other payments to claimant.

The total amount to which the claimant may be entitled is normally computed as follows:

(a) The total amount of the loss, damage, or personal injury suffered for which the United States is liable, less any payment the claimant has received from the following sources:

- (1) The military member or civilian employee who caused the incident;
 - (2) The military member's or civilian employee's insurer; and
 - (3) Any joint tort-feasor or insurer.
- (b) No deduction is generally made for any payment the claimant has received by way of voluntary contributions, such as donations of charitable organizations.

§ 327.50 Statute of limitations for other admiralty claims and claim requirements.

A civil suit must be filed within the statute of limitations of the specific admiralty claim. The start date for such statute of limitations determinations must be the Accrual Date.

§ 327.51 Statute of limitations not tolled by administrative consideration of claims.

The statute of limitations for filing a civil action under 46 U.S.C. 30101(b) is not tolled by the MARAD's administrative consideration of a claim.

§ 327.52 Notice of claim acceptance or denial.

MARAD will give prompt notice in writing of the acceptance or denial of each claim in whole or in part, by mail to the last known address of, or by personal delivery to, the claimant or the claimant's legal representative. In the case of denial, such notice will contain a brief statement of the reason for such a denial.

By order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025–12119 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION**Maritime Administration****46 CFR Part 355**

[Docket Number MARAD–2025–0087]

RIN 2133–AB90

Deregulatory-Establishing United States Citizenship for MARAD Program Participation; Simplifying the Application Process

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking, request for comments.

SUMMARY: On May 1, 2019, MARAD published in the **Federal Register** an Advanced Notice of Proposed Rulemaking (ANPRM), titled “How to Best Evidence Corporate Citizenship: Policy and Regulatory Review,” soliciting public comment on steps MARAD could take to simplify and modernize the process for evidencing U.S. citizenship. Consistent with the comments MARAD received, the proposed rule would simplify and modernize the process for establishing United States citizenship of corporations and other business formations participating in MARAD programs. In the interest of minimizing the unnecessary disclosure of personally identifiable information, the proposed rule would also eliminate the requirement to provide dates and places of birth of corporate executives, directors, and stock owners as required in the current form of affidavit of citizenship. The proposed rule would also amend the form of affidavit with respect to publicly traded entities by eliminating the requirement to provide certain information regarding registered owners of stock, eliminate the notarization requirement, and provide a

simple and streamlined process for recertification.

DATES: Comments should be filed on or before September 2, 2025. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2025–0087 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search using the DOT Docket Number (see above) and follow the instructions for submitting comments.
- **Email:** Rulemakings.MARAD@dot.gov. Include the DOT Docket Number in the subject line of the message and provide your comments in the body of the email or as an attachment.

- **Mail or Hand Delivery:** The Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on federal holidays.

Note: We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission. If you submit your inputs by mail or hand-delivery, they must be submitted in an unbound format, no larger than 8½ by 11 inches, single-sided, suitable for copying and electronic filing. All submissions received should include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking.

Instructions: All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the section entitled Public Participation.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Michael C. Pucci, Office of the Chief Counsel, Division of Maritime Programs,

(202) 366–5167 or via email at Michael.Pucci@dot.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question. You will receive a reply during normal business hours. You may send mail to Department of Transportation, Maritime Administration, Office of the Chief Counsel, Division of Legislation and Regulations, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:**Electronic Access and Filing**

As required by 5 U.S.C. 553(b)(4), this document, including a summary of the rule, and all comments may be viewed online through the Federal eRulemaking portal at www.regulations.gov. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at: www.federalregister.gov.

Background

On May 1, 2019, MARAD published an Advanced Notice of Proposed Rulemaking (ANPRM), titled “How to Best Evidence Corporate Citizenship: Policy and Regulatory Review,” in the **Federal Register** (84 FR 18468) soliciting public comment on steps MARAD could take to simplify and modernize the process for evidencing U.S. citizenship in order to reduce the regulatory burden for parties participating directly, or indirectly through corporate ownership, in MARAD's maritime programs. MARAD has developed this NPRM by incorporating many of the comments and recommendations we received. MARAD welcomes your comments to ensure that agency programs benefit from current and comprehensive best practices.

Scope of Comments

MARAD is interested in learning how it could reduce or remove regulatory burdens on the public. Accordingly, commenters may want to focus on the following: (1) recognition of modern business forms in addition to corporations (e.g., limited liability companies and limited partnerships) and modern securities ownership practices (e.g., street name securities); (2) aligning with current best business practices; (3) reducing the cost of compliance; and (4) revising the corporate citizenship affidavit.

Content of Comments

MARAD is interested in information on how any changes to 46 CFR part 355 could impact small businesses, either positively or negatively. In describing a burden placed on your organization by our regulations or potential changes to the regulations, direct experience and quantifiable data are more useful than anecdotal descriptions. Likewise, if the commenter believes that there is a less burdensome alternative, the commenter should describe that alternative in detail.

Discussion of Comments Received on the ANPRM

In response to the agency's ANPRM seeking public comment on ways to simplify annual requirements to evidence corporate citizenship, MARAD received one comment from The Maritime Law Association of the United States (MLA), which included several recommendations developed by the MLA's standing committee on Marine Financing. The agency responds to the MLA's recommendations as follows:

The MLA first recommended MARAD consider regulatory changes to make compliance more efficient and assured by eliminating the inclusion of birth dates and places of birth on the form of affidavit of U.S. citizenship.

MARAD agrees. Inclusion of this information in the affidavit of U.S. citizenship does not significantly improve U.S. citizenship certainty and creates an unnecessary risk of release of personally identifiable information. In any instance of doubt, MARAD would retain the authority to request that information from submitting parties. The proposed form of affidavit at section 355.2 eliminates that requirement.

MLA next asked MARAD to consider permitting streamlined certifications for follow-on affidavits when there has been no material change to the information contained in the earlier affidavit rather than having each affidavit repeat all the required information under the current regulation, which requires annual submission of affidavits.

MARAD agrees with this recommendation. Permitting an optional streamlined certification would reduce the burden of annual filing for those entities whose ownership information has not changed since the last affidavit was filed without impacting MARAD's ability to make annual U.S. citizenship determinations. In the proposed section 355.4(b), MARAD includes a provision for optional annual certification of citizenship information.

The MLA further recommended that MARAD revise its regulations to take into account the current state of public stock ownership and other factors affecting the ability of any public company to prove its U.S. citizenship. In particular, the MLA provided the following five recommendations concerning public companies:

1. The MLA asked that MARAD consider coordinating with the Coast Guard to provide the affected industry guidance that is practical and adequately implements the intent of U.S. maritime citizenship laws. The MLA further suggested that the U.S. Coast Guard's November 26, 2012, **Federal Register** Notice, "Mechanisms of Compliance with United States Citizenship Requirements for the Ownership of Vessels Eligible to Engage in Restricted Trades by Publicly Traded Companies" (77 FR 70453), would be a good starting point for developing a regulation that both agencies would promulgate.

MARAD agrees. The guidance contained in the U.S. Coast Guard's November 2012 Notice serves as the basis for MARAD's proposed revisions to the form of affidavit of U.S. citizenship to be used by publicly traded corporations and other business formations whose ownership interests are publicly traded. Adoption of this guidance in the proposed rule will harmonize the agencies' approaches to evidencing citizenship. In particular, the proposed rule at section 355.3(d) would provide publicly traded entities flexibility in applying several reasonably available methods to ensure ongoing compliance with U.S. ownership requirements without sacrificing the accuracy of ownership information upon which such entities must rely upon to affirm their citizenship status.

2. The MLA recommends that further improvements might be considered with respect to the fair inference rule including relaxing the percentages and making it clear that address lists made available by financial intermediaries can be relied upon.

MARAD agrees that the "fair inference rule," as applied to publicly traded corporations, must be updated because it relies upon stock records that are no longer controlled by the issuing corporation since the advent of electronic trading. MARAD proposes a modified fair inference rule under which a publicly traded corporation may rely upon reasonably available shareholder residence information, including geographic surveys and statistical sampling. However, at this time, MARAD will not adjust the

current non-citizen ownership percentage limits of the fair inference rule until such time that we have confidence that reducing such limits will not result in an unreasonable risk of submitters breaching the statutory non-citizen ownership levels.

3. The MLA recommends that MARAD review methods adopted by other federal agencies for establishing U.S.-citizen citizenship.

MARAD agrees. The proposed rule was informed by our review of guidance and rules of other agencies, including the Federal Communications Commission's Review of Foreign Ownership Policies for Broadcast, Common Carrier, and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended (Sep. 30, 2016); Federal Aviation Administration regulations; and USCG's November 2012 Notice (discussed above). MARAD's proposed rule would afford submitters flexibility in selecting the methods they use to determine ownership while maintaining compliance with annual filing requirements.

4. The MLA recommends that MARAD work with the Securities and Exchange Commission and the Depository Trust Company to improve the SEG-100 system to make it an even more reliable indicator of U.S. citizen stock ownership.

In light of the obsolescence of the current form of affidavit, MARAD has accepted annual filers' participation in the SEG-100 system as a basis for affirming U.S. stock ownership. The proposed rule includes participation in the SEG-100 system as an acceptable method for maintaining and evidencing U.S. ownership. MARAD is not proposing to make participation in SEG-100 mandatory.

5. The MLA recommends that MARAD, in coordination with the U.S. Coast Guard, adopt a process by which companies can present their citizenship compliance plans for approval by the two agencies and, if acting on the basis of those plans for approval by the two agencies, have the benefit of a presumption that they satisfy the applicable citizenship standard and the benefit of a grace period to come back into compliance if the maximum permissible non-citizenship threshold is exceeded due to market trading.

MARAD agrees that submitters should be permitted to submit their citizenship compliance plans for MARAD's review and approval. MARAD's proposed rule includes an option for submitting compliance methods for MARAD review and approval. As noted above, MARAD's proposed rule is intended to

harmonize its compliance procedures with the guidance from U.S. Coast Guard's November 2012 Notice. Upon request from submitters, MARAD will share such determinations with the U.S. Coast Guard.

The proposed rule adopts the changes described above and updates statutory authorities, which have changed since the current rule was published on July 18, 1970.

Public Participation

How long do I have to submit comments?

We are providing a 60-day comment period.

How do I prepare and submit comments?

To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.

Comments may be submitted to the docket electronically by logging onto the Docket Management System website at <http://www.regulations.gov>. Search using the docket number and follow the online instructions for submitting comments.

Please note that pursuant to the Data Quality Act, for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at <http://www.whitehouse.gov/omb/fedreg/reproducible.html>. DOT's guidelines may be accessed at http://www.bts.gov/programs/statistical_policy_and_research/data_quality_guidelines.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

Confidential business information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the proposed

rule contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this proposed rule, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. MARAD will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this proposed rule. Submissions containing CBI should be sent to the email address provided in the **FOR FURTHER INFORMATION CONTACT** section. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. Any comments MARAD receives which are not specifically designated as CBI will be placed in the public docket for this rulemaking.

Will the agency consider late comments?

MARAD will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider in developing any follow-on action, we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket Management Unit are indicated above in the same location. You may also see the comments on the internet. To read the comments on the internet, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, MARAD will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Rulemaking Analysis and Notices

Executive Orders 12866 and DOT Rulemaking Procedures

Executive Order (E.O.) 12866 and the Department of Transportation's administrative rulemaking procedures set forth in 49 CFR part 5, subpart B, provide for making determinations whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of E.O. 12866.

This rule will streamline the process for establishing United States citizenship of corporations and other business formations participating in MARAD programs by removing the unnecessary disclosure of personally identifiable information. It also amends the form of affidavit with respect to publicly traded entities to eliminate the requirement to provide certain information regarding registered owners of stock, which is no longer consistent with how stocks are traded in U.S. equity markets today.

This rule is not a significant regulatory action under E.O. 12866 and DOT Order 2100.6B and, therefore it was not reviewed by OMB. It is also not considered a major rule for purposes of Congressional review under Public Law 104-121.

Executive Order 14192 (Deregulation)

E.O. 14192 requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination." Implementation guidance for E.O. 14192, issued by OMB (Memorandum M-25-20, March 26, 2025), defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero." This rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

Executive Order 13132 (Federalism)

MARAD analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism") and has determined that it does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. This rulemaking has no substantial effect on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Nothing in this document preempts any State law or regulation. Therefore, MARAD did not consult with

State and local officials because it was not necessary.

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

MARAD does not believe that this rulemaking will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires MARAD to assess whether this rulemaking would have a significant economic impact on a substantial number of small entities and to minimize any adverse impact. The proposed rule would simplify and modernize the process for establishing United States citizenship of corporations and other business formations participating in MARAD programs. The proposed rule would also eliminate the requirement to provide dates and places of birth of corporate executives, directors, and stock owners as required in the current form of affidavit of citizenship. Lastly, the proposed rule would amend the form of affidavit with respect to publicly traded entities by eliminating the requirement to provide certain information regarding registered owners of stock, eliminate the notarization requirement, and provide a simple and streamlined process for recertification. MARAD certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Privacy Impact Assessment

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Pub. L. 108–447, div. H, 118 Stat. 2809 at 3268) requires the Department of Transportation and certain other federal agencies to conduct a privacy impact assessment of each proposed rule that will affect the privacy of individuals.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 requires Agencies to evaluate whether an agency action would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$206 million or more (as adjusted for inflation) in any 1 year, and if so, to take steps to minimize these unfunded mandates. This

rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$206 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) requires that DOT consider the impact of paperwork and other information collection burdens imposed on the public. This proposed rule would likely result in a reduction in the burden hours required for information collection 2133–0012, Requirements for Establishing U.S. Citizenship—46 CFR 355, because changes to the regulation will shorten the time and effort to evidence citizenship for many first-time applicants as well as those that must recertify. We expect that the information collection requirement under this proposed rule would reduce the “hours per response” from 5 hours to 4 hours resulting in a 20% reduction in burden hours annually and having a net cost saving of \$24,756 annually across 550 respondents. We request comments on this issue.

Notwithstanding any other provision of law, a person is not required to respond to a collection of information by a federal agency unless the collection displays a valid OMB control number.

List of Subjects in 46 CFR Part 355

Citizenship and naturalization, Maritime carriers, Reporting and recordkeeping requirements.

For the reasons described in the preamble, MARAD proposes to revise 46 CFR part 355 to read as follows:

PART 355—REQUIREMENTS FOR ESTABLISHING UNITED STATES CITIZENSHIP

Sec.

355.1 General.

355.2 Evidencing U.S. citizenship; affidavit guide.

355.3 Criteria to be applied in support of stock data in affidavit.

355.4 Changes in citizenship data.

355.5 Additional material.

PART 355—REQUIREMENTS FOR ESTABLISHING UNITED STATES CITIZENSHIP

Authority: Secs. 2, 204, 39 Stat. 729, as amended, 49 Stat. 1987, as amended, 73 Stat. 597; 46 U.S.C. 50501, 50502.

§ 355.1 General.

(a) Under 46 U.S.C. 50501, no corporation is deemed to be a citizen of the United States unless (1) it is organized under the laws of the United States or of a State, Territory, District, or possession thereof; (2) its president or other chief executive officer, and the chairman of its board of directors are citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum are non-citizens; and (3) the controlling interest therein is owned by citizens of the United States or, in the case of a corporation operating any vessel in the coastwise trade, on the Great Lakes, or inland lakes of the United States, 75 per centum of the interest in such corporation is owned by citizens of the United States.

(b) As used in this regulation, the term *primary corporation* includes, but not exclusively, participants in certain transactions or programs under Title 46 of the U.S. Code, such as Owner Trustees and certain vessel owners and contractors under 46 U.S.C. 53102 or Capital Construction Fund holders under 46 U.S.C. 53501 *et seq.*

(c) To satisfy the statutory requirements, an Affidavit of U.S. Citizenship of a primary corporation by one of its officers duly authorized to execute such Affidavit, should be submitted. This Affidavit should contain facts from which the corporation's citizenship can be determined.

§ 355.2 Evidencing U.S. citizenship; affidavit guide.

(a) In order to establish that a corporation is a citizen of the United States within the meaning of 46 U.S.C. 50501, as amended, the form of affidavit to be used as a guide is hereby prescribed for execution on behalf of the primary corporation and filing with an application or, if required, subsequent filing within 30 days after the annual meeting of the stockholders (if the primary corporation is a wholly owned subsidiary and contrary to the bylaw provision does not hold the annual meeting of stockholders, the subsequent filing should be annually and related to the date of the original filing) as

evidence of the continuing U.S. citizenship of a filing entity:

Affidavit of U.S. Citizenship
(NAME OF CORPORATION)

State of ____
) ss.:
County of ____

I, (Name), of (Physical residence address, city, and state), being duly sworn, depose and say:

1. That I am the (Title of office(s) held) of (Name of Corporation), a corporation organized and existing under the laws of

the State of ____ (hereinafter called the "Corporation"), with offices at (Business address), in evidence of which incorporation a certified copy of the Articles or Certificate of Incorporation (or Association) is filed herewith (or has been filed) together with a certified copy of the corporate Bylaws. [Evidence of continuing U.S. citizenship status, including amendments to said Articles or Certificate and Bylaws, should be filed within 30 days after the annual meeting of the stockholders or annually, within 30 days after the original

affidavit if there has been no meeting of the stockholders prior to that time.];

2. That I am authorized by and on behalf of the Corporation to execute and deliver this Affidavit of U.S. Citizenship;

3. That the names of the Chief Executive Officer, by whatever title, Vice Presidents or other individuals who are authorized to act in the absence or disability of the Chief Executive Officer, by whatever title, the Chairman of the Board of Directors, and the Directors of the Corporation are as follows:

Name	Title	Citizen of the United States
Name	Title	Yes/No

[Note: The foregoing list should include the officers, whether or not they are also directors, and all directors, whether or not they are also officers] and that each of said individuals is a citizen of the United States by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a U.S. citizen prior to September 22, 1922, or as otherwise authorized by law, except (give name and nationality of all Non-Citizen officers and directors, if any); however, the By-laws of the Corporation provide that (Number) of the directors are necessary to constitute a quorum; therefore, the alien directors named represent no more than a minority of the number necessary to constitute a quorum;

[Select and complete the applicable paragraph 4 describing the Corporation's stock ownership and strike inapplicable paragraphs 4]

4. Information as to stock, where a non-publicly traded Corporation has 30 or more stockholders:

That I have access to the stock books and records of the Corporation; that said stock books and records have been examined and disclose (a) that, as of (Date), the Corporation had issued and outstanding (Number) shares of (Class or series), the only class or series of stock of the Corporation has issued and outstanding [if such is the case], owned

of record by (Number) stockholders, said number of stockholders representing the ownership of the entire issued and outstanding stock of the Corporation, and (b) that no stockholder owned of record as of said date five per centum (5%) or more of the issued and outstanding stock of the Corporation of any class. [If different classes or series of stock exist, give the same information for each class or series issued and outstanding, showing the monetary value and voting rights per share in each class or series. If there is an exception to the statement in clause (b), the name, address, and citizenship of the stockholder and the amount and class or series of stock owned should be stated.]

That the registered addresses of (Number) owners of record of (Number) shares of the issued and outstanding (Class or series) stock of the Corporation are shown on the stock books and records of the Corporation as being within the United States, said ____ shares being ____ per centum (____%) of the total number of shares of said stock (each class or series). [The exact figure as disclosed by the stock books of the corporation must be given and the per centum figure must not be less than 65 per centum, except that for a corporation operating a vessel in the coastwise trade, the per centum figure must be not less than 95 per centum. These per centum figures apply to corporate stockholders as well as to the primary corporation.]

(The same statement should be made with reference to each class or series of stock, if there is more than one class.)

4. Information as to stock, where Corporation's shares are publicly traded on a U.S. stock exchange:

That the Corporation has diligently employed, administered, and adhered to methods such as those identified at 46 CFR 355.3(d) to monitor the Corporation's stock ownership.

[In the case of Corporation seeking to demonstrate controlling interest ownership (greater than 50% U.S. Citizen ownership) use the following]:

That, based on the foregoing, the percentage of shares of the Corporation owned by U.S. citizens eligible to document vessels in their own right is greater than 50 per centum.

[In the case of a Corporation seeking to demonstrate eligibility for a coastwise endorsement (at least 75% U.S. ownership), use the following]:

That, based on the foregoing, the percentage of shares of the Corporation owned by U.S. citizens eligible to document vessels in their own right is 75% or greater.

4. Information as to stock, where Corporation has less than 30 stockholders:

That the information as to stock ownership, upon which the Corporation relies to establish that the required percentage¹ of the stock ownership is vested in Citizens of the United States, is as follows:

Name of Stockholder	Number of shares owned (each class)	Percentage of shares owned (each class or series)
Name	Number and Class	Number and Class

¹ 75% if Corporation is operating in the coastwise trade, on the Great Lakes, or on bays, sounds, rivers,

harbors, or inland lakes of the United States; and controlling interest if Corporation is operating

solely in the foreign trade, both terms as defined in 46 U.S.C. 50501.

and that each of said individual stockholders is a Citizen of the United States by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a U.S. citizen prior to September 22, 1922, or as otherwise authorized by law.

5. That the controlling interest (or 75% of the interest)² in (each) said Corporation, as established by the data hereinbefore set forth, is owned by citizens of the United States; that the title to a majority (or 75%)² of the stock of (each) said Corporation is vested in Citizens of the United States free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; that such proportion of the voting power of (each) said Corporation is vested in citizens of the United States; that through no contract or understanding is it so arranged that the majority (or more than 25%)² of the voting power of (each) said Corporation may be exercised, directly or indirectly, on behalf of any person who is not a Citizen of the United States; and that by no means whatsoever, is control of (each) said Corporation (or any interest in said Corporation in excess of 25%) conferred upon or permitted to be exercised by any person who is not a citizen of the United States; and

6. That affiant has carefully examined this Affidavit and asserts that all the statements and representations contained therein are true to the best of their knowledge, information, and belief.

Dated: _____

(Name and title of affiant)

Penalty for False Statement: A fine or imprisonment, or both, are provided for violation of the proscriptions contained in 18 U.S.C. 1001 (*see also*, 18 U.S.C. 286, 287).

§ 355.3 Criteria to be applied in support of stock data in affidavit.

(a) The same criteria should be observed in obtaining information to be furnished for stockholders named (direct ownership of required percentage of shares of stock of each class or series) in the Affidavit as those observed for the primary corporation. If, on the other hand, the “fair inference rule” is applied with respect to stock ownership (*see Collier Advertising Service, Inc. v. Hudson River Day Line*, 14 Fed. Supp. 335), the extent of U.S. citizen ownership of stock should be ascertained in the requisite percentage

(65 percent for foreign operation and 95 percent for coastwise operation) in order that the veracity of the statutory statements made in the Affidavit (paragraph 5) may be relied upon by the Maritime Administration.

(b) When applying the fair inference rule (where there are more than 30 stockholders, except where one or more of such number actually owns the controlling or 75 percent interest) in order to prove U.S. citizen ownership in the required percentages:

(1) for non-publicly traded corporations (i) for foreign operation, 65 percent of the shares of stock of each class or series must be shown to be held by persons with registered addresses within the United States to prove that 51 percent or controlling interest is vested in citizens of the United States and (ii) for coastwise operation, 95 percent of the shares of stock of each class or series must be shown to be held by persons having registered addresses within the United States to prove that 75 percent of the interest in the corporation is vested in citizens of the United States; and

(2) for publicly traded corporations (i) at least 95% of the stock (each class) of the corporation be held directly or beneficially by Persons having a U.S. address in order to infer at least 75% ownership by U.S. Citizens, or (ii) at least 65% of the stock (each class) of the corporation be held directly or beneficially by Persons having a U.S. address in order to infer at least 51% ownership by U.S. Citizens; and

(3) For determining the requisite percentage of stockholders with U.S. addresses, the corporation may rely on the methods outlined in § 355.3(d); and

(c) If the primary corporation is consecutively owned by several “parent” corporations (holders of 100 percent of the stock of each or all classes or series of stock issued and outstanding), the facts should be given in proper sequence either by chart or in narrative form, revealing the facts of stock ownership. The information with respect to the ultimate parent should include data relative to the basis upon which controlling or 75 percent (depending upon whether the primary corporation operates in the domestic or foreign commerce) is established, together with the names of the owners of record or beneficial owners of 5 percent or more of each class or series of stock, if more than one class or series, and a statement that such owners are citizens of the United States. In any case where different classes or series of stock exist, each class or series will be treated depending upon whether “closely held” or “publicly held,” individually in

applying the fair inference rule, if applicable, or giving the relevant information with respect to United States citizens owning of record 51 percent or 75 percent of the interest.

(d) If the corporation is publicly traded, the corporation may employ the following methods to measure, monitor, determine, and affirm the required percentage U.S. citizen share ownership for the primary corporation:

(1) Use of the Depository Trust Company segregated account (or “SEG-100”) system;

(2) Monitoring SEC filings for 5% holders (Schedules 13D, 13G, Form 13F) and follow-up requests for information from filers;

(3) Use of protective provisions in organizational documents in order to guard against and rectify the possibility of what are referred to as excess shares;

(4) Communications with Non-Objecting Beneficial Owners (or “NOBOs”);

(5) Geographic surveys or statistical analyses of shareholder residences;

(6) Use of dual stock certificates; and

(7) Alternative methods upon written Maritime Administration approval.

§ 355.4 Changes in citizenship data.

(a) It is incumbent upon the parties filing affidavits under this part to apprise the Maritime Administration promptly in writing relative to changes in data last furnished with respect to officers, directors, and stockholders holding 5 percent or more of the issued and outstanding stock of each class or series, together with statements concerning the citizenship status thereof.

(b) If the information contained in a party’s most recent affidavit of citizenship filing has not changed materially, as an alternative to submitting an annual affidavit of citizenship under this part, a party may file a certification with the Maritime Administration. The certification should be substantially in the following format:

“I, _____, [Title] of [Name of Corporation] (“Corporation”), being duly authorized by the Corporation, certify to you that there have been no changes to the ownership information contained in the Affidavit of Citizenship filed with the Maritime Administration on [DATE].”

§ 355.5 Additional material.

If additional material is determined to be essential to clarify or support the evidence of U.S. citizenship, such material must be furnished by the primary corporation upon request by the Maritime Administration.

² Strike inapplicable language.

(Authority: 46 U.S.C. 50501, 49 CFR 1.93(a))

* * * * *

By order of the Maritime Administration.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2025–12102 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 356

[Docket Number MARAD–2025–0091]

RIN 2133–AB91

Deregulatory—American Fisheries Act Program Update; Simplifying the Application Process

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT)

ACTION: Notice of proposed rulemaking, request for comments.

SUMMARY: On May 1, 2019, MARAD published an Advanced Notice of Proposed Rulemaking (ANPRM), titled “How Best to Simplify Filing Statements of American Fisheries Act Citizenship: Policy and Regulatory Review,” soliciting public comment on steps MARAD could take to simplify and modernize the process for evidencing U.S. citizenship for owners of U.S.-flag fishing industry vessels of 100 feet or greater in registered length. In response to public support for updating our regulations, MARAD is soliciting public comments on this Notice of Proposed Rulemaking (NPRM). Consistent with comments received, the proposed rule would simplify the annual citizenship filing procedures under the American Fisheries Act (AFA) program in order to reduce costs or administrative burdens placed on owners of fishing industry vessels. MARAD proposes (1) to simplify and streamline annual renewal filing for vessel owners whose citizenship information has not changed since their affidavit of U.S. citizenship (AFA Affidavit) filing; (2) to update acceptable methods for evidencing citizenship of publicly traded entities; and (3) to eliminate requirements to provide personally identifiable information (*i.e.*, social security numbers and dates and places of birth for corporate officers and directors) in affidavits of AFA citizenship.

DATES: Comments should be filed on or before September 2, 2025. Late-filed comments filed will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2025–0091 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Search using the DOT Docket Number (see above) and follow the instructions for submitting comments.
- **Email:** Rulemakings.MARAD@dot.gov. Include the DOT Docket Number in the subject line of the message.
- **Mail/Hand-Delivery/Courier:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. If you would like to know that your comments reached the facility, please enclose a stamped, self-addressed postcard or envelope. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on federal holidays.

Note: We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission. If you submit your inputs by mail or hand-delivery, they must be submitted in an unbound format, no larger than 8½ by 11 inches, single-sided, suitable for copying and electronic filing. All submissions received should include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking.

Instructions: All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the section entitled Public Participation.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Michael C. Pucci, Office of the Chief Counsel, Division of Maritime Programs, (202) 366–5167 or via email at Michael.Pucci@dot.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a

day, seven days a week, to leave a message or question. You will receive a reply during normal business hours. You may send mail to Department of Transportation, Maritime Administration, Office of the Chief Counsel, Division of Legislation and Regulations, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

As required by 5 U.S.C. 553(b)(4), this document, including a summary of the rule, and all comments may be viewed online through the Federal eRulemaking portal at www.regulations.gov. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register’s home page at: www.federalregister.gov.

Background

On May 1, 2019, MARAD published an Advanced Notice of Proposed Rulemaking (ANPRM), titled “How Best to Simplify Filing Statements of American Fisheries Act Citizenship: Policy and Regulatory Review,” in the **Federal Register** (84 FR 18469) soliciting public comment on steps MARAD could take to simplify and modernize the process for evidencing U.S. citizenship for owners of U.S.-flag fishing industry vessels of 100 feet or greater in registered length in order to reduce the regulatory burden for annual filers. MARAD has developed this NPRM based on recommendations we received in response to our request for comments to that ANPRM as well as recommendations we received in response to our ANPRM on reforming our Maritime Programs citizenship requirements titled “How to Best Evidence Corporate Citizenship: Policy and Regulatory Review” (Corporate Citizenship ANPRM) published in the **Federal Register** (84 FR 18468) on the same day.

MARAD welcomes your comments to ensure that agency programs benefit from current and comprehensive best practices.

Scope of Comments

MARAD is interested in learning how it could reduce or remove regulatory burdens on the public. Accordingly, commenters may want to focus on the following: (1) whether there are less burdensome methods to evidence corporate citizenship annually; (2) how those alternatives may be applied to improve MARAD program administration; and (3) how program participants will benefit from a revision of our AFA regulations.

Content of Comments

MARAD is interested in information on how any changes to these regulations could impact small businesses, either positively or negatively. In describing a burden placed on your organization by our regulations or potential changes to the regulations; direct experience and quantifiable data are more useful than anecdotal descriptions. If the commenter believes that there is a less burdensome alternative, the commenter should describe that alternative in detail.

Discussion of Comments Received on the ANPRM

In response to the agency's ANPRM seeking public comment on ways to simplify annual requirements to evidence citizenship under the American Fisheries Act, MARAD received one comment from Mr. William N. Myhre of K & L Gates, which included several recommendations. The agency responds as follows to the commenter's recommendations.

The commenter recommended MARAD consider permitting streamlined certifications for annual citizenship renewals when there has been no material change to the information contained in the prior year's AFA Affidavit.

MARAD agrees with this recommendation. Permitting an optional certification would reduce the burden of annual filing for those entities whose ownership information has not changed since the last AFA Affidavit was filed while not impacting MARAD's ability to make U.S. citizenship determinations. MARAD finds that such a certification would be consistent with the requirements of 46 U.S.C. 12113(e)(1) by incorporating by reference and certifying the citizenship information contained in the last AFA Affidavit submitted by the filer. In the proposed section 356.5(g), MARAD includes a provision for optional annual certification of citizenship information. MARAD proposes to enclose a copy of our form of annual certification with each annual fishery endorsement eligibility approval letter it issues to filers.

The commenter further suggested MARAD reconsider the regulatory requirements (46 CFR 356.5(g) and 356.13(b), respectively) for vessel owners to notify the Citizenship Approval Officer within 30 days of any change in the information set forth in the AFA Affidavit or with respect to documents required to be filed pursuant to 46 CFR 356.13. The commenter argued that these requirements place a

significant burden on the vessel owner to review each of the various regulatory requirements on a monthly basis to ensure timely compliance and avoid risking loss of the fishing vessel's eligibility to operate in the domestic fishing industry.

MARAD disagrees. As the commenter notes, most AFA vessel owners are closely-held entities whose ownership does not change on an annual basis. Additionally, MARAD has not found that compliance with these requirements has affected owners' ability to maintain fishery endorsement eligibility for their vessels. As such, MARAD does not find the 30-day notification requirements to be burdensome or to represent an undue risk of loss of fishery endorsement eligibility.

The commenter also recommended updating the existing regulations to reflect current statutory citations that have changed since the regulations were implemented in 2000 and including a chart containing the documentary requirements for regulated transactions.

MARAD agrees. MARAD is proposing to amend part 356 to update its statutory citations. MARAD is planning to develop a chart of documentary requirements as guidance for publication on our AFA web page.

Additional Amendments

In response to the comments received in response to the May 1, 2019, Corporate Citizenship ANPRM (84 FR 18468), MARAD similarly proposes to amend the form of AFA Affidavit found at 46 CFR 356.5 with respect to those paragraphs (Nos. 4 and 5) applicable to direct and indirect owners that are publicly traded entities. Pursuant to 46 U.S.C. 12113(e)(2), the form of AFA Affidavit must conform to the extent practicable to the form of affidavit found at 46 CFR 355.2, which is the form used by participants to satisfy citizenship requirements of MARAD's promotional programs (e.g., Capital Construction Fund, Maritime Security Program, and vessel finance guarantees). As MARAD has found the form of affidavit at 46 CFR 355.2 to be outdated with respect to its provisions for publicly traded entities, MARAD is proposing to update that form of affidavit in a separate Notice of Proposed Rulemaking under Docket Number MARAD-2025-0087.

The proposed rule at section 356.7 would provide publicly traded entities flexibility in applying several reasonably available methods to ensure ongoing compliance with AFA ownership requirements, including satisfying the U.S. address requirement of the fair inference rule for determining

the requisite percentage of U.S. ownership of outstanding stock. MARAD is not adjusting the current non-citizen ownership percentage limits of the fair inference method.

MARAD proposes eliminating requirements to provide social security numbers and dates and places of birth of corporate officers and directors in the affidavit of AFA citizenship provided at 46 CFR 356.5. Inclusion of this information in the affidavit of AFA citizenship does not significantly improve U.S. ownership certainty and creates an unnecessary risk of release of personally identifiable information. In any instance of doubt, MARAD still retains the authority to request such information from submitting parties.

Public Participation

How long do I have to submit comments?

We are providing a 60-day comment period.

How do I prepare and submit comments?

To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.

Comments may be submitted to the docket electronically by logging onto the Docket Management System website at <http://www.regulations.gov>. Search using the MARAD docket number and follow the online instructions for submitting comments.

Please note that pursuant to the Data Quality Act, for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at <http://www.whitehouse.gov/omb/fedreg/reproducible.html>. DOT's guidelines may be accessed at http://www.bts.gov/programs/statistical_policy_and_research/data_quality_guidelines.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

Confidential business information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the proposed rule contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this proposed rule, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. MARAD will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this proposed rule. Submissions containing CBI should be sent to the email address provided in the **FOR FURTHER INFORMATION CONTACT** section. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. Any comments MARAD receives which are not specifically designated as CBI will be placed in the public docket for this rulemaking.

Will the agency consider late comments?

MARAD will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider in developing any follow-on action, we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location. You may also see the comments on the internet. To read the comments on the internet, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, MARAD will continue to file relevant information in

the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Rulemaking Analysis and Notices

Executive Orders 12866 and DOT Rulemaking Procedures

Executive Order (E.O.) 12866 and the Department of Transportation’s administrative rulemaking procedures set forth in 49 CFR part 5, subpart B, provide for making determinations whether a regulatory action is “significant” and therefore subject to Office of Management and Budget (OMB) review and to the requirements of E.O. 12866.

This rule is limited to streamlining annual renewal filing for vessel owners whose citizenship information has not changed since their most recent annual affidavit of U.S. citizenship (AFA Affidavit) filing, updating acceptable methods for evidencing citizenship of publicly traded entities, and eliminating requirements to provide personally identifiable information (*i.e.*, social security numbers and dates and places of birth for corporate officers and directors) in affidavits of AFA citizenship.

This NPRM is not a significant regulatory action under Executive Order (E.O.) 12866 and DOT Order 2100.6B and, therefore it was not reviewed by OMB. It is also not considered a major rule for purposes of Congressional review under Public Law 104–121. This rule is limited to updating the citations, addresses, and modernizing text.

Executive Order 14192 (Deregulation)

E.O. 14192 requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.” Implementation guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 26, 2025), defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

Executive Order 13132 (Federalism)

MARAD analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”) and has determined that it does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. This rulemaking has no substantial effect on

the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Nothing in this document preempts any State law or regulation. Therefore, MARAD did not consult with State and local officials because it was not necessary.

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

MARAD does not believe that this rulemaking will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires MARAD to assess whether this rulemaking would have a significant economic impact on a substantial number of small entities and to minimize any adverse impact. This revision proposes to (1) simplify and streamline annual renewal filing for vessel owners whose citizenship information has not changed since their affidavit of U.S. citizenship (AFA Affidavit) filing; (2) update acceptable methods for evidencing citizenship of publicly traded entities; and (3) eliminate requirements to provide personally identifiable information (*i.e.*, social security numbers and dates and places of birth for corporate officers and directors) in affidavits of AFA citizenship. These changes should be limited to decreasing the administrative burden for program applicants. MARAD certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Privacy Impact Assessment

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Pub. L. 108–447, div. H, 118 Stat. 2809 at 3268) requires the Department of Transportation and certain other federal agencies to conduct a privacy impact assessment of each proposed rule that will affect the privacy of individuals.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 requires Agencies to evaluate whether an agency action would result in the expenditure by State, local, and

tribal governments, in the aggregate, or by the private sector, of \$206 million or more (as adjusted for inflation) in any 1 year, and if so, to take steps to minimize these unfunded mandates. This rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$206 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) requires that DOT consider the impact of paperwork and other information collection burdens imposed on the public. This proposed rule would likely result in a reduction in the burden hours required for information collection 2133–0530, Requirements for Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation—46 CFR 356, because changes to the regulation will shorten the time and effort to evidence citizenship for many first-time applicants as well as those that must recertify. We expect that the information collection requirement under this proposed rule would reduce the “hours per response” from 11 hours to 8.5 hours resulting in a 23% reduction in burden hours annually and having a net cost saving of \$22,086.40 annually across 500 respondents. We request comments on this issue.

Notwithstanding any other provision of law, a person is not required to respond to a collection of information by a federal agency unless the collection displays a valid OMB control number.

List of Subjects in 46 CFR Part 356

Citizenship and naturalization, Fishery endorsement, Fishing vessels, Mortgages, Mortgage trustee, Penalties, Preferred mortgages, Reporting and recordkeeping requirements, Vessels.

For the reasons described in the preamble, MARAD proposes to amend 46 CFR part 356 as set forth below:

PART 356—REQUIREMENTS FOR VESSELS OF 100 FEET OR GREATER IN REGISTERED LENGTH TO OBTAIN A FISHERY ENDORSEMENT TO THE VESSEL'S DOCUMENTATION

■ 1. The authority for part 356 continues to read as follows:

Authority: 46 U.S.C. 12102; 46 U.S.C. 12151; 46 U.S.C. 31322; Pub. L. 105–277, division C, title II, subtitle I, section 203 (46 U.S.C. 12102 note), section 210(e), and section 213(g), 112 Stat. 2681; Pub. L. 107–20, section 2202, 115 Stat. 168–170; Pub. L. 114–74; 49 CFR 1.93.

Subpart A—General Provisions

§ 356.3 [Amended]

■ 2A. In 46 CFR 356.3

■ a. Remove paragraph (a).

■ b. Paragraphs (b) through (z) are redesignated as paragraphs (a) through (y).

■ c. In paragraph (d)(1), remove “46 U.S.C. 12102(c) and section 2(c) of the 1916 Act, 46 App. U.S.C. 802(c)” and add, in its place, “46 U.S.C. 12113 and 46 U.S.C. 50501(d)”.

■ d. In paragraph (d)(iv)(C), remove “46 U.S.C. 12102(c)” and add, in its place, “46 U.S.C. 12113(c)”.

■ e. In paragraph (e), remove “Maritime Administration, United States Department of Transportation, Citizenship Approval Officer, MAR–220, Room 7232, 400 7th Street SW, Washington, DC 20590” and add, in its place, “Citizenship Approval Officer, Office of Chief Counsel, Maritime Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.”

■ f. In paragraph (g)(1), remove “section 2(b) of the 1916 Act, 46 App. U.S.C. 802(b)” and add, in its place, “46 U.S.C. 50501(c)”.

■ g. In paragraph (q), remove “46 U.S.C. 12102(c) and section 2(c) of the 1916 Act, 46 App. U.S.C. 802(c)” and add, in its place, “46 U.S.C. 12113(c) and 46 U.S.C. 50501(d)”.

■ h. In paragraph (t)(1), remove “46 U.S.C. 12102(c)” and add, in its place, “46 U.S.C. 12113(c)”.

■ i. In paragraph (t)(5), remove “46 U.S.C. 12102(a)” and add, in its place, “46 U.S.C. 12103”.

* * * * *

§ 356.5 [Amended]

■ 2. In § 356.5

■ a. In paragraph (a), remove “section 2(c) of the 1916 Act, or where applicable, section 2(b) of the 1916 Act” and add, in its place, “46 U.S.C. 50501(d), or where applicable, 46 U.S.C. 50501(c)”.

■ b. In paragraph (c), remove “section 2(c) of the 1916 Act and 46 App. U.S.C. 12102(c)” and add, in its place, “46 U.S.C. 50501(d) and 46 U.S.C. 12113(c)”.

■ 3. In § 356.5(d) revise as follows:

§ 356.5(d) The prescribed form of the Affidavit of U.S. Citizenship is as follows:

State of _____)
) ss.:

County of _____)

I, (*Name*), of (*Physical residence address, city, and state*), being duly sworn, depose and say:

1. That I am the (*Title of office(s) held*) of (*Name of Corporation*), a corporation organized and existing under the laws of the State of _____ (hereinafter called the “Corporation”), with offices at (*Business address*), in evidence of which incorporation a certified copy of the Articles or Certificate of Incorporation (or Association) is filed herewith (or has been filed) together with a certified copy of the corporate Bylaws. [Evidence of continuing U.S. citizenship status, including amendments to said Articles or Certificate and Bylaws, should be filed within 45 days of the annual documentation renewal date for vessel owners. Other parties required to provide evidence of U.S. citizenship status must file within 30 days after the annual meeting of the stockholders or annually, within 30 days after the original affidavit if there has been no meeting of the stockholders prior to that time.];

2. That I am authorized by and in behalf of the Corporation to execute and deliver this Affidavit of U.S. Citizenship;

3. That the names of the Chief Executive Officer, by whatever title, the Chairman of the Board of Directors, all Vice Presidents, or other individuals who are authorized to act in the absence or disability of the Chief Executive Officer or Chairman of the Board of Directors, and the Directors of the Corporation are as follows:¹

Name	Title

Name	Title

(The foregoing list should include the officers, whether or not they are also directors, and all directors, whether or not they are also officers.) Each of said individuals is a Citizen of the United States by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization, or as otherwise authorized by law, except

¹ Offices that are currently vacant should be noted when listing Officers and Directors in the Affidavit.

(give name and nationality of all Non-Citizen officers and directors, if any). The By-laws of the Corporation provide that (Number) of the directors are necessary to constitute a quorum; therefore, the Non-Citizen directors named represent no more than a minority of the number necessary to constitute a quorum.

[Note: Select and complete the applicable paragraph 4 describing the Corporation's stock ownership and strike inapplicable paragraphs 4.]

4. Information as to stock, where Corporation has 30 or more stockholders:

That I have access to the stock books and records of the Corporation; that said stock books and records have been examined and disclose (a) that, as of (Date), the Corporation had issued and outstanding (Number) shares of (Class), the only class of stock of the Corporation issued and outstanding [if such is the case], owned of record by (Number) stockholders, said number of

stockholders representing the ownership of the entire issued and outstanding stock of the Corporation, and (b) that no stockholder owned of record as of said date five per centum (5%) or more of the issued and outstanding stock of the Corporation of any class. [If different classes of stock exist, give the same information for each class issued and outstanding, showing the monetary value and voting rights per share in each class. If there is an exception to the statement in clause (b), the name, address, and citizenship of the stockholder and the amount and class of stock owned should be stated and the required citizenship information on such stockholder must be submitted.] That the registered addresses of (Number) owners of record of (Number) shares of the issued and outstanding (Class) stock of the Corporation are shown on the stock books and records of the Corporation as being within the United States, said _____ shares being _____ per centum

(____%) of the total number of shares of said stock (each class). [The exact figure as disclosed by the stock books of the corporation must be given and the per centum figure must not be less than 65 per centum for a state or federally chartered financial institution holding a Preferred Mortgage, or not less than 95 per centum for an entity that is demonstrating ownership in a vessel for which a fishery endorsement is sought or a Mortgage Trustee. These per centum figures apply to corporate stockholders as well as to the primary corporation.] (The same statement should be made with reference to each class of stock, if there is more than one class.);

4. Information as to stock, where Corporation has less than 30 stockholders: That the information as to stock ownership, upon which the Corporation relies to establish that 75% of the stock ownership is vested in Citizens of the United States, is as follows:

Name of Stockholder	Number of shares owned (each class)	Percentage of shares owned (each class)
Name	Number and Class	Number and Class

and that each of said individual stockholders is a Citizen of the United States by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a U.S. citizen prior to September 22, 1922, or as otherwise authorized by law. *Note:* If a corporate stockholder, give information with respect to State of incorporation, the names of the officers, directors, and stockholders and the appropriate percentage of shares held, with statement that they are all U.S. citizens. Nominee holders of record of 5% or more of any class of stock and the beneficial owners thereof should be named and their U.S. citizenship information submitted to MARAD.

4. Information as to stock, where Corporation's shares are publicly traded on a U.S. stock exchange:

That the Corporation has diligently employed, administered, and adhered to methods such as those identified at 46 CFR 356.5(g) to monitor the Corporation's stock ownership; and that, based on the foregoing, the percentage of shares of the Corporation owned by Citizens of the United States is 75% or greater.

5. That 75% of the interest in (each) said Corporation, as established by the information hereinbefore set forth, is

owned by Citizens of the United States; that the title to 75% of the stock of (each) class of the stock of (each) said Corporation is vested in Citizens of the United States free from any trust or fiduciary obligation in favor of any person not a Citizen of the United States; that such proportion of the voting power of (each) said Corporation is vested in Citizens of the United States; that through no contract or understanding is it so arranged that more than 25% of the voting power of (each) said Corporation may be exercised, directly or indirectly, in behalf of any person who is not a Citizen of the United States; and that by no means whatsoever, is any interest in said Corporation in excess of 25% conferred upon or permitted to be exercised by any person who is not a Citizen of the United States; and

[Note: For state or federally chartered financial institutions acting as Preferred Mortgagees, the Controlling Interest language, which is set forth below, is applicable.]

5. That the Controlling Interest in (each) said Corporation, as established by the information hereinbefore set forth, is owned by Citizens of the United States; that the title to a majority of the stock of (each) said Corporation is vested in Citizens of the United States free from any trust or fiduciary

obligation in favor of any person not a Citizen of the United States; that such proportion of the voting power of (each) said Corporation is vested in Citizens of the United States; that through no contract or understanding is it so arranged that the majority of the voting power of (each) said Corporation may be exercised, directly or indirectly, in behalf of any person who is not a Citizen of the United States; and that by no means whatsoever, is control of (each) said Corporation conferred upon or permitted to be exercised by any person who is not a Citizen of the United States; and

6. That the affiant has submitted all the necessary documentation required under 46 CFR 356.13 in connection with this Affidavit of U.S. Citizenship for the following vessel(s):

Vessel Name: Official Number:

- 1.
- 2.

[Note: Paragraph 6 should be included in the Affidavit of U.S. Citizenship submitted by an entity that owns a Fishing Industry Vessel.]

7. That affiant has carefully examined this Affidavit and asserts that all the statements and representations contained therein are true to the best of their knowledge, information, and belief.

(Name and title of affiant)

(Signature of affiant)

Date

Penalty for False Statement: A fine or imprisonment, or both, are provided for violation of the proscriptions contained in 18 U.S.C. 1001 (*see also*, 18 U.S.C. 286, 287 and 46 U.S.C. 12151).

■ 4. In § 356.5 revise paragraph (g) to read as follows:

§ 356.5(g) It is incumbent upon the parties filing affidavits under this part to notify the Citizenship Approval Officer in writing within 30 calendar days of any changes in information last furnished with respect to the officers, directors, and stockholders, including 5 percent or more stockholders of the issued and outstanding stock of each class, together with information concerning their citizenship status. If other than a corporation, comparable information must be filed by other entities owning the Fishing Industry Vessel, including any entity whose ownership interest is being relied upon to establish 75% ownership by Citizens of the United States; (2) if the information contained in an owner's most recent affidavit of citizenship filing has not changed, as an alternative to submitting an annual affidavit of citizenship under this part, a party may file a certification with the Maritime Administration. The certification should be substantially in the following format: "I, _____, [Title] of [Name of Corporation] ("Corporation"), being duly authorized by the Corporation, certify to you that there have been no changes to the ownership information contained in the affidavit of citizenship filed with the Maritime Administration on [Date]."

This certification is subject to penalty for false statement. A fine or imprisonment, or both, are provided for violation of the proscriptions contained in 18 U.S.C. 1001 (*see also*, 18 U.S.C. 286, 287 and 46 U.S.C. 12151).

§ 356.7 [Amended]

■ 5. In § 356.7

(a) Revise paragraph (c) to read as follows:

§ 356.7(c):

(c) The "fair inference method" is used by corporations whose stock is publicly traded or is held by more than 30 stockholders.

(1) Use of the fair inference method for a publicly traded corporation requires that:

(i) At least 95 percent of the stock (each class) of the corporation be held directly or beneficially by Persons having a U.S. address in order to infer

at least 75 percent ownership by U.S. Citizens; and

(ii) For determining the requisite percentage of stockholders with U.S. addresses, the corporation may rely on the methods outlined in § 356.7(e);

(2) Use of the fair inference method for a non-publicly traded corporation with more than 30 stockholders requires that:

(i) At least 95 percent of the stock (each class) of the corporation be held by Persons having a registered U.S. address in order to infer at least 75 percent ownership by U.S. Citizens; and

(ii) Disclosure be made in the Affidavit of U.S. Citizenship of the names and citizenship of any stockholders who hold five percent or more of the corporation's stock (including all classes of stock, voting and non-voting), officers, and directors.

(b) Add a paragraph (e) to read as follows:

§ 356.7(e) If the corporation is publicly traded, the corporation may employ any number or combination of methods to measure, monitor, determine, and affirm the required percentage of U.S. citizen share ownership for the primary corporation, including the following:

(i) Use of the Depository Trust Company segregated account (or "SEG-100") system;

(ii) Monitoring Securities and Exchange Commission filings for 5% holders (Schedules 13D, 13G, Form 13F) and requesting citizenship information from those filers;

(iii) Use of protective provisions in organizational documents in order to guard against and rectify the possibility of excess non-citizen share ownership;

(iv) Communications with Non-Objecting Beneficial Owners (or "NOBOs");

(v) Geographic surveys of shareholder addresses provided by proxy service providers;

(vi) Analysis of registered stockholders and use of dual stock certificates; and

(vii) Alternative methods upon written approval of the Citizenship Approval Officer.

§ 356.19 [Amended]

■ 7. In § 356.19:

■ (a) In paragraph (a)(5), remove "12102(a)" and, in its place, add "12103".

■ (b) In paragraph (b)(1), remove "46 U.S.C. 12102(c) and section 2(c) of the 1916 Act" and, in its place, add "46 U.S.C. 12113 and 46 U.S.C. 50501(d)".

■ (c) In paragraph (b)(6), remove "12102(c)" and, in its place, add "12113".

§ 356.25 [Amended]

■ 8. In § 356.25:

■ (a) In paragraph (e), remove "section 2(c) of the 1916 Act, 46 App. U.S.C. 802(c) and 46 U.S.C. 12102(c)" and, in its place, add "46 U.S.C. 12113 and 46 U.S.C. 50501(d)".

§ 356.51 [Amended]

■ 9. In § 356.51(a), remove "12102(c)" and, in its place, add "12113".

§ 356.53 [Amended]

■ 10. In § 356.53, remove "Room 7228, 400 7th Street, SW" and in its place, add "Mail Stop #4, 1200 New Jersey Avenue SE".

(Authority: 46 U.S.C. 12113(e), 12151, 31322, 49 CFR 1.93)

By order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-12087 Filed 6-27-25; 4:15 pm]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 107

[Docket No. PHMSA-2025-0095 (HM-268G)]

RIN 2137-AG09

Hazardous Materials: Improving Efficiencies for Special Permits and Approvals Renewals

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM streamlines the Hazardous Materials Regulations by allowing a grantee to file an application to renew a special permit or approval any time before its expiration date rather than requiring the application to be filed 60 days in advance.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA-2025-0095 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200

New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1-202-493-2251.

Instructions: Please include the docket number PHMSA-2025-0095 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as "Confidential"; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Steven Andrews, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor,

1200 New Jersey Avenue SE, Washington, DC 20590-0001, or by email at steven.andrews@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Steven Andrews, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-8553, steven.andrews@dot.gov.

I. General Discussion

PHMSA is proposing to revise certain provisions in Part 107 of Chapter I of Title 49 of the Code of Federal Regulations (CFR) to eliminate unnecessary regulatory burdens. Specifically, PHMSA is proposing to revise the filing requirements in §§ 107.109(b) and 107.705(c) for special permits and approvals. The current requirements in § 107.109(b) for special permits and § 107.705(c) for approvals state that an applicant must apply for a renewal at least 60 days before an existing special permit or approval expires. This proposed revision would streamline the renewal process by allowing for the grantee to apply for a renewal any time up until the expiration of the current special permit.

PHMSA has made a preliminary determination that the current 60-day requirement is overly burdensome and no longer necessary. When PHMSA originally codified that requirement into §§ 107.109(b) and 107.705(c), the application process relied on postal correspondence and a manual paper document system. A 60-day filing period was incorporated into the regulations to allow for mail delivery and manual typing of correspondence. That 60-day period is no longer necessary as the filing process is now completed electronically via the internet and longer relies on mail delivery and paper correspondence.

For these reasons, PHMSA is proposing to revise § 107.109(b) to change "at least 60 days before an existing special permit expires" to "before an existing special permit expires." PHMSA also is proposing to revise § 107.705(c) to change "at least 60 days before an existing approval expires" to "before an existing approval expires," and to change "not filed within 60 days of the expiration date" to "not filed before the expiration date."

PHMSA does not expect that the proposed revisions will have any adverse impact on transportation safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 ("Regulatory Planning and Review"),¹ as implemented by DOT Order 2100.6B ("Policies and Procedures for Rulemaking"), requires agencies to regulate in the "most cost-effective manner," to make a "reasoned determination that the benefits of the intended regulation justify its costs," and to develop regulations that "impose the least burden on society." DOT Order 2100.6B specifies that regulations should generally "not be issued unless their benefits are expected to exceed their costs." In arriving at those conclusions, E.O. 12866 requires that agencies should consider "both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify" and "maximize net benefits . . . unless a statute requires another regulatory approach." E.O. 12866 also requires that "agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating." DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the "least costly regulatory alternative that achieves the relevant objectives" unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President's Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a "major rule" as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and preliminarily determined that this

¹ 58 FR 51735 (Oct. 4, 1993).

proposed rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for affected entities by simplifying the special permit and approval renewal procedures. PHMSA expects those cost savings will also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.² PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA's initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is "unlawful . . . [or] that undermine[s] the national interest."³

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 ("Declaring a National Energy Emergency")⁴ a national emergency to address the United States's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 ("Unleashing American Energy")⁵ asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional shippers and carriers of hazardous materials. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule will give affected entities greater flexibility for renewing special permits and permits by reducing the time period required for submitting their renewal. PHMSA therefore expects the regulatory amendments in this proposed rule will contribute to the ability of hazardous material shippers and carriers to provide abundant, reliable, affordable energy-related products in response to residential, commercial, and industrial demand.

However, this proposed rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect

Energy Supply, Distribution, or Use"), which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism")⁶ and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009.⁷ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government." The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are "substantively the same" as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items paragraph I above and would preempt state, local, and Tribal requirements not meeting the "substantively the same" standard.

While the proposed rule may operate to

preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking")⁸ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.⁹ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

² 90 FR 9065 (Jan. 31, 2025).

³ 90 FR 10583 (Feb. 19, 2025).

⁴ 90 FR 8353 (Jan. 29, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 64 FR 43255 (Aug. 10, 1999).

⁷ 74 FR 24693 (May 22, 2009).

⁸ 67 FR 53461 (Aug. 16, 2002).
⁹ DOT, "Rulemaking Requirements Related to Small Entities," <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹⁰ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to

comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”) ¹¹ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹² directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed and has determined that its regulatory

amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth above, PHMSA proposes to amend 49 CFR part 107 as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

- 1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 Section 4; Pub. L. 104–121 Sections 212–213; Pub. L. 104–134 Section 31001; Pub. L. 114–74 Section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97; 33 U.S.C. 1321.

- 2. In § 107.109, revise paragraph (b) to read as follows:

§ 107.109 Application for renewal.

* * * * *

(b) If the holder submits a complete renewal application meeting the requirements outlined in this section before the expiration of an existing special permit, the special permit will not expire until final administrative action on the renewal application has been taken.

* * * * *

- 3. In § 107.705, revise paragraph (c) to read as follows:

§ 107.705 Registrations, reports, and applications for approval.

* * * * *

(c) For an approval with an expiration date, each application for renewal or modification must be filed in the same manner as an original application. If, before an existing approval expires the holder files an application for renewal that is complete and conforms to the requirements of this section, the approval will not expire until final administrative action on the application for renewal has been taken. Operation under an expired approval not filed before the expiration date is prohibited. This paragraph does not limit the authority of the Associate Administrator to modify, suspend, or terminate an approval under § 107.713.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12084 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

¹⁰ 65 FR 67249 (Nov. 9, 2000).

¹¹ 77 FR 26413 (May 4, 2012).

¹² 86 FR 26633 (May 17, 2021).

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials
Safety Administration****49 CFR Part 107****[Docket No. PHMSA–2025–0096 (HM–268H)]****RIN 2137–AG10****Hazardous Materials: Modernizing
Payments To and From America's
Bank Account****AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).**ACTION:** Notice of Proposed Rulemaking (NPRM).

SUMMARY: PHMSA proposes to modernize the payment system for hazardous materials registration to require electronic submissions via the Department of Transportation (DOT) e-Commerce internet site and eliminate the option to pay using a paper check. This revision is intended to increase government efficiency by eliminating the burdens associated with processing paper checks from the regulatory community.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0096 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any Federal Register notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0096 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>.

www.regulations.gov, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Yul B. Baker Jr., Office Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at yul.baker@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Yul B. Baker Jr., Transportation Regulation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, yul.baker@dot.gov.

I. General Discussion

In accordance with Executive Order (E.O.) 14247, “Modernizing Payments

To and From America's Bank Account,”¹ PHMSA proposes to revise a payment provision for its registration and fee program at Title 49, Chapter I, Part 107, Subpart G of the Code of Federal Regulations (CFR). Specifically, PHMSA proposes to revise § 107.616 “Payment procedures” to require electronic only payment and eliminate the option to pay registration fees using a paper check.

E.O. 14247 provides that, as soon as practicable and to the extent permitted by law, all payment to the Federal Government must be processed electronically. E.O. 14247 further states that the Secretary of the Treasury must take appropriate action to eliminate the need for the Department of the Treasury's (“Treasury”) physical lockbox services, and to expedite requirements to receive the payment of Federal receipts, including fees, through electronic means.

PHMSA has historically used the lockbox system for collecting checks for its registration program fee payments. The Treasury has indicated that it will soon no longer be servicing the PHMSA lockbox because of the continually decreasing number of check payments using the system. The increased use of electronic payments made online to PHMSA versus mailed paper checks greatly minimizes the need to maintain a lockbox. To meet the Treasury's lockbox closure initiative, PHMSA is proposing that payments for hazardous materials registration fees will only be accepted electronically moving forward.

Currently, § 107.616(a) instructs each person subject to the registration requirements to either mail their payment in full to the U.S. Department of Transportation or submit the statement and payment electronically through the Department's e-Commerce internet site. Section 107.616(b) also instructs a person to make a payment by certified check, cashier's check, personal check, or money order in U.S. funds and drawn on a U.S. bank that is payable to the U.S. Department of Transportation” or by completing an authorization for payment by credit card or other electronic means of payment acceptable to the Department.

Consistent with the requirements and Treasury's efforts to implement E.O. 14247, PHMSA proposes to revise the payment method for the registration program and fee in § 107.616 to electronic only. PHMSA does not expect the proposed revisions to have any adverse impact on safety.

¹ 90 FR 14001 (Mar. 25, 2025).

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rulemaking is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this proposed rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that the proposed rule for electronic-only payments will not generate significant economic costs but will enhance efficiency. PHMSA anticipates

a small, but not significant, cost savings to government due to the change to electronic-only payment in the amended 49 CFR 107.616, primarily as a result of no longer having to dedicate resources to processing paper forms and checks. For regulated parties that have previously chosen to pay by mailing in a check with their registration statement, PHMSA expects the cost of adjusting to the electronic system would be negligible.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

PHMSA has analyzed this proposed rulemaking in accordance with the principles and criteria contained in E.O. 14156 (“Declaring a National Energy Emergency”) ⁵ and E.O. 14154 (“Unleashing American Energy”).⁶ Respectively, the President has declared a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity and asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it will not hinder or unduly burden the transportation or production of energy or energy-related products.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant

action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rulemaking in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”) ⁷ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁸ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rulemaking does not address any of the covered subject items above that would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 64 FR 43255 (Aug. 10, 1999).

⁸ 74 FR 24693 (May 22, 2009).

² 58 FR 51735 (Oct. 4, 1993).

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed change in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”)⁹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹⁰ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act and that the potential impacts of the rulemaking on small entities has been properly considered. The number of entities currently paying registration fees with paper checks is currently less than 1,000 per year, and PHMSA believes the majority of small businesses would be able to make electronic payments without incurring significant costs. PHMSA certifies the proposed rule (if finalized) will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and, therefore, will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”)¹¹ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This proposed rulemaking will not create, amend, or rescind any existing information collections.

K. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”)¹² directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR Chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM AND PROCEDURES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 Section 4; Pub. L. 104–121 Sections 212–213; Pub. L. 104–134 Section 31001; Pub. L. 114–74 Section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97; 33 U.S.C. 1321.

■ 2. Revise § 107.616 to read as follows:

§ 107.616 Payment procedures.

(a) Each person subject to the requirements of this subpart must submit the registration statement and payment electronically in full through the Department’s e-Commerce internet site. Access to this service is provided at <https://www.phmsa.dot.gov/registration/registration-overview>. A registrant required to file an amended registration statement under § 107.608(c) of this subpart must submit it through the same internet site.

(b) Payment must be made by completing an authorization for payment by credit card or other electronic means of payment acceptable to the U.S. Department of Transportation as part of an internet registration as provided in paragraph (a) of this section.

(c) Payment must correspond to the total fees properly calculated in the “Amount Due” block of the DOT form F 5800.2. A person may elect to register and pay the required fees for up to three registration years by filing one complete and accurate registration statement.

⁹ 67 FR 53461 (Aug. 16, 2002).

¹⁰ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹¹ 65 FR 67249 (Nov. 9, 2000).

¹² 86 FR 26633 (May 17, 2021).

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12085 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 107

[Docket No. PHMSA–2025–0097 (HM–2681)]

RIN 2137–AG11

Hazardous Materials: Reducing Recordkeeping Requirements for Domestic Carriers

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to revise the hazardous materials program procedures to allow motor and vessel carriers the option to carry their PHMSA certificate of registration in electronic form.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0097 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any Federal Register notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0097 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Yul B. Baker Jr., Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at yul.baker@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Yul B. Baker Jr., Transportation Regulations Specialist, Standards Development Branch, 1200 New Jersey Avenue SE Washington, DC 20590, 202–366–8553, yul.baker@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA proposes to revise certain outdated and unduly burdensome recordkeeping provisions for its registration program found at Title 49 Chapter I, Part 107 of the Code of Federal Regulations (CFR). Currently, § 107.620 requires motor carriers and vessel carriers to carry a copy of their current PHMSA issued Certificate of Registration (“certificate”), or another document bearing the registration number identified as the “U.S. DOT Hazmat Reg. No.”, onboard each truck or vessel transporting hazardous materials. Carriers must also make the copy of their certificate or the document bearing the registration number available to enforcement personnel upon request. Historically, it had been understood that the documentation must be in hard copy paper form.

On January 17, 2023, PHMSA issued an interpretation¹ explaining that Part 107, Subpart G does not require that a paper copy of the certificate or other document be carried onboard the motor vehicle when that vehicle transports hazardous materials. Rather, the requirements specify that a motor carrier must “carry a copy of its current Certificate of Registration issued by PHMSA or another document bearing the registration number identified as the ‘U.S. DOT Hazmat Reg. No.’ onboard each truck and truck tractor.” That requirement, as PHMSA explained in the interpretation, can be satisfied by carrying the necessary documentation in electronic form.

Consistent with that clarification, PHMSA proposes to revise paragraph (b) to explicitly state that a copy of the certificate or document bearing the registration number in either electronic or paper form is acceptable, provided the certificate can be made available upon request to authorized enforcement personnel. PHMSA is also proposing a similar revision for carriage by vessel in § 107.620(c) as well as revisions to paragraphs (a) and (d) to allow for the information pertaining to the registration to be in an electronic format. PHMSA does not expect that these proposed revisions will have any adverse impact on safety because current technology allows documents to be just as readily available to inspectors and first responders via electronic means as hard copy printed on paper.

¹ Letter of interpretation Ref. No. 22–0133 (Jan. 17, 2023).

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that the proposed revisions to allow carriage of a copy of the Certificate of Registration or other document bearing the registration number in electronic

form will not generate significant economic costs, but they will enhance efficiency. PHMSA expects those cost savings will also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

PHMSA has analyzed this proposed rulemaking in accordance with the principles and criteria contained in E.O. 14156 (“Declaring a National Energy Emergency”) ⁵ and E.O. 14154 (“Unleashing American Energy”).⁶ Respectively, the President declared a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity and asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it will not hinder or unduly burden the transportation or production of energy or energy-related products.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”),⁷ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use, as further discussed in the RIA; OIRA has

therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”) ⁸ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁹ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation Laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts State, local, and Tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items paragraph (3) above and would preempt State, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 66 FR 28355 (May 22, 2001).

⁸ 64 FR 43255 (Aug. 10, 1999).

⁹ 74 FR 24693 (May 22, 2009).

² 58 FR 51735 (Oct. 4, 1993).

this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ¹⁰ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹¹ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and, therefore, will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹² and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”) ¹³ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹⁴ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

¹⁰ 67 FR 53461 (Aug. 16, 2002).

¹¹ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹² 65 FR 67249 (Nov. 9, 2000).

¹³ 77 FR 26413 (May 4, 2012).

¹⁴ 86 FR 26633 (May 17, 2021).

List of Subjects in 49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR Chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM AND PROCEDURES

- 1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 Section 4; Pub. L. 104–121 Sections 212–213; Pub. L. 104–134 Section 31001; Pub. L. 114–74 Section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97; 33 U.S.C. 1321.

- 2. Revise § 107.620 to read as follows:

§ 107.620 Recordkeeping requirements.

(a) Each person subject to the requirements of this subpart, or its agent designated under § 107.608(e), must maintain at its principal place of business in electronic or paper form for a period of three years from the date of issuance of each Certificate of Registration:

(1) A copy of the registration statement filed with PHMSA; and
(2) The Certificate of Registration issued to the registrant by PHMSA.

(b) Each motor carrier subject to the requirements of this subpart must carry a copy of its current Certificate of Registration issued by PHMSA or another document bearing the registration number identified as the “U.S. DOT Hazmat Reg. No.” onboard each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the requirements of this subpart. The Certificate of Registration or document bearing the registration number may be carried in electronic or paper form and must be made available, upon request, to authorized enforcement personnel.

(c) Each person who transports by vessel a hazardous material subject to the requirements of this subpart must carry onboard the vessel a copy of its current Certificate of Registration or another document bearing the current registration number identified as the “U.S. DOT Hazmat Reg. No.” The Certificate of Registration or document bearing the registration number may be carried in electronic or paper form and must be made available, upon request, to authorized enforcement personnel.

(d) Each person subject to this subpart must furnish its Certificate of

Registration (or a copy thereof) and all other records and information pertaining to the information contained in the registration statement to authorized DOT personnel upon request. The Certificate of Registration and all other records and information may be furnished in electronic or paper form.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12096 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****49 CFR Parts 107, 171, 172, and 173**

[Docket No. PHMSA–2025–0105 (HM–268Q)]

RIN 2137–AG19

Hazardous Materials: Allowing Fireworks Certification Agencies (FCAs) To Approve Professional Fireworks

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to expand the Fireworks Certification Agency’s (FCA) authority to approve fireworks constructed to the APA 87–1A standard to include those fireworks constructed to the APA 87–1B and APA 87–1C standards. PHMSA is also proposing to revise its procedural regulations to facilitate new FCA authorizations. These proposed actions are intended to streamline PHMSA’s fireworks approval process and provide the industry with regulatory flexibility.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0105 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building

Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0105 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

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Washington, DC 20590–0001, or by email at glenn.foster@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

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FOR FURTHER INFORMATION CONTACT: T. Glenn Foster, Chief, Regulatory Review and Reinvention Branch, Standards and Rulemaking Division, 1200 New Jersey Avenue SE, Washington, DC 20590, or by email at glenn.foster@dot.gov.

I. General Discussion

The pyrotechnic industry relies on a global logistics supply chain comprised of primarily foreign fireworks manufacturers and domestic importers, retailers, distributors, and consumers. The Hazardous Materials Regulations (HMR) require that prior to being transported into, out of, and throughout the United States, all explosives are classed, approved, and issued a DOT classification approval number (*i.e.*, EX number) by PHMSA, or—for consumer fireworks only—a DOT-approved Fireworks Certification Agency (FCA) Certification number (*i.e.*, FC number). The EX number or FC number is a unique identifier indicating that a firework device has been classed and approved for transportation into, out of, and throughout the United States. The FCAs are currently only authorized to issue FC numbers for consumer fireworks under American Pyrotechnics Association's (APA) 87–1A standard.

In this NPRM, PHMSA is proposing to expand this authorization beyond consumer fireworks designed and manufactured in accordance with the APA 87–1A standard. Under this proposal, PHMSA and the FCAs would continue to apply the same standard in reviewing the design and materials of the fireworks under the APA 87–1 standard, which is divided into three components—APA 87–1A (Standard for the Construction, Classification, Approval, and Transportation of Consumer Fireworks), APA 87–1B (Standard for Construction, Classification, Approval, and Transportation of Display Fireworks), and APA 87–1C (Standard for the Construction, Classification, Approval, and Transportation of Entertainment Industry and Technical (EI&T)

Pyrotechnics).¹ PHMSA is proposing to allow FCAs to certify compliance for each of the three components, rather than just for consumer fireworks (*see* APA 87–1A). This revision would allow fireworks manufacturers the flexibility to choose between paying FCAs for expedited review and certification, or relying on PHMSA's free, but sometimes longer, approval process.

PHMSA is also proposing to revise procedural regulations pertaining to new FCA authorizations. These proposed actions would help to streamline PHMSA's fireworks approval process and provide the regulated community with flexibility in seeking authorization for the transportation of display and technical pyrotechnics. To accommodate the expansion of fireworks approvals under all three parts of the APA 87–1 standard, PHMSA is proposing edits to Parts 107, 171, 172, and 173. In Part 107, PHMSA is proposing to revise § 107.402 to reference all three parts of APA 87–1. In Part 171, PHMSA is proposing to revise the definition for “FC number.” In Part 172, PHMSA is proposing to add a new Special Provision 200 to state that fireworks may be certified for transportation by a DOT-approved fireworks certification agency in accordance with the provisions of § 173.65. PHMSA is also proposing to revise three entries in the § 172.101 Hazardous Material Table (HMT) to reference the revised Special Provision 200 and proposing a conforming amendment to § 172.320 “Explosive hazardous materials.” Finally, in Part 173, PHMSA is proposing to revise § 173.64 “Exceptions for Division 1.3 and 1.4 fireworks” to reference provisions applicable to FCA's and revise § 173.65 “Exceptions for Division 1.4G consumer fireworks” to retitle “Exceptions for Division 1.3G or 1.4G fireworks certification by a Fireworks Certification Agency” and facilitate the approval of professional fireworks by FCAs. PHMSA does not expect the proposed revisions to have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

¹ These standards are currently incorporated by reference in § 171.7 of the HMR.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President's Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminarily determination that this proposed rule would result in cost savings by providing industry with more options for the expedited processing of display and technical fireworks. PHMSA expects those cost savings would also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA

² 58 FR 51735 (Oct. 4, 1993).

³ 90 FR 9065 (Jan. 31, 2025).

seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA's initial estimates are that the total costs of the rule on the regulated community would be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is "unlawful . . . [or] that undermine[s] the national interest."⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 ("Declaring a National Energy Emergency")⁵ a national emergency to address the United States's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 ("Unleashing American Energy")⁶ asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional firework manufacturers and FCAs. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it imposes no new burdens on the transportation of energy or energy-related products.

This proposed rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"),⁷ which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this proposed rule is not a significant action under E.O. 12866, it would not have a significant adverse effect on supply, distribution, or energy use, as further discussed in the RIA; OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism")⁸ and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009.⁹ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials

in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government." The Federal Hazardous Materials Transportation Laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are "substantively the same" as the federal requirements, including the following:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items paragraph (1) above and would preempt state, local, and Tribal requirements not meeting the "substantively the same" standard. While the proposed rule may (when finalized) operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies

that the proposed rule in the rulemaking would not have a significant economic impact on a substantial number of small entities. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking")¹⁰ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹¹ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA. PHMSA does not expect the proposed rule would result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking would not adversely affect safety and therefore would not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

¹⁰ 67 FR 53461 (Aug. 16, 2002).

¹¹ DOT, "Rulemaking Requirements Related to Small Entities," <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

⁴ 90 FR 10583 (Feb. 19, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 66 FR 28355 (May 22, 2001).

⁸ 64 FR 43255 (Aug. 10, 1999).

⁹ 74 FR 24693 (May 22, 2009).

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹² and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it would not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking would not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”) ¹³ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the

absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments would not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹⁴ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers,

Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5151–5128, 44701; Pub. L. 101–410 Section 4; Pub. L. 104–121 Sections 212–213; Pub. L. 104–134 Section 31001; Pub. L. 114–74 Section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97; 33 U.S.C. 1321.

■ 2. In § 107.402, revise paragraph (d) to read as follows:

§ 107.402 Application for designation as a certification agency.

* * * * *

(d) *Fireworks Certification Agency.* Prior to reviewing, and certifying Division 1.4G consumer fireworks (UN0336) for compliance with the APA 87–1A standard, excluding appendices II through VI, or Division 1.3G display fireworks (UN0335) for compliance with the 87–1B standard, or 1.4G entertainment industry and technical pyrotechnics (UN0101 or UN0431) for compliance with the 87–1C standard, as appropriate (IBR, see § 171.7 of this chapter) as specified in part 173 of this chapter, a person must apply to, and be approved by, the Associate Administrator to act as a Fireworks Certification Agency.

(1) *Fireworks Certification Agency applicant requirements.* The Fireworks Certification Agency applicant must—

(i) Be a U.S. resident, or for a non-U.S. resident, have a designated U.S. agent representative as specified in § 105.40 of this subchapter;

(ii) Employ personnel with work experience in manufacturing or testing of fireworks or explosives; or a combination of work experience in manufacturing or testing of fireworks or explosives and a degree in the physical sciences or engineering from an accredited university;

(iii) Have the ability to:

(A) Review design drawings, and applications to certify that they are in accordance with the APA Standard 87–1; and

(B) Verify that the applicant has certified the thermal stability test procedures and results.

¹² 65 FR 67249 (Nov. 9, 2000).

¹³ 77 FR 26413 (May 4, 2012).

¹⁴ 86 FR 26633 (May 17, 2021).

(iv) Must be independent of and not owned by any consumer fireworks manufacturer, distributor, import or export company, or proprietorship.

(2) *Fireworks Certification Agency application submittal requirements.* In addition to the requirements of paragraphs (b) and (d)(1) of this section, the Fireworks Certification Agency application must include—

(i) Name, address, and country of each facility where Division 1.3G or 1.4G fireworks applications are reviewed and certified;

(ii) Which component of the APA Standard 87–1, A, B or C under which they want to be approved to certify fireworks.

(iii) A detailed description of the qualifications of each individual the applicant proposes to employ to review, and certify that the requirements specified by part 173 of this chapter and the APA Standard 87–1 have been met;

(iv) Written operating procedures to be used by the Fireworks Certification Agency to review and certify that a Division 1.3G or 1.4G fireworks

application meets the requirements specified in the APA Standard 87–1;

(v) Name, address, and principal business activity of each person having any direct or indirect interest in the applicant greater than three percent and any direct or indirect ownership interest in each subsidiary or division of the applicant; and

(vi) A statement that the applicant will perform its functions independent of the manufacturers, transporters, importers, and owners of the fireworks.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 3. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 4. In § 171.8, revise the definition for “FC number” to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

FC number means a number preceded by the prefix “FC”, assigned by a Fireworks Certification Agency to a firework device that has been certified under the provisions of § 173.65 of this subchapter.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 5. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 6. In § 172.101, the Hazardous Materials Table is amended by revising entries under “[REVISE]” in the appropriate alphabetical sequence to read as follows:

§ 172.101 Hazardous Materials Table

Symbols	(1)	(2)	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***)			(9) Quantity limitations (see §§ 173.27 and 175.75)		(10) Vessel stowage	
									Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
				*		*		*		*		*	*		
			1.3G	UN0430 .....	.....	.....	1.3G	200	None	62	Forbidden	03	25		
			1.4G	UN0431 .....	.....	.....	1.4G	200, 381	None	62	75kg	02	25		
					*			*		*		*	*		
			1.3G	UN0335 .....	.....	.....	1.3G	108, 200	None	62	Forbidden	03	25		
			*		*			*		*		*	*		

* * * * *

■ 7. In § 172.102, revise paragraph (c)(1) special provision 200 to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

200 Fireworks may be certified for transportation by a DOT-approved Fireworks Certification Agency in accordance with the provisions of § 173.65 of this subchapter.

* * * * *

■ 8. In § 172.320, revise paragraph (b)(2) to read as follows:

§ 172.320 Explosive hazardous materials.

* * * * *

(b) * * *

(2) For fireworks reviewed by a Fireworks Certification Agency approved in accordance with 49 CFR part 107 subpart E and certified in accordance with § 173.65, with the FC number assigned by a DOT-approved Fireworks Certification Agency.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 9. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 10. In § 173.64, revise paragraph (a) introductory text to read as follows:

§ 173.64 Exceptions for Division 1.3 and 1.4 fireworks.

(a) Notwithstanding the requirements of § 173.56(b), Division 1.3 and 1.4 fireworks (see § 173.65 for provisions applicable to Fireworks Certification Agencies) may be classed and approved by the Associate Administrator without prior examination and offered for transportation if the following conditions are met:

* * * * *

■ 11. Revise § 173.65 including the section name to read as follows:

§ 173.65 Exceptions for Division 1.3G or 1.4G fireworks certification by a Fireworks Certification Agency.

(a) Notwithstanding the requirements of §§ 173.56(b), 173.56(f), 173.56(i), and 173.64, Division 1.3G or 1.4G fireworks may be offered for transportation provided the following conditions are met:

(1) The fireworks are manufactured in accordance with the applicable requirements in APA 87–1A, APA 87–1B, or APA 87–1C, as appropriate (IBR, see § 171.7 of this subchapter);

(2) The device must pass a thermal stability test. The test must be performed by maintaining the device, or a representative prototype of the device, at a temperature of 75 °C (167 °F) for 48 consecutive hours. When a device contains more than one component, those components that could be in physical contact with each other in the finished device must be placed in contact with each other during the thermal stability test;

(3) The manufacturer of the firework applies in writing to a DOT-approved Fireworks Certification Agency, and is notified in writing by the DOT-approved Fireworks Certification Agency that the firework has been:

(i) Certified that it complies with APA 87–1A, APA 87–1B, or APA 87–1C, as appropriate, and meets the requirements of this section; and

(ii) Assigned an FC number.

(4) The manufacturer's application must be complete and include:

(i) Detailed diagram of the device;

(ii) Complete list of the chemical compositions, formulations and quantities used in the device;

(iii) Results of the thermal stability test; and

(iv) Signed certification declaring that the device for which certification is requested conforms to the APA 87–1A, APA 87–1B, or APA 87–1C, as appropriate, that the descriptions and technical information contained in the application are complete and accurate, and that no duplicate applications have been submitted to PHMSA. If the application is denied, the Fireworks Certification Agency must notify the manufacturer in writing of the reasons for the denial. As detailed in the DOT approval issued to the Fireworks Certification Agency, following the issuance of a denial from a Fireworks Certification Agency, a manufacturer may seek reconsideration from the Fireworks Certification Agency, or may appeal the decision of the Fireworks Certification Agency to the PHMSA Administrator.

(b) *Recordkeeping requirements.* Following the certification of each firework as permitted by paragraph (a) of this section, the manufacturer and importer must maintain a paper record or an electronic image of the certificate, demonstrating compliance with this section. Each record must clearly provide the unique identifier assigned to the firework device and the Fireworks Certification Agency that certified the device. The record must be accessible at or through its principal place of business and be made available, upon request, to an authorized official of a Federal, State, or local government

agency at a reasonable time and location. Copies of certification records must be maintained by each importer, manufacturer, or a foreign manufacturer's U.S. agent, for five (5) years after the device is imported. The certification record must be made available to a representative of PHMSA upon request.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12082 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 171

[Docket No. PHMSA–2025–0089 (HM–268A)]

RIN 2137–AG03

Hazardous Materials: Reducing Burdens on Domestic Aerosol Shippers

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to update the definition of an aerosol to eliminate unnecessary regulatory burdens and maintain consistency with current international transportation standards.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0089 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1-202-493-2251.

Instructions: Please include the docket number PHMSA-2025-0089 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

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Docket: For access to the docket to read background documents or comments received, go to <http://>

www.regulations.gov. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:

Steven Andrews, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-8553, steven.andrews@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA proposes to revise the definition of an "aerosol" in 49 CFR 171.8, "Definitions," to eliminate unnecessary regulatory burdens and maintain consistency with current international transportation standards. Historically, the Research and Special Programs Administration (RSPA)—the predecessor agency to the Pipeline and Hazardous Materials Safety Administration (PHMSA)—differentiated between a compressed gas as the primary product in a container and a gas used solely as an aerosol propellant.¹ However, after decades of transportation outside the United States under the international regulations' definition, PHMSA has preliminarily determined that this distinction is unnecessary.

The Hazardous Materials Regulations (HMR) currently define an aerosol in 49 CFR 171.8 as "an article consisting of any non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which is to expel a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas." On September 28, 2017, PHMSA received a petition for rulemaking² concerning that definition from the Consumer Specialty Products Association (CSPA), Council on Safe Transportation of Hazardous Articles, Inc. (COSTHA), National Aerosol Association (NAA) and American Coatings Association (ACA) (collectively, Joint Petitioners). In that petition, the Joint Petitioners asked PHMSA to revise the HMR's definition of an aerosol to align with the definitions found in the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations (UNMR), the International Maritime Dangerous Goods (IMDG) Code, the International Civil Aviation Organization Technical Instructions on the Safe Transport of Dangerous Goods by Air (ICAO TI), and the Regulations

governing European Road Transport (ADR). The Joint Petitioners noted that the HMR's definition for aerosol is inconsistent with its international counterpart, which does not include the limitation for gas to be used to expel a liquid, paste, or powder. Without harmonization, this results in pure gases being shipped as fully regulated compressed gases under the HMR. The exclusion of pure gases from the aerosol definition can significantly impact their regulation under the HMR, including requirements for packaging (DOT-specification cylinder versus DOT-2P or 2Q inner receptacle), hazard communication, and classification. Currently, PHMSA has special permits issued that allow the transportation of pure gases that are provided regulatory relief similar to shipments of aerosols meeting the international definition. Three examples of such special permits are DOT-SP 10232, DOT-SP 11516, and DOT-SP 10704. These special permits have all been in place for thirty years or more and have no reported safety incidents. On April 2, 2019, PHMSA responded to the Joint Petitioners by stating that the proposed revision merited further consideration.

Lack of harmonization between the HMR and international standards creates significant challenges for industry stakeholders engaged in global commerce, leading to confusion, increased compliance costs, and logistical inefficiencies, particularly for companies that manufacture, package, or transport hazardous materials across borders. Lack of harmonization also impedes trade, delays shipments, and reduces the competitiveness of U.S. businesses in the global marketplace—all of which can increase prices for U.S. consumers. Inconsistencies between the HMR and international definitions of aerosol are no different, and PHMSA is not aware of any transportation-related safety concerns which justify that inconsistency. Therefore, PHMSA is proposing to revise the definition of an aerosol in § 171.8 to align with the international definition and no longer require that an aerosol be designed for the sole purpose of expelling a liquid, paste or powder.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

¹ 56 FR 55417 (Oct. 28, 1991).

² P-1707 (PHMSA-2017-0131).

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),³ as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and preliminarily determined that this proposed rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for manufacturers and shippers of aerosols. PHMSA expects that cost savings will focus on those related to the reduction in burden for new special permit applications (e.g., new entrants to the market) and renewals for current special permit holders, as well as cost savings from the ability to transition to a single system of marks, labels, and documentation for domestic and international transport. PHMSA expects those cost savings will

result in reduced costs for U.S. consumers to whom those entities generally transfer a portion of their compliance costs.

The change to align the HMR definition of aerosols with international standards (including the UN Model Regulations, IMDG Code, ICAO Technical Instructions, and ADR) is not expected to impose any new direct costs on U.S. aerosol manufacturers, shippers, or federal regulatory agencies. The revision will expand regulatory flexibility by permitting the classification of gas-only aerosols without necessitating the presence of a liquid, paste, or powder. As a result, there are no new compliance, implementation, or oversight burdens anticipated.

The change offers multiple sources of cost savings and regulatory relief. The current U.S. definition excludes gas-only aerosols from qualifying for limited quantity exceptions, requiring their treatment as fully regulated hazardous materials. Aligning with international standards would eliminate added costs for qualifying products, streamlining logistics and reducing compliance burdens, such as, preparation of shipping papers, payment of hazmat transportation surcharges, investment in extensive employee training, additional requirements for storage and documentation. In addition, companies currently operating under special permits to ship gas-only aerosols incur labor and administrative costs related to marking packages, using specific packaging, maintaining, and renewing permits every two to four years, providing permit-specific training to relevant staff. PHMSA has issued dozens of special permits in different forms that allow for the transportation of pure gases in a manner equivalent to using the international definition of an aerosol. Examples of operational controls under these special permits include relaxation of the packaging requirements to allow transportation DOT-2P, 2Q, or similar inner receptacles, and elimination of shipping papers, and placarding requirements. Elimination of the special permit requirement would produce direct labor cost savings and reduce administrative overhead for both the private sector and PHMSA. Harmonization with international definitions would simplify cross-border trade by eliminating inconsistencies in classification and labeling. U.S. companies currently face trade friction when exporting aerosols that qualify under international definitions but not under U.S. rules. By adopting the broader international standard, U.S. manufacturers and

marketers would gain improved access to the global aerosol market. This change would enhance the international competitiveness of U.S. aerosol products, enabling companies to increase market share and reduce barriers to export. The regulatory change is broadly expected to increase efficiency in transportation and logistics, lower product costs for businesses and potentially for consumers, and foster economic activity by reducing barriers to entry.

In summary, PHMSA requests feedback from stakeholders on: (1) the overall economic impact of the proposed HMR revisions; (2) the overall expected impact on the transportation of aerosol products and their prices, and (3) the anticipated market impact of the proposed revisions. PHMSA also welcomes any comments from stakeholders on anticipated specific economic impacts of the proposed rule.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.⁴ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”⁵

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”) a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”) ⁷ asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional affected entities. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it will not impose any burden

⁴ 90 FR 9065 (Jan. 31, 2025).

⁵ 90 FR 10583 (Feb. 19, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 90 FR 8353 (Jan. 29, 2025).

³ 58 FR 51735 (Oct. 4, 1993).

on the transportation of energy or energy-related products.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”),⁸ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”) ⁹ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.¹⁰ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation Laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold

as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items in paragraph I above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may (when finalized) operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ¹¹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹² This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by

state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹³ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

¹¹ 67 FR 53461 (Aug. 16, 2002).

¹² DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹³ 65 FR 67249 (Nov. 9, 2000).

⁸ 66 FR 28355 (May 22, 2001).

⁹ 64 FR 43255 (Aug. 10, 1999).

¹⁰ 74 FR 24693 (May 22, 2009).

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections. There is potential for a slight reduction in the number of shipping papers required under OMB Control Number 2137–0034, “Hazardous Materials Shipping Papers & Emergency Response Information,” due to aerosols being shipped as limited quantities. However, this reduction is expected to be minimal and difficult to quantify in relation to the overall shipping paper burden.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”)¹⁴ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the

safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”)¹⁵ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

- 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

- 2. In § 171.8, revise the definition of “Aerosol” to read as follows:

§ 171.8 Definitions.

* * * * *

Aerosol means an article consisting of a non-refillable receptacle containing a gas (compressed, liquefied, or dissolved under pressure), with or without a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste, or powder, and fitted with a self-closing release device allowing the contents to be ejected as a foam, paste, or powder or in a liquid state or in a gaseous state.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12064 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, and 173

[Docket No. PHMSA–2025–0093 (HM–268E)]

RIN 2137–AG07

Hazardous Materials: Remove Redundant List of U.S. EPA CERCLA Hazardous Substances

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This NPRM proposes to revise the Hazardous Materials Regulations (HMR) to remove redundant pages contained in an Appendix that repeats references already listed in U.S. Environmental Protection Agency (EPA) regulations.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0093 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0093 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments

¹⁴ 77 FR 26413 (May 4, 2012).

¹⁵ 86 FR 26633 (May 17, 2021).

from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Yul B. Baker Jr., Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at yul.baker@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Yul B. Baker Jr., Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, yul.baker@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

To eliminate redundant and unnecessary requirements in the hazardous materials regulations (HMR; 49 CFR parts 171–180), PHMSA is proposing to remove Appendix A to § 172.101—List of Hazardous

Substances and Reportable Quantities and insert a reference to the Environmental Protection Agency’s (EPA) list of hazardous substances and reportable quantities in the definitions of “hazardous substance” and “reportable quantity” (*see*, 40 CFR 302.4). PHMSA is also proposing a conforming revision to requirements for empty packagings to remove reference to the now deleted Appendix A. Finally, PHMSA is proposing an editorial change to rename Appendix B to § 172.101—List of Marine Pollutants to Appendix A and to revise the definition of “marine pollutant” to refer to Appendix A instead of Appendix B based on these proposed changes. PHMSA does not expect that these proposed revisions will have any adverse impact on safety.

The Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA; 42 U.S.C. 9601 *et seq.*) provides that “each hazardous substance which is listed or designated as provided in section 9601(14) . . . shall . . . be listed and regulated as a hazardous material under chapter 51 of title 49.” 42 U.S.C. 9656. EPA codified the list of hazardous substances at 40 CFR 302.4 and periodically updates the list to add, remove or revise entries. Even though EPA’s list of “hazardous substances” is effectively incorporated into the HMR via the definitions that apply to the transportation of “hazardous materials” in § 171.8, PHMSA nevertheless publishes a separate list of hazardous substances in Appendix A to § 172.101—List of Hazardous Substances and Reportable Quantities.

The proposed revisions to the HMR in this NPRM will still satisfy the intent of the CERCLA statute and improve clarity while also improving efficiency. Under the current regulations, PHMSA must publish a rulemaking periodically to update the list as a companion action to EPA rulemakings that make changes to the 40 CFR 302.4 list. There is often a time lag between when EPA updates its list through a rulemaking and when PHMSA issues a corresponding rulemaking. During this delay, stakeholders have expressed confusion whether a material that is listed by EPA is regulated by PHMSA as a hazardous material. PHMSA also receives similar inquiries when reportable quantities for certain materials are adjusted. Removing the separate list of hazardous substances in the HMR and referencing EPA’s list of hazardous substances at 40 CFR 302.4 will provide more regulatory certainty. When a hazardous substance is listed, removed, or the applicable RQ adjusted by EPA, the material is either subject to

the HMR as hazardous material, no longer subject to the HMR as hazardous material, or the conditions for applicability have been revised, respectively. PHMSA does not expect that these proposed revisions will have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866, Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),¹ as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

¹ 58 FR 51735 (Oct. 4, 1993).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule would result in cost savings to the government by streamlining regulations and eliminating redundancy. The proposed rule would also benefit the regulated public by clarifying applicability and reducing confusion.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.² PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA's initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is "unlawful . . . [or] that undermine[s] the national interest."³

D. Energy-Related Executive Orders 14211, 14154, and 14156

The President has declared in E.O. 14156 ("Declaring a National Energy Emergency")⁴ a national emergency to address the United States's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 ("Unleashing American Energy")⁵ asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed regulatory amendments merely reference U.S. EPA regulations to reduce the size of the HMR and do not impact energy transportation, development, or use.

This proposed rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"),⁶ which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply,

distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism")⁷ and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009.⁸ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government." The Federal Hazardous Materials Transportation Laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are "substantively the same" as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items (1) above and would preempt state, local, and Tribal requirements not meeting the "substantively the same" standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or

the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking")⁹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹⁰ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

² 90 FR 9065 (Jan. 31, 2025).

³ 90 FR 10583 (Feb. 19, 2025).

⁴ 90 FR 8353 (Jan. 29, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 66 FR 28355 (May 22, 2001).

⁷ 64 FR 43255 (Aug. 10, 1999).

⁸ 74 FR 24693 (May 22, 2009).

⁹ 67 FR 53461 (Aug. 16, 2002).

¹⁰ DOT, "Rulemaking Requirements Related to Small Entities," <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking does not adversely affect safety and, therefore, will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹¹ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it does not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule does not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This proposed rule does not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”) ¹² requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of this proposed rule and has determined that its regulatory amendments do not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹³ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of this proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects*49 CFR Part 171*

Definitions, Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR Chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 2. In § 171.8, revise the definitions for “hazardous substance,” “marine pollutant,” and “reportable quantity” in alphabetic order to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Hazardous substance for the purposes of this subchapter, means a material, including its mixtures and solutions, that—

(1) Is listed in 40 CFR 302.4;

(2) Is in a quantity, in one package, which equals or exceeds the reportable quantity (RQ) listed in the 40 CFR 302.4; and

(3) When in a mixture or solution—

(i) For radionuclides, the following requirements shall be used in determining if a package contains an RQ of a hazardous substance: (a) if the identity and quantity (in curies or terabecquerels) of each radionuclide in a mixture or solution is known, the ratio between the quantity per package (in curies or terabecquerels) and the RQ for the radionuclide must be determined for each radionuclide. A package contains an RQ of a hazardous substance when the sum of the ratios for the radionuclides in the mixture or solution is equal to or greater than one; (b) if the identity of each radionuclide in a mixture or solution is known but the quantity per package (in curies or

¹¹ 65 FR 67249 (Nov. 9, 2000).

¹² 77 FR 26413 (May 4, 2012).

¹³ 86 FR 26633 (May 17, 2021).

terabecquerels) of one or more of the radionuclides is unknown, an RQ of a hazardous substance is present in a package when the total quantity (in curies or terabecquerels) of the mixture or solution is equal to or greater than the lowest RQ of any individual radionuclide in the mixture or solution;

and (c) if the identity of one or more radionuclides in a mixture or solution is unknown (or if the identity of a radionuclide by itself is unknown), an RQ of a hazardous substance is present when the total quantity (in curies or terabecquerels) in a package is equal to or greater than either one curie or the

lowest RQ of any known individual radionuclide in the mixture or solution, whichever is lower.

(ii) For other than radionuclides, is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the following table:

	RQ pounds (kilograms)	Concentration by weight	
		Percent	PPM
5,000 (2,270)		10	100,000
1,000 (454)		2	20,000
100 (45.4)		0.2	2,000
10 (4.54)		0.02	200
1 (0.454)		0.002	20

The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in 40 CFR 302.4, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

* * * * *

Marine pollutant means a material which is listed in Appendix A to § 172.101 of this subchapter (also see § 171.4) and, when in a solution or mixture of one or more marine pollutants, is packaged in a concentration which equals or exceeds:

(1) Ten percent by weight of the solution or mixture for materials listed in the appendix; or

(2) One percent by weight of the solution or mixture for materials that are identified as severe marine pollutants in the appendix.

* * * * *

Reportable quantity (RQ) for the purposes of this subchapter, means the final RQ quantity specified for any material identified in 40 CFR 302.4.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

■ 3. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

§ 172.101 [Amended]

■ 4. Amend § 172.101 to:

■ a. Delete current “Appendix A to § 172.101—List of Hazardous Substances and Reportable Quantities” including Table 1 to Appendix A—

Hazardous Substances Other Than Radionuclides and Table 2 to Appendix A—Radionuclides; and

■ b. Revise “Appendix B to § 172.101—List of Marine Pollutants” by renaming it “Appendix A to § 172.101—List of Marine Pollutants”.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 5. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 6. In § 173.29, revise paragraph (h) to read as follows:

§ 173.29 Empty packagings.

* * * * *

(h) A package that contains a residue of a hazardous substance, Class 9, that does not meet the definition of another hazard class and is not a hazardous waste or marine pollutant, may remain marked, labeled and, if applicable, placarded in the same manner as when it contained a greater quantity of the material even though it no longer meets the definition in § 171.8 of this subchapter for a hazardous substance.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12067 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171 and 173

[Docket No. PHMSA–2025–0101 (HM–268M)]

RIN 2137–AG15

Hazardous Materials: Adoption of Department of Transportation Special Permit 21287

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to adopt a special permit into the hazardous materials regulations to streamline the transportation of small refrigerating machines that contain limited quantities of certain flammable gases, including common household appliances such as refrigerators, window-mounted air-conditioning units, and dehumidifiers.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0101 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200

New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0101 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Ryan Larson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at ryan.larson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:

Ryan Larson, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, ryan.larson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA is proposing to revise certain provisions in Part 173 of Chapter I of Title 49 of the Code of Federal Regulations (CFR). Specifically, PHMSA is proposing to revise § 173.307(a)(4) to provide an exception from the HMR for transportation of common household refrigerating machines that contain small amounts of certain flammable gases.

Due to the statutory requirements in the American Innovation and Manufacturing Act (AIM),¹ signed into law in December 2020, manufacturers are required to transition from higher Global Warming Potential (GWP) refrigerants, such as American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Group A1 gasses, currently classified as nonflammable gases (Division 2.2), to more environmentally friendly refrigerants with lower GWP. A majority of these lower GWP refrigerants are flammable, but fall within the lower flammability category or may only propagate flame front at temperatures > 23 C. All of the low GWP gases (refrigerants) described in this notice fall within GHS Category 1B and therefore are also ASHRAE Class A2L listed refrigerants.

Currently, § 173.307(a)(4) allows for 12kg or less of Division 2.1 (Flammable) gases to be transported by land or vessel, but not air. Adopting this special permit into the Hazardous Materials Regulations (HMR; Parts 171–180) adds a provision to allow for the transportation of 20kg of low flammability gases by land, while still prohibiting their transportation by air or vessel. This proposed amendment allows retailers that routinely and safely ship modern household appliances (such as refrigerators, window-mounted air-conditioning units, and dehumidifiers) by land more flexibility and avoids the undue regulatory burden of obtaining a special permit. PHMSA

does not expect the proposed revisions to have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule would result in cost savings by reducing

¹ Public Law 116–260, Division S, Sec. 103.

² 58 FR 51735 (Oct. 4, 1993).

regulatory burdens and regulatory uncertainty for shippers of refrigerating machines by allowing for their transportation without the need for a special permit. Those cost savings may also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs. In addition, the proposed rule would produce cost savings to the Federal government, hence taxpayers, due to the reduction of special permit applications that would otherwise need to be processed by PHMSA personnel.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA's initial estimates are that the total costs of the rule on the regulated community would be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is "unlawful . . . [or] that undermine[s] the national interest."⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 ("Declaring a National Energy Emergency")⁵ a national emergency to address the United States's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 ("Unleashing American Energy")⁶ asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional hazardous materials shippers and carrier. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it would not impose any burden on the transportation of energy or energy-related products.

However, this proposed rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"),⁷ which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because

this proposed rule is not a significant action under E.O. 12866, it would not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism")⁸ and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009.⁹ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government." The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are "substantively the same" as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items listed in paragraph I above and would preempt state, local, and Tribal requirements not meeting the "substantively the same" standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the

National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking would not have a significant economic impact on a substantial number of small entities. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking")¹⁰ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹¹ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars)

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 66 FR 28355 (May 22, 2001).

⁸ 64 FR 43255 (Aug. 10, 1999).

⁹ 74 FR 24693 (May 22, 2009).

¹⁰ 67 FR 53461 (Aug. 16, 2002).

¹¹ DOT, "Rulemaking Requirements Related to Small Entities," <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment. PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking would not adversely affect safety and therefore would not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹² and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it would not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections. However, This rulemaking

eliminates the need for persons to renew a special permit, resulting in a decrease in paperwork burden for special permit holders. PHMSA estimates the reduction in information collection burden as follows:

OMB Control No. 2137-0051:
Rulemaking, Special Permits, and
Preemption Requirements.
*Decrease in Annual Number of
Respondents:* 12.

Decrease in Annual Responses: 12.

Decrease in Annual Burden Hours:
17.

Decrease in Annual Burden Cost: \$0.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this NPRM. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this NPRM. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this NPRM.

Notwithstanding any other provision of law, no person is required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH-12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, 2nd Floor, Washington, DC 20590-0001.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”) ¹³ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96-39), as amended by

the Uruguay Round Agreements Act (Pub. L. 103-465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹⁴ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects

49 CFR Part 171

Definitions and abbreviations, Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements, Training.

For the reasons set forth above, PHMSA proposes to amend 49 CFR part 171 and 173 as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITION

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note; 49 CFR 1.81 and 1.97.

¹² 65 FR 67249 (Nov. 9, 2000).

¹³ 77 FR 26413 (May 4, 2012).

¹⁴ 86 FR 26633 (May 17, 2021).

■ 2. In § 171.7, add paragraph (d)(8) to read as follows:

§ 171.7 Reference material.

* * * * *

(d) * * *

(8) ANSI/ASHRAE 34–2019, Designation and Safety Classification of Refrigerants, 2019, into §§ 173.306; 173.307.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 3. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 4. In § 173.307, revise paragraph (a)(4)(iii) to read as follows:

§ 173.307 Exceptions for compressed gases.

(a) * * *

(4) * * *

(iii) Except when offered or transported by air, 12 kg (25 pounds) or less of a flammable, non-toxic gas; or except when offered or transported by air or vessel, 20 kg (44 pounds) or less of a flammable, non-toxic gas, classified as a United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (IBR, see § 171.7 of this subchapter), Category 1B or American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) A2L refrigerant as specified in ANSI/ASHRAE Standard 34–2019 (IBR, see § 171.7 of this subchapter);

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12121 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171 and 173

[Docket No. PHMSA–2025–0102 (HM–268N)]

RIN 2137–AG16

Hazardous Materials: Adoption of Department of Transportation Special Permit 21379

AGENCY: Pipeline and Hazardous Materials Safety Administration

(PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to adopt the provisions of DOT special permit (SP) 21379 into the hazardous materials regulations to streamline the transportation of large refrigerating machines filled with flammable gases.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0102 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0102 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA,

5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Ryan Larson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at ryan.larson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:

Ryan Larson, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, ryan.larson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA is proposing to revise § 173.306 to provide an exception from the Hazardous Materials Regulations (HMR; Parts 171–180) for certain specification packaging requirements for large refrigerating machines containing certain flammable gases. The American Innovation and Manufacturing Act (AIM),¹ signed into law in December 2020, required manufacturers to transition from higher Global Warming Potential (GWP) refrigerants, such as American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Group A1 gasses, currently classified as Division 2.2 non-flammable gases, to more environmentally friendly refrigerants with lower GWP. A majority of these

¹ Public Law 116–260, Division S, Sec. 103.

lower GWP refrigerants are flammable, but fall within the lower flammability category or may only propagate flame front at temperatures >23°C. All of the low GWP liquefied gases (refrigerants) described in this notice fall within GHS Category 1B and therefore ASHRAE Class 2L.

Currently, § 173.306(e)(1) and (2) provide an exception for refrigerating machines containing Group A1 refrigerant, as classified in ANSI/ASHRAE Standard 15, or not more than 50 pounds of refrigerant other than Group A1, from the specification packaging requirements of the HMR. Adopting DOT-SP 21379 into the HMR would expand the existing 5,000 lb. limit for Group A1 refrigerant, as classified in ANSI/ASHRAE Standard 15, to 5,000 lb. for low flammability gases meeting the criteria of the United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (Seventh Revised Edition) Category 1B, or the equivalent found in American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) A2L Standard 34. Additional transport conditions such as vehicle type and markings are proposed for transporting refrigerating machines containing flammable gases. PHMSA does not expect the proposed revisions to have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and

qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule would result in cost savings by reducing regulatory burdens and regulatory uncertainty for shippers of refrigerating machines by allowing for their transportation without the need for a special permit. PHMSA expects those cost savings would also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community would be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”)⁵ a national emergency to address the United States’s inadequate

energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”)⁶ asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional hazardous materials shippers and carrier. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it would not hinder or unduly burden the transportation or production of energy or energy-related products.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”),⁷ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it would not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”)⁸ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁹ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

(1) The designation, description, and classification of hazardous material;

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 66 FR 28355 (May 22, 2001).

⁸ 64 FR 43255 (Aug. 10, 1999).

⁹ 74 FR 24693 (May 22, 2009).

² 58 FR 51735 (Oct. 4, 1993).

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items listed in paragraph 1 above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking would not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”)¹⁰ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹¹ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the

Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking would not adversely affect safety and therefore would not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”)¹² and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or

distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it would not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking would not create, amend, or rescind any existing information collections. However, this rulemaking eliminates the need for persons to renew a special permit, resulting in a decrease in paperwork burden for special permit holders. PHMSA estimates the reduction in information collection burden as follows:

OMB Control No. 2137–0051:

Rulemaking, Special Permits, and Preemption Requirements.

Decrease in Annual Number of Respondents: 10.

Decrease in Annual Responses: 10.

Decrease in Annual Burden Hours: 14.

Decrease in Annual Burden Cost: \$0.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this NPRM. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this NPRM. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this NPRM. Notwithstanding any other provision of law, no person is required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH–12), Pipeline and

¹⁰ 67 FR 53461 (Aug. 16, 2002).

¹¹ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹² 65 FR 67249 (Nov. 9, 2000).

Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, 2nd Floor, Washington, DC 20590–0001.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”)¹³ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments would not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”)¹⁴ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect

the cybersecurity risk profile for affected entities.

List of Subjects

49 CFR Part 171

Definitions and abbreviations, Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements, Training.

For the reasons set forth above, PHMSA proposes to amend 49 CFR Chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITION

- 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note; 49 CFR 1.81 and 1.97.

- 2. In § 171.7, add paragraph (d)(8) to read as follows:

§ 171.7 Reference material.

* * * * *

(d) * * *

(8) ANSI/ASHRAE 34–2019, Designation and Safety Classification of Refrigerants, 2019, into §§ 173.306; 173.307.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

- 3. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

- 4. In 173.306:

■ a. Revise paragraphs (e)(1)(i) and (ii);

■ b. Add paragraph (e)(1)(ix);

■ c. Revise paragraph (e)(2)(i) introductory text; and

■ d. Add paragraphs (e)(3) and (e)(4)

To read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * * *

(e) * * *

(1)(i) Each pressure vessel may not contain more than 5,000 pounds of Group A1 refrigerant as classified in ANSI/ASHRAE Standard 15, more than 5,000 pounds of GHS Category 1B or equivalent ASHRAE A2L refrigerant, or

not more than 50 pounds of refrigerant other than those specified above.

(ii) Machines or components having two or more charged vessels may not contain an aggregate of more than 2,000 pounds of Group I refrigerant; an aggregate of more than 2,000 pounds of GHS Category 1B or equivalent ASHRAE A2L Standard 34–2019 refrigerant (IBR, see § 171.7 of this subchapter); or more than 100 pounds of refrigerant other than those specified above.

* * * * *

(ix) Each new (unused) refrigerating machine or component thereof containing a Division 2.1 gas must be transported:

(A) On a motor vehicle utilizing an open flat-bed trailer;

(B) On an open flat-bed rail car; or

(C) In a well-ventilated closed transport vehicle (such as a trailer or rail car).

* * * * *

(2) *Used refrigerating machines*—(i) *Packaging.* Reconditioned (used) refrigerating machines (UN2857, Div. 2.2 or UN3358, Div. 2.1) may be excepted from the marking requirements of § 172.302(c) of this subchapter and transported by motor vehicle when they conform to the requirements prescribed in paragraph (e)(1) of this section, are secured or permanently attached to the motor vehicle, and are:

* * * * *

(3) Each refrigerating machine or component thereof containing a Division 2.1 gas must be marked on each side and each end with the identification number marking in accordance with the requirements of § 172.302 of this subchapter.

(4) For a refrigerating machine or component thereof containing a Division 2.1 gas contained in or on a transport vehicle or rail car, if the identification number marking on the refrigerating machine or component thereof in accordance with § 172.302(a) of this subchapter is not visible, the transport vehicle or rail car must be marked as required by § 172.332 of this subchapter on each side and each end with the identification number.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12100 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

¹³ 77 FR 26413 (May 4, 2012).

¹⁴ 86 FR 26633 (May 17, 2021).

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****49 CFR Parts 171 and 174**

[Docket No. PHMSA–2025–0099 (HM–268K)]

RIN 2137–AG13

Hazardous Materials: Removing Burdensome Rail Reporting Requirements

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: PHMSA proposes to remove or replace various rail transportation requirements that are either obsolete, overly burdensome, or conflict with other requirements in the Hazardous Materials Regulations (HMR).

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0099 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0099 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments

from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Alexander Wolcott, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at alexander.wolcott@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Alexander Wolcott, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, alexander.wolcott@dot.gov.

SUPPLEMENTARY INFORMATION:**I. General Discussion**

PHMSA is proposing several changes to Part 171, General Information, Regulations, and Definitions, and Part 174, Carriage by Rail of Chapter I of Title 49 of the Code of Federal

Regulations (CFR). These proposed changes would remove or replace various rail requirements that are either obsolete, overly burdensome, or conflict with other requirements in the HMR. PHMSA does not expect that these proposed revisions would have any adverse impact on safety.

Section 171.7 contains a list of the various documents PHMSA has incorporated by reference into the HMR. Section 171.7 also includes a table displaying materials that are not incorporated by reference. PHMSA is proposing to remove several publications from the table issued by the Association of American Railroad's (AAR) Bureau of Explosives (BOE), including the Intermodal Loading Guide for Products in Closed Trailers and Containers, Pamphlet 6, Pamphlet 6A, Pamphlet 6C, and the Emergency Handling of Hazardous Materials in Surface Transportation. Many of these publications have not been updated in decades and are no longer relevant to the nation's modern supply chain. PHMSA is proposing to remove these obsolete publications from the table and to make other conforming changes to §§ 174.55, 174.101, 174.112, 174.115, and 174.290 to remove subsequent references to the same publications.

Section 174.20(a) authorizes a rail carrier to impose local or carrier restrictions for hazardous materials when acceptance, transportation, or delivery is unusually hazardous. Section 174.20(b) also requires a carrier to report these restrictions to the AAR BOE. The removal of these reporting requirements was initiated by an AAR proposal at the June 2016, Railroad Safety Advisory Committee (RSAC) meeting as their recommendation was that the reporting requirement to the AAR's BOE was no longer necessary. The final decision to remove and reserve this section was approved by consensus vote at the May 25, 2017, RSAC meeting and offered to PHMSA and Federal Railroad Administration (FRA) for consideration. Therefore, PHMSA understands these reports to be outdated requirements, but nonetheless welcomes input from stakeholders on their current use, if any. PHMSA expects removing this section would not adversely impact safety because rail carriers would still be able to make a determination that local conditions make the acceptance, transportation, or delivery of hazardous materials unusually hazardous. This would maintain the current level of safety by retaining the railroad's discretion to restrict the movement of hazardous materials when a rail line is unsafe due to weather, track damage, or other

reasons that would make the transportation of hazardous materials unusually hazardous while reducing reporting burdens.

Section 174.67 prescribes the requirements for tank car transloading. PHMSA is proposing to remove certain outdated and unnecessary requirements from § 174.67, including removing the references to dirt and cinders in paragraph (b), amending paragraph (d) to provide flexibility in protecting open tank cars during transloading, and removing paragraph (n) because it is redundant to § 174.57. PHMSA expects that these changes would not have any adverse impact on safety as transloading has become significantly less common since the adoption of § 174.67 and the risks that these requirements were meant to mitigate have significantly diminished due to technological advances in the rail industry over the last 50 years.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),¹ as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose

the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This NPRM is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this NPRM would result in cost savings by reducing regulatory burdens and regulatory uncertainty for the railroad industry by removing unnecessary reporting requirements. PHMSA expects those cost savings would also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.² PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community would be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”³

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”) ⁴ a national emergency to address the United States’s inadequate energy development, production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”) ⁵ asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy

resources. PHMSA preliminary finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule would give railroads relief by reducing reporting costs and modernizing safety requirements to remove outdated, inefficient methods. PHMSA therefore expects the regulatory amendments in this proposed rule would in turn improve railroads’ ability to provide abundant, reliable, affordable energy products in response to residential, commercial, and industrial demand.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”),⁶ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” This proposed rule is not a significant action under E.O. 12866, and moreover, it would not have a significant adverse effect on supply, distribution, or energy use. OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”) ⁷ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁸ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements

² 90 FR 9065 (Jan. 31, 2025).

³ 90 FR 10583 (Feb. 19, 2025).

⁴ 90 FR 8353 (Jan. 29, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 66 FR 28355 (May 22, 2001).

⁷ 64 FR 43255 (Aug. 10, 1999).

⁸ 74 FR 24693 (May 22, 2009).

¹ 58 FR 51735 (Oct. 4, 1993).

related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items in section I above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking would not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”)⁹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹⁰ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a

significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking would not adversely affect safety and therefore would not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”)¹¹ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it would not significantly or uniquely

affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests.

PHMSA has analyzed this NPRM in accordance with the Paperwork Reduction Act. PHMSA proposes to revise the approved information collections under the following OMB Control Numbers: OMB Control No. 2137–0559, “Rail Carrier and Tank Car Tanks—Transportation of Hazardous Materials by Rail.”

This NPRM proposes to remove § 174.20(b), which requires reporting to the AAR BOE regarding any restrictions over any portion of its lines. PHMSA currently accounts for 34 offerors submitting 1.5 reports a year. Each report takes 20 minutes resulting in a reduction of 17 hours of annual burden.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this NPRM. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this NPRM. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this NPRM. Notwithstanding any other provision of law, no person is required to respond to a collection of information unless such collection displays a valid OMB control number.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, 2nd Floor, Washington, DC 20590–0001.

⁹ 67 FR 53461 (Aug. 16, 2002).

¹⁰ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹¹ 65 FR 67249 (Nov. 9, 2000).

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”)¹² requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of

international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments would not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”)¹³ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 174

Hazardous materials transportation, Incorporation by reference, Radioactive materials, Railroad safety.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 2. In § 171.7, revise “Table 1 to 49 CFR 171.7—Materials Not Incorporated by Reference” by revising the “Bureau of Explosives” entry in the table to read as follows:

§ 171.7 Reference material.

* * * * *

TABLE 1 TO 49 CFR 171.7—MATERIALS NOT INCORPORATED BY REFERENCE

Source and name of material	49 CFR reference
* * * * *	*
Bureau of Explosives, Hazardous Materials Systems (BOE), Association of American Railroads, American Railroads Building, 50 F Street NW, Washington, DC 20001:	
Fetterley’s Formula (The Determination of the Relief Dimensions for Safety Valves on Containers in which Liquefied gas is charged and when the exterior surface of the container is exposed to a temperature of 1,200 °F.)	173.315
* * * * *	*

* * * * *

PART 174—CARRIAGE BY RAIL

■ 3. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 33 U.S.C. 1321; 49 CFR 1.81 and 1.97.

§ 174.20 [AMENDED].

■ 4. Remove and reserve § 174.20:

* * * * *

■ 5. In § 174.55, revise paragraph (a) to read as follows:

§ 174.55 General requirements.

(a) Each package containing a hazardous material being transported by rail in a freight container or transport

vehicle must be loaded so that it cannot fall or slide and must be safeguarded in such a manner that other freight cannot fall onto or slide into it under conditions normally incident to transportation. When this protection cannot be provided by using other freight, it must be provided by blocking and bracing.

* * * * *

■ 6. In § 174.67:

- a. Revise paragraph (b)(3);
- b. Revise paragraph (d); and
- c. Remove and reserve paragraph (n).

To read as follows:

§ 174.67 Tank car unloading.

* * * * *

(b) * * *

(3) *Interior type.* All debris must be carefully removed from around the cover before the yoke is unscrewed.

* * * * *

(d) When unloading through the bottom outlet of a car equipped with an interior manhole type cover, and in each case where unloading is done through the manhole (unless a special cover with a safety vent opening and a tight connection for the discharge outlet is used), the manhole must be protected against the entrance of sparks or other sources of ignition of vapor.

* * * * *

(n) [Reserved].

* * * * *

¹² 77 FR 26413 (May 4, 2012).

¹³ 86 FR 26633 (May 17, 2021).

■ 7. In § 174.101, revise paragraphs (o)(2) and (3) as follows:

§ 174.101 Loading Class 1 (explosive) materials.

* * * * *

(o) * * *

(2) Each truck body or trailer must be secured on the rail car so that it will not permanently change position or show evidence of failure or impending failure of the method of securing the truck body or trailer under impact from each end of at least 13 km (8.1 miles) per hour. Its efficiency must be determined by actual test, using dummy loads equal in weight and general character to the material to be shipped.

(3) Lading must be loaded, blocked, and braced within or on the truck body or trailer so that the lading will not change position under impact from each end of at least 13 km (8.1 miles) per hour.

* * * * *

■ 8. In § 174.112, revise paragraphs (b) and (c)(3) as follows:

§ 174.112 Loading Division 1.3 materials and Division 1.2 (explosive) materials (Also see § 174.101).

* * * * *

(b) Except as provided in § 174.101(b), (n), or (o), Division 1.3 materials and Division 1.2 (explosive) materials must be transported in a closed car or container car which is in good condition, and into which sparks cannot enter. The car does not require the car certificates prescribed in § 174.104(c) through (f). If the doors are not tight, they must be stripped to prevent the entrance of sparks. Wood floored cars must be equipped with spark shields (see § 174.104). Packages of Division 1.3 materials and Division 1.2 (explosive) materials must be blocked and braced to prevent their shifting and possible damage due to shifting of other freight during transportation.

(c) * * *

(3) Packages of Division 1.2 materials and Division 1.3 (explosive) materials are blocked and braced within the truck body, trailer, or container to prevent their shifting and possible damage due to shifting of other freight during transportation (ends, sidewalls, or doors of the truck body, trailer, or container may not be relied on to prevent the shifting of heavy loads).

■ 9. In § 174.115, revise paragraphs (a) and (b)(3) as follows:

§ 174.115 Loading Division 1.4 (explosive) materials.

(a) Division 1.4 (explosive) materials may be loaded into any closed car in good condition, or into any container

car in good condition. Car certificates are not required. Packages of Division 1.4 (explosive) materials must be blocked and braced to prevent their shifting and possible damage due to shifting of other freight during transportation.

(b) * * *

(3) Packages of Division 1.4 (explosive) materials are blocked and braced within the truck body, trailer, or container to prevent their shifting and possible damage due to shifting of other freight during transportation. Ends, side walls, or doors of the truck body, trailer, or container may not be relied on to prevent shifting of heavy loads.

■ 10. In § 174.290, revise paragraph (e) to read as follows:

§ 174.290 Materials extremely poisonous by inhalation shipped by, for, or to the Department of Defense.

* * * * *

(e) Bombs, projectiles, and cannon ammunition being transported by rail must be loaded, blocked, and braced as shown in Department of Defense specifications. When a shipment is loaded in a gondola car it must be securely blocked and braced and not loaded higher than the sides of the car.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12098 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 172

[Docket No. PHMSA–2025–0098 (HM–268J)]

RIN 2137–AG12

Hazardous Materials: Reduce Training Burdens for America's Farmers

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to streamline the exceptions for in-depth security training requirements for farmers by raising the dollar amount of the exception threshold to account for inflation.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0098 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0098 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential

treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Steven Andrews, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at steven.andrews@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Arthur Pollack, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, arthur.pollack@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA proposes to revise the exception in § 172.800(c) to the in-depth security training requirements for farmers with less than \$500,000 annually in gross receipts from the sale of agricultural commodities or products. PHMSA has preliminarily determined this provision needs to be updated to eliminate undue burdens on small farmers. The current income threshold, established under the HM–240¹ final rule in 2005, has not been adjusted in the intervening years to account for inflation. To better reflect current economic realities, PHMSA is proposing to raise this limit to \$825,000 annually.²

This adjustment will help reduce unwarranted compliance burdens on small farmers whose hazardous materials operations pose minimal security risks. The proposed revision will give affected entities, in this case farmers, regulatory relief by providing an exception from in-depth hazardous materials training requirements. PHMSA expects the proposed amendment to improve the ability of

farmers to provide abundant, reliable, affordable domestically produced foods in response to residential, commercial, and industrial demand. PHMSA does not expect the proposed revision to have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B

and preliminarily determined that this proposed rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for small farmers whose income threshold exceeds \$500,000 by increasing the exception limit to \$825,000. PHMSA expects those cost savings will also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”) a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it will not hinder or unduly burden the transportation or production of energy or energy-related products.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use, as further discussed in the RIA; OIRA has therefore not designated this proposed rule as a significant energy action.

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

¹ 70 FR 73156 (Dec. 9, 2005).

² \$500,000*1.65. PHMSA used cumulative inflation of 65% from 2005 to 2025, applying the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers, to adjust the gross receipts.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009. E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation Laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items in paragraph I above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may (when finalized) operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding

requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA. PHMSA does not expect the proposed rule will result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect

safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”)⁵ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”)⁶ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared

⁵ 65 FR 67249 (Nov. 9, 2000).

⁶ 77 FR 26413 (May 4, 2012).

challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”)⁷ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 2. In § 172.800, paragraph (c) is revised to read as follows:

§ 172.800 Purpose and applicability.

* * * * *

(c) *Exceptions.* Transportation activities of a farmer, who generates less than \$825,000 annually in gross receipts from the sale of agricultural commodities or products, are not subject to this subpart if such activities are:

- (1) Conducted by highway or rail;
- (2) In direct support of their farming operations; and
- (3) Conducted within a 150-mile radius of those operations.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12095 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 172

[Docket No. PHMSA–2025–0092 (HM–268D)]

RIN 2137–AG06

Hazardous Materials: Reducing Undue Paperwork Burdens to Domestic Carriers

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to revise the Hazardous Materials Regulations (HMR) to provide domestic carriers the option to maintain electronic copies of emergency response information rather than requiring a hard copy printed on paper.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0092 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0092 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1)

⁷ 86 FR 26633 (May 17, 2021).

mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Steven Andrews, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at steven.andrews@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Steven Andrews, Transportation Regulations Specialist, 1200 New Jersey Avenue SE Washington, DC 20590, 202–366–8553, steven.andrews@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA is proposing to revise Part 172 of Chapter I of Title 49 of the Code of Federal Regulations (CFR). Specifically, PHMSA is proposing to revise § 172.602 “Emergency response information.” PHMSA has preliminarily determined this provision is unduly burdensome as written.

The requirements for emergency response information that must accompany hazardous materials during transportation are outlined in § 172.602. This section mandates that the emergency response information include details such as the basic description of the hazardous material, immediate health risks, and emergency procedures. This information is also required to be accessible in the event of a hazardous materials incident.

PHMSA received a petition for rulemaking¹ from the Council on the Safe Transportation of Hazardous Articles (COSTHA) on February 10, 2022, requesting that PHMSA revise § 172.602 to permit the use of electronic emergency response information. In its petition, COSTHA notes that the availability of electronic tablets, cell phones, and tracking devices provides access to emergency response

information in an electronic format. The request to allow the use of electronic emergency response information would give drivers immediate access to this information on an electronic device which they could display to an inspector. COSTHA also notes that the Emergency Response Guidebook (ERG) app is free to download on any device, is easy to use and contains the same information as the printed document. The petition for rulemaking was accepted by PHMSA on November 2, 2022.

PHMSA expects that allowing industry the option to use electronic emergency response information would reduce the regulatory burden on hazardous materials carriers by allowing for the emergency response information to be stored electronically. In this NPRM, PHMSA is proposing to revise § 172.602 to allow for emergency response information to be saved and presented in an electronic format rather than relying solely on printed copies. PHMSA does not expect the proposed revisions will have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and

benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminarily determination that this proposed rule may result in cost savings by providing greater flexibility to shippers and carriers of hazardous materials to meet emergency response requirements.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”) a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional

¹ P–1764—Council on the Safe Transportation of Hazardous Articles (COSTHA)—PHMSA–2022–0028.

² 58 FR 51735 (Oct. 4, 1993).

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

affected entities. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule will reduce regulatory burdens, to include for entities that ship energy-related products and products that are generally used in supply chains related to energy production. PHMSA therefore expects the regulatory amendments in this proposed rule will contribute to the ability of shippers and carriers of hazardous materials to provide abundant, reliable, affordable energy-related products in response to residential, commercial, and industrial demand.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”),⁷ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”)⁸ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁹ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and Tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items outlined in paragraph I above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”)¹⁰ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹¹ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the

proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”)¹² and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it

¹⁰ 67 FR 53461 (Aug. 16, 2002).

¹¹ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹² 65 FR 67249 (Nov. 9, 2000).

⁷ 66 FR 28355 (May 22, 2001).

⁸ 64 FR 43255 (Aug. 10, 1999).

⁹ 74 FR 24693 (May 22, 2009).

will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking's regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 ("Promoting International Regulatory Cooperation")¹³ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international

standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 ("Improving the Nation's Cybersecurity")¹⁴ directed the Federal government to improve its efforts to identify, deter, and respond to "persistent and increasingly sophisticated malicious cyber campaigns." PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

For the reasons set forth above, PHMSA proposes to amend 49 CFR part 172 as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 1 The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 2. In § 172.602, revise paragraph (b)(1) to read as follows:

§ 172.602 Emergency response information.

* * * * *

(b) * * *

(1) Printed legibly in English, (either in hard copy printed on paper or in electronic format);

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12066 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 172 and 173

[Docket No. PHMSA–2025–0104 (HM–268P)]

RIN 2137–AG18

Hazardous Materials: Adoption of Department of Transportation Special Permit 21478

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA proposes to adopt the provisions of DOT special permit (SP) 21478 into the Hazardous Materials Regulations (HMR). Adoption of this special permit would authorize intermediate bulk containers (IBCs) containing a residue of a certain hazardous materials to be transported without shipping papers, placards, and motor vehicle marking of the UN identification (ID) number subject to additional operational controls. The proposed revisions provide relief from undue burdens of hazard communication requirements for low-risk transportation of empty packaging and eliminate the need for special permit renewal requests.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0104 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0104 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your

¹³ 77 FR 26413 (May 4, 2012).

¹⁴ 86 FR 26633 (May 17, 2021).

comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as "Confidential"; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Ryan Larson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, or by email at ryan.larson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:
Ryan Larson, Transportation

Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-8553, ryan.larson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA proposes to revise certain provisions in Title 49 Chapter I, Parts 172 and 173 of the Code of Federal Regulations (CFR). Currently, the HMR (49 CFR parts 171-180) at § 173.29 generally requires "empty" packagings, including IBCs, containing only residue of a hazardous material to be offered for transportation and transported in the same manner as when they contained a greater quantity of that hazardous material. There are some exceptions to this general requirement, such as for non-bulk (smaller) sized packaging, subject to certain conditions. However, the exceptions do not apply to IBCs. This means that offering or transporting an IBC containing only a residue of a hazardous material would generally still necessitate all hazardous communication for transport—such as shipping papers, labeling, or placarding—and transport vehicle UN ID number marking.

Specifically, the relief provided for an "empty" non-bulk packaging in § 173.29(c) states that non-bulk packaging containing only the residue of hazardous materials covered by Table 2 of § 172.504—a table of comparatively lower hazard Classes and Divisions of materials—are excepted from certain hazard communication requirements of the HMR. These packages do not need to be included in determining the need for placarding and are not subject to the shipping paper requirements when collected and transported by a for-hire or private carrier for reconditioning, remanufacture, or reuse.

PHMSA issued DOT-SP 21478 to grant relief from the requirement to offer for transportation and transport IBCs containing only residue of hazardous materials in a similar manner to that offered to non-bulk packagings. This special permit is currently held by 42 entities. DOT-SP 21478 offers relief for transport of "empty" IBCs subject to conditions and limitations. Specifically, eligible IBCs are those constructed of steel, rigid plastic, and composite IBCs. In addition, hazardous materials contained in the IBCs are limited to those of Class or Division 3, 4.1, 5.1, 6.1, 8, and 9 hazardous materials in packing groups II and III. Further, the IBCs are still required to be marked and labelled, maintaining important methods of hazard communication for handling and compatibility purposes and in the event of an accident requiring an emergency response. Lastly, by limiting the

capacity of the IBCs, the safety concerns surrounding the actual quantities of residue are further mitigated.

In granting this special permit, PHMSA evaluated the safety hazards associated with the hazard communication exceptions and determined that there is an equivalent level of safety between transportation of "empty" IBCs and "empty" non-bulk packages. PHMSA also notes that, comparatively, the typical quantities of residue in these IBCs are less than the quantities that the Environmental Protection Agency (EPA) considers for a container to be empty under its Resource Conservation and Recovery Act regulations for residues of hazardous waste. EPA defines this amount as 0.3% or less of material by weight of the total capacity for a container greater than 119 gallons—the cutoff for a packaging to be considered non-bulk. Anything greater is bulk and IBCs are considered bulk packagings (see 40 CFR 261.7). As part of the evaluation, PHMSA determined there were no compliance violations or incidents associated with transportation conducted under this special permit.

PHMSA proposes to adopt the provisions of DOT-SP 21478 into a new paragraph (d) in § 173.29 (and redesignate the current paragraphs in the section) to authorize the transportation of "empty" IBCs, in a similar manner to non-bulk packagings allowed in § 173.29(c). PHMSA is also proposing a conforming amendment to § 172.514 to make clear that IBCs shipped in accordance with the conditions of the empty packaging exception are not subject to placarding. PHMSA is proposing to make conforming amendments in § 172.331 "Bulk packagings other than portable tanks, cargo tanks, tank cars and multi-unit tank car tanks," § 172.504, "General placarding requirements," and § 172.514, "Bulk packagings." These proposed revisions accommodate the changes proposed in § 173.29 discussed above. PHMSA does not expect the proposed HMR revisions to have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),¹ as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule would result in cost savings by reducing regulatory burdens and regulatory uncertainty for affected entities by providing relief from regulatory requirements to those offering and transporting empty IBCs containing only hazardous materials residue. PHMSA expects those cost savings would also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.² PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”³

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”) ⁴ a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”) ⁵ asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional offerors and carriers. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule would give affected entities relief from the HMR when offering or transporting empty IBCs containing only residue, many of which are used for the transportation of petroleum products, lubricants, and other chemicals in the construction and energy industries. PHMSA therefore expects the regulatory amendments in this proposed rule would in turn facilitate affected entities’ ability to provide abundant, reliable, and affordable products in response to residential, commercial, and industrial demand.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”),⁶ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it would not have a significant adverse effect on supply, distribution, or energy use;

OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”) ⁷ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁸ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items (1), (2), and (3) above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive

² 90 FR 9065 (Jan. 31, 2025).

³ 90 FR 10583 (Feb. 19, 2025).

⁴ 90 FR 8353 (Jan. 29, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 66 FR 28355 (May 22, 2001).

⁷ 64 FR 43255 (Aug. 10, 1999).

⁸ 74 FR 24693 (May 22, 2009).

¹ 58 FR 51735 (Oct. 4, 1993).

effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking would not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ⁹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹⁰ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking would not adversely affect safety and therefore would not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹¹ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it would not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking eliminates the need for persons to renew a special permit, resulting in a decrease in paperwork burden for special permit holders.

PHMSA estimates the reduction in information collection burden as follows:

OMB Control No. 2137–0051:
Rulemaking, Special Permits, and Preemption Requirements.

Decrease in Annual Number of Respondents: 11.

Decrease in Annual Responses: 11.

Decrease in Annual Burden Hours: 16.

Decrease in Annual Burden Cost: \$0.

This proposed rule also creates a requirement for shippers using the new provisions in § 173.29 to have a document (in paper or electronic form), in lieu of a shipping paper, accompanying the IBCs that denotes the phrase “Residue IBC(s)” and indicates the number of IBCs containing hazardous materials for each Class or Division of material transported on transport vehicle. PHMSA estimates that 44 respondents will ship 50 shipments per year under this provision resulting in 2,200 shipments per year. PHMSA estimate it will take 30 seconds each for offerors to create this certification resulting in 19 burden hours (2,200 responses × 30 seconds per response). PHMSA will place this information collection under OMB Control Number 2134–0034 “Shipping Papers and Emergency Response Information.” PHMSA estimates there are no additional burden cost associated with this information collection.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this NPRM. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this NPRM. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this NPRM. Notwithstanding any other provision of law, no person is required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, 2nd Floor, Washington, DC 20590–0001.

⁹ 67 FR 53461 (Aug. 16, 2002).

¹⁰ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹¹ 65 FR 67249 (Nov. 9, 2000).

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”)¹² requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments would not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”)¹³ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, packaging and containers, radioactive materials, uranium, reporting, and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 2. In § 172.331, add new paragraph (d) to read as follows:

§ 172.331 Bulk packagings other than portable tanks, cargo tanks, tank cars and multi-unit tank car tanks.

(d) *Exceptions.* Transport vehicles or freight containers used to transport empty IBCs in accordance with § 173.29(d) of this subchapter are not subject to identification number marking requirements.

■ 3. In § 172.504, revise paragraph (d) to read as follows:

§ 172.504 General placarding requirements.

(d) *Exceptions for empty packages.*

(1) *Non-bulk.* Except for hazardous materials subject to § 172.505, a non-bulk packaging that contains only the residue of a hazardous material covered by Table 2 of paragraph (e) of this section need not be included in determining placarding requirements.

(2) *IBCs.* Transport vehicles or freight containers used to transport empty IBCs in accordance with § 173.29(d) of this subchapter are not subject to placarding requirements of this part.

■ 4. In § 172.514, revise paragraph (b) to read as follows:

§ 172.514 Bulk packagings.

(b) Each bulk packaging that is required to be placarded when it contains a hazardous material, must remain placarded when it is emptied, unless it—

(1) Is sufficiently cleaned of residue and purged of vapors to remove any potential hazard;

(2) Is refilled, with a material requiring different placards or no placards, to such an extent that any residue remaining in the packaging is no longer hazardous;

(3) Contains the residue of a hazardous substance in Class 9 in a quantity less than the reportable quantity, and conforms to § 173.29(b)(1) of this subchapter; or

(4) Is an empty IBC transported in accordance with § 173.29(d).

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 5. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 6. In § 173.29, redesignate current paragraphs (d) through (h) as paragraphs (e) through (i) and add new paragraph (d) to read as follows:

§ 173.29 Empty packagings.

* * * * *

(d) A steel, rigid plastic, or composite IBC not exceeding 2,100 L (550 gallons) containing only the residue of hazardous materials in packing group II or III of hazard Class or Division 3, 4.1, 5.1, 6.1, 8, and 9, are excepted from subpart C (shipping papers). Furthermore, transport vehicles and freight containers are not subject to the subpart F (placarding) of Part 172 of this subchapter and the marking requirements in § 172.331 (UN ID Number), provided the following conditions are met:

(1) Prior to shipment, the offeror must ensure that no more than 0.3 percent by weight of the total capacity of the IBC remains in the packaging;

(2) IBCs must be transported in a fully enclosed transport vehicle or freight container;

(3) Transportation is only authorized to a reconditioning, remanufacturing, requalification, disposal, or repair facility;

(4) A document (in paper or electronic form) must accompany the IBCs that denotes the phrase “Residue IBC(s)” and indicates the number of IBCs containing hazardous materials for each Class or Division of material transported on transport vehicle;

¹² 77 FR 26413 (May 4, 2012).

¹³ 86 FR 26633 (May 17, 2021).

(5) IBCs shall be marked and labeled in accordance with subpart D (marking) and subpart E (labeling) of Part 172 of this subchapter; and

(6) Transportation is authorized for only motor vehicle or rail.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12090 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 172 and 173

[Docket No. PHMSA–2025–0090 (HM–268B)]

RIN 2137–AG04

Hazardous Materials: Reducing Costs to Domestic Shippers and Carriers of Limited Quantities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to remove undue regulatory burdens by allowing for a reduced sized marking for limited quantity shipments of hazardous materials.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0090 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0090 at

the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to T. Glenn Foster, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at glenn.foster@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the

documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: T. Glenn Foster, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at glenn.foster@dot.gov.

I. General Discussion

PHMSA is proposing to revise 49 CFR 172.315(a)(2) to allow for a reduced sized limited quantity marking (*i.e.*, a shipping label) for certain shipments of hazardous materials. PHMSA is also proposing to revise § 173.25(a)(6) to specifically state that this marking is not authorized on overpacks. PHMSA has made a preliminary determination that the current requirements in these regulations impose an undue burden on limited quantity shipments of hazardous materials. This NPRM, if finalized, would give affected entities regulatory flexibility by allowing a limited quantity marking to be used on certain packages. PHMSA expects that the proposed amendments would provide shippers and carriers of hazardous materials the ability to transport abundant, reliable, and affordable consumer products in response to residential, commercial, and industrial demand.

A “limited quantity” of a hazardous material is defined in § 171.8 as the maximum amount of a hazardous material for which there is a specific labeling or packaging exception. Currently, § 172.315 specifies the marking requirements for limited quantities of hazardous materials, with paragraph (a)(2) of this section detailing the minimum size requirements. On January 17, 2024, PHMSA received a petition for rulemaking (P–1778¹) from the Council of Safe Transportation of Hazardous Articles (COSTHA) requesting the incorporation of Department of Transportation (DOT) special permit (SP) 21015 into the Hazardous Materials Regulations (HMR). COSTHA requested the modification of § 172.315(a)(2) to allow for the transportation in commerce of packages containing limited quantities of hazardous materials with a reduced size limited quantity marking placed on the package shipping label. COSTHA noted in its petition that it was unaware of any incidents that occurred involving DOT–SP 21015, and that its incorporation into the HMR would

¹ P–1778, Council on the Safe Transportation of Hazardous Articles (COSTHA)—<https://www.regulations.gov/docket/PHMSA-2024-0002/document>.

reduce industry burdens and facilitate compliant processes and preparation of lower risk hazardous materials. PHMSA responded to this petition on July 18, 2024, and determined that the proposed amendment of § 172.315(a)(2) warranted further consideration.

PHMSA is not aware of any safety concerns related to the incorporation of DOT–SP 21015 into the HMR and agrees with the petitioner that doing so would reduce unnecessary compliance burdens; specifically, by eliminating the need to apply for a special permit in accordance with § 107.105, to seek party status in accordance with § 107.107, and to request a renewal in accordance with § 107.109. Incorporating DOT–SP 21015 into the HMR would also allow offerors of limited quantities shipments to use a consolidated marking on the shipping label, eliminating the need for a separate limited quantity label.

For these reasons, PHMSA is proposing to revise § 172.315 to allow for a reduced size limited quantity marking that is also capable of electronically communicating to carriers that the package contains hazardous materials shipped under a limited quantity exception and the authorized modes of transportation. PHMSA is also proposing to revise § 173.25(a)(6) to specifically state that the reduced sized limited quantity mark is not authorized on overpacks. PHMSA does not expect these revisions to have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those

conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for hazardous materials shippers and carriers. The proposed rule would eliminate the need for a separate limited quantity label, as the hazard communication information would be embedded in the shipping label, producing cost savings for the transportation industry and the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”)⁵ a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”)⁶ asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional shippers and carriers of hazardous materials. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it will not impose any burden on the transportation of energy or energy-related products.

This proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”),⁷ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”)⁸ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁹ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 66 FR 28355 (May 22, 2001).

⁸ 64 FR 43255 (Aug. 10, 1999).

⁹ 74 FR 24693 (May 22, 2009).

² 58 FR 51735 (Oct. 4, 1993).

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items paragraph I above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ¹⁰ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its

implementing guidance on a dedicated web page.¹¹ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹² and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of

rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections. However, this rulemaking eliminates the need for persons to renew a special permit, resulting in a decrease in paperwork burden for special permit holders. PHMSA estimates the reduction in information collection burden as follows:

OMB Control No. 2137–0051:
Rulemaking, Special Permits, and Preemption Requirements.

Decrease in Annual Number of Respondents: 8.

Decrease in Annual Responses: 8.
Decrease in Annual Burden Hours: 12.

Decrease in Annual Burden Cost: \$0.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this NPRM. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this NPRM. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this NPRM.

Notwithstanding any other provision of law, no person is required to respond to a collection of information unless such collection displays a valid Office of

¹¹ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹² 65 FR 67249 (Nov. 9, 2000).

¹⁰ 67 FR 53461 (Aug. 16, 2002).

Management and Budget (OMB) control number.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH-12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, 2nd Floor, Washington, DC 20590-0001.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”)¹³ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96-39), as amended by the Uruguay Round Agreements Act (Pub. L. 103-465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”)¹⁴ directed the Federal government to improve its efforts to identify, deter, and respond to

“persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Training, Packaging and containers, Reporting and recordkeeping requirements.

For the reasons set forth above, PHMSA proposes to amend 49 CFR parts 172 and 173 as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 2. In § 172.315, add paragraph (a)(2)(iii) to read as follows:

§ 172.315 Limited quantities.

* * * * *

(a) * * *

(2) * * *

(iii) *Reduced Size Marking on Shipping Labels.* Except for the shipment of radioactive materials and hazardous materials transported by air or international vessels, the shipper may place a reduced size limited quantity marking on the package shipping label regardless of the size of packaging. Each marking must be a minimum of 25 mm on each side and the width of the border forming the square on point must be readily visible. The square-on-point must be durable, legible, readily visible and displayed on a background of sharply contrasting color. Each shipping label must be capable of electronically communicating to carriers that the package contains hazardous materials shipped under a limited quantity exception and the authorized modes of transportation.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 3. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 4. In § 173.25, revise paragraph (a)(6) to read as follows:

§ 173.25 Authorized packagings and overpacks.

(a) * * *

(6) For limited quantities, the overpack is marked with a limited quantity marking prescribed in § 172.315 of this subchapter, unless a limited quantity marking representative of the hazardous material in the overpack is visible. The reduced size marking (25 mm × 25 mm) is not authorized for use on the outside of an overpack.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12127 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 173

[Docket No. PHMSA–2025–0094 (HM–268F)]

RIN 2137–AG08

Hazardous Materials: Reducing Burdens by Allowing Continued Use of Department of Transportation Special Permit Packagings

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to revise the Hazardous Materials Regulations (HMR) to allow for the continued use of packagings authorized under a manufacturing special permit for duration of the useful life of the package. The current HMR provisions require an otherwise safe and usable package to be discontinued solely because the original special permit has expired or was not renewed.

DATES: Comments must be received on or before September 2, 2025.

¹³ 77 FR 26413 (May 4, 2012).

¹⁴ 86 FR 26633 (May 17, 2021).

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0094 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0094 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1)

mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Steven Andrews, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at steven.andrews@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:

Steven Andrews, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–6199, steven.andrews@dot.gov.

I. General Discussion

PHMSA is proposing to revise 49 CFR 173.23, “Previously authorized packaging,” to allow for the continued use of a Department of Transportation (DOT) special permit (SP) packaging for which the special permit has expired. The current requirements impose an unnecessary burden on the regulated community, wherein a packaging manufactured, marked, and sold under the terms of a DOT–SP may no longer be authorized solely based on the original manufacturer going out of business, ceasing manufacture of a product under the condition of the original DOT–SP, or choosing to not renew a DOT–SP. Authorizing the continued use of such packagings for the life of the package, provided the package continues to be in conformance with the terms of the DOT–SP, eliminates that burden without compromising public safety. For these reasons, PHMSA is proposing to add a new exception to § 173.23 in paragraph (j) to allow approved packagings to be used for the duration of the usable life of the DOT–SP packaging, regardless of the status of the grantee (*i.e.*, such as when the original grantee has gone out of business but some of their packagings remain in commerce because they have not yet completed shipment to their end consumer, or when the original grantee has gone out of business and their assets

have been purchased by another company) and whether the special permit was renewed.¹

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

¹ However, PHMSA notes that even with this revision, a carrier may still choose to not accept a package where the manufacturing DOT–SP is not renewed by the grantee.

² 58 FR 51735 (Oct. 4, 1993).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and preliminarily determined that this proposed rule may result in cost savings by reducing regulatory burdens and regulatory uncertainty for affected entities by allowing for the use of packages manufactured under a special permit for the useful life of the package beyond the original permit's expiration date. PHMSA expects those cost savings will also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA's initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is "unlawful . . . [or] that undermine[s] the national interest."⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 ("Declaring a National Energy Emergency")⁵ a national emergency to address the United States's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 ("Unleashing American Energy")⁶ asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional shippers and carriers of hazardous materials. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule will give affected entities regulatory flexibility by allowing for the continued use of expired DOT-SP packages, some of which may be used to transport energy related products, or products that are otherwise used in supply chains related to energy production. PHMSA therefore expects the regulatory amendments in this proposed rule will in turn assist shipper

and carriers of hazardous materials ability to provide abundant, reliable, affordable energy products in response to residential, commercial, and industrial demand.

However, this proposed rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"),⁷ which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism")⁸ and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009.⁹ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government." The Federal Hazardous Materials Transportation Laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are "substantively the same" as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container

represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items paragraph I above and would preempt state, local, and Tribal requirements not meeting the "substantively the same" standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking")¹⁰ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹¹ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 66 FR 28355 (May 22, 2001).

⁸ 64 FR 43255 (Aug. 10, 1999).

⁹ 74 FR 24693 (May 22, 2009).

¹⁰ 67 FR 53461 (Aug. 16, 2002).

¹¹ DOT, "Rulemaking Requirements Related to Small Entities," <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

PHMSA anticipates this proposed rule will not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹² and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on

Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”) ¹³ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the

safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹⁴ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Training, Packaging and containers, Reporting and recordkeeping requirements.

For the reasons set forth above, PHMSA proposes to amend 49 CFR part 173 as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 1. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 2. In § 173.23, add paragraph (j) to read as follows:

§ 173.23 Previously authorized packaging.

* * * * *

(j) If a manufacturing special permit is not renewed by the grantee, then a packaging manufactured, marked, and sold under its conditions may continue to be used (*i.e.*, offered for transportation in commerce, retested, and maintained) after the expiration date of the special permit and for the life of the packaging according to the terms of the final revision of the special permit.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12081 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

¹² 65 FR 67249 (Nov. 9, 2000).

¹³ 77 FR 26413 (May 4, 2012).

¹⁴ 86 FR 26633 (May 17, 2021).

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials
Safety Administration

49 CFR Part 173

[Docket No. PHMSA–2025–0091 (HM–268C)]

RIN 2137–AG05

Hazardous Materials: Reducing
Burdens on Domestic Companies
Using Battery-Powered Equipment in
Trades

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to amend the Materials of Trade (MOTs) exceptions to allow for the transportation of increased quantities of lithium batteries. The current MOT exceptions unnecessarily limit the number and size of lithium batteries that can be safely transported by domestic construction, landscaping, mowing, tree service, food service, and entertainment companies in support of performing a trade.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0091 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0091 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Steven Andrews, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at steven.andrews@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Arthur Pollack, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, arthur.pollack@dot.gov.

SUPPLEMENTARY INFORMATION:**I. General Discussion**

This NPRM proposes to revise the Material of Trade (MOTs) exceptions in § 173.6 to address limitations faced by domestic companies using lithium battery-powered equipment. PHMSA proposes to increase the allowable quantities of lithium batteries, including those contained in equipment transported in support of a business as MOTs.

This proposal addresses a petition for rulemaking submitted by the Portable Rechargeable Battery Association (PRBA). In the petition (P–1758),¹ PRBA asked PHMSA to amend the MOTs exceptions in § 173.6 to distinguish the weight limits for lithium batteries from other Class 9 hazardous materials. PRBA explained that the current MOT quantity limits impose outdated and overly restrictive requirements on lithium batteries, making their transportation by companies difficult and expensive. PRBA further explained that the impact is especially burdensome for small, family-owned businesses that do not have the expertise to understand the implications of transporting lithium batteries outside the provisions of MOTs.

PHMSA has made a preliminary determination to adopt PRBA’s proposed changes to the MOT exceptions for lithium battery transportation. PRBA’s proposed safeguards—such as preventing short circuits, protecting against damage from inadvertent shifting, and avoiding accidental activation—should effectively reduce or eliminate the risk of hazardous incidents. PHMSA also agrees with PRBA that packages of batteries weighing more than 30 kg and transported in accordance with the MOTs exception should have labels and marks similar to those used for non-MOTs shipments of lithium batteries. Requiring Class 9 labels and United Nations (UN) identification numbers on packages containing lithium batteries being transported as MOTs will ensure first responders and others are aware lithium batteries are present, providing a level of hazard communication comparable to batteries transported in non-MOTs shipments. PHMSA is including language to clarify that lithium batteries used under the MOTs exceptions must have passed the applicable required tests under § 173.185.

PHMSA has conducted a preliminary economic and determined that the proposed revisions will not impose any costs to industry. Rather, the proposed

¹ P–1758—PRBA (PHMSA–2021–0051), <https://www.regulations.gov/docket/PHMSA-2021-0051>.

changes are expected to reduce costs by providing appropriate flexibility to regulated parties (*e.g.*, avoided costs associated with an unnecessary approval application process or use of an outdated securement method).

For these reasons, PHMSA is proposing to revise paragraph § 173.6 to specifically authorize lithium metal and lithium ion batteries under the MOTs exception and allow a net weight (*i.e.*, the weight of the batteries themselves) of 30 kg (66 lbs.) for each lithium ion and metal battery, a gross weight of 500 kg of lithium batteries on the vehicle, and no limit for lithium ion and lithium metal batteries when contained in equipment. PHMSA is also proposing a set of safety standards for lithium batteries transported under the MOTs exception to include the prevention of short circuits, damage from shifting, the accidental activation of the equipment, and ensuring that all lithium batteries are of a type tested in conformance with the HMR. PHMSA does not expect that these proposed revisions will any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),² as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory

alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for the construction, landscaping, food, and entertainment industries by distinguishing the weight limits for lithium batteries from other Class 9 hazardous materials. PHMSA expects those cost savings will also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.³ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community will be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”⁴

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”) ⁵ a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”) ⁶

asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule will give affected entities, in this case construction, landscaping, mowing, tree service, food, and entertainment companies, regulatory relief by providing an exception for lithium battery powered equipment and spare batteries under MOTs. PHMSA therefore expects the regulatory amendments in this proposed rule will in turn affect companies’ ability to provide services to their customers at reduced costs in response to residential, commercial, and industrial demand.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”),⁷ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”) ⁸ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁹ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

³ 90 FR 9065 (Jan. 31, 2025).

⁴ 90 FR 10583 (Feb. 19, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 66 FR 28355 (May 22, 2001).

⁸ 64 FR 43255 (Aug. 10, 1999).

⁹ 74 FR 24693 (May 22, 2009).

² 58 FR 51735 (Oct. 4, 1993).

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items in paragraph I above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard. While the proposed rule may (when finalized) operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”)¹⁰ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹¹ This proposed rule was developed in accordance with E.O.

13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA. PHMSA does not expect the proposed rule will result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”)¹² and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or

“substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”)¹³ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of

¹⁰ 67 FR 53461 (Aug. 16, 2002).

¹¹ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹² 65 FR 67249 (Nov. 9, 2000).

¹³ 77 FR 26413 (May 4, 2012).

international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹⁴ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

- 1. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

- 2. In § 173.6:

- a. Add paragraph (a)(7)(iii);
- b. Add paragraphs (b)(6) and (b)(6)(i), (ii), (iii);
- c. Revise paragraph (c)(4);
- d. Add paragraph (c)(5); and
- e. Revise paragraph (d).

All revisions to read as follows:

§ 173.6 Materials of trade exceptions.

- (a) * * *
- (7) * * *

(iii) Except when the cell or battery is contained in equipment, lithium cells and batteries may not exceed 30 kg (66 pounds) net weight for each lithium cell or battery and 500 kg (1102 pounds) aggregate net weight on a motor vehicle. Lithium cells and batteries, including when contained in or packed with

equipment, must be of the type proven to meet the criteria in part III, sub-section 38.3 of the UN Manual of Tests and Criteria (IBR; see § 171.7 of this subchapter).

* * * * *

- (b) * * *

(6) Cells and batteries, including cells and batteries contained in equipment, must be packaged or secured in a manner to prevent:

- (i) Short circuits;
- (ii) Damage caused by shifting or placement within the package, if applicable; and
- (iii) Accidental activation of the equipment.

* * * * *

- (c) * * *

(4) Lithium cells or batteries, including when contained in or packed with equipment, in packages exceeding 30 kg (66 pounds) net weight of batteries must be labeled with the lithium battery Class 9 label as specified in § 172.477 and marked with the four-digit UN identification number, as applicable.

(5) The operator of a motor vehicle that contains a material of trade must be informed of the presence of the hazardous material (including whether the package contains a reportable quantity) and must be informed of the requirements of this section.

(d) *Aggregate gross weight.* Except for a material of trade authorized by paragraphs (a)(1)(iii) and (a)(7)(iii) of this section, the aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg (440 pounds).

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12065 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 177

[Docket No. PHMSA–2025–0100 (HM–268L)]

RIN 2137–AG14

Hazardous Materials: Adoption of Department of Transportation Special Permits 12412 and 11646 Into the Hazardous Materials Regulations

AGENCY: Pipeline and Hazardous Materials Safety Administration

(PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes adopting the provisions of Department of Transportation (DOT) Special Permit (SP) 12412 and DOT–SP 11646 into the hazardous materials regulations. These revisions would provide greater regulatory flexibility and eliminate the need for special permit renewal requests, reducing paperwork burdens and facilitating commerce while maintaining an equivalent level of safety.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0100 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0100 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

¹⁴ 86 FR 26633 (May 17, 2021).

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as "Confidential"; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Ryan Larson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, or by email at ryan.larson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Ryan Larson, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-8553, ryan.larson@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA is proposing to revise certain provisions in 49 CFR part 177 of Chapter I of Title 49 of the Code of Federal Regulations (CFR). Section 177.834 establishes general operational requirements for transportation by highway. Currently, § 177.834(h) generally prohibits unloading hazardous material packaging while it remains on a motor vehicle. However, DOT-SP 11646 authorizes the discharge of certain Class 3, 8, 9, and Division 6.1 liquids from a DOT specification drum without removing the drum from the vehicle on which it is transported.

PHMSA proposes to adopt the provisions of DOT-SP 11646 into a new § 177.834(h)(1) that would allow only certain lower hazard liquids in packing groups II and III to be unloaded from United Nations (UN) standard drums without first removing the drums from the vehicle provided certain conditions are met to ensure safety. Some of these safety controls include requiring attendance by a qualified person during unloading, not allowing the manifolding of multiple drums, and requiring that hoses are not attached to outlets during transportation. Party status to DOT-SP 11646 is currently held by 43 entities. PHMSA conducted a review of DOT-SP 11646 and found no compliance violations.

Similarly, DOT-SP 12412 authorizes the discharge of liquid hazardous materials authorized to be shipped in UN 31A, 31B, 31N, 31H1, 31H2 or 31HZ1 Intermediate Bulk Containers (IBCs) and DOT 57 portable tanks without removing the packagings from the vehicle on which they are transported.¹ PHMSA proposes to adopt the provisions of DOT-SP 12412 into a new § 177.834(h)(2) that would permit the discharge of liquids from specified UN standard IBCs or DOT 57 portable tanks without removing the packagings from a motor vehicle, provided certain conditions are met. Some of these safety controls include limiting which types of IBCs or DOT 57 portable tanks are authorized for the exception, requiring attendance by a qualified person during unloading operations, requiring hoses to be detached from discharge outlets during transportation, and not allowing unsafe combinations of materials on the same vehicle to take advantage of the exception.² Party status to DOT-SP 12412 is currently held by 263 entities. PHMSA conducted a review of the DOT-SP 12412 and history of compliance violations or incidents.

Overall, PHMSA expects the regulatory amendments in this NPRM would improve the affected entities' abilities to provide abundant, reliable, and affordable products in response to residential, commercial, and industrial demand. PHMSA does not expect that

¹ PHMSA notes that the HMR do not apply to the end-use commercial application of a product, such as spraying pesticides, herbicides, or cleaning solutions from a packaging while the packaging remains on a motor vehicle if during these times the motor vehicle is not in transportation as defined by the HMR.

² PHMSA notes that for IBCs and DOT 57 portable tanks, proposed paragraph (h)(2) states that residue remaining in devices (e.g., pumps, piping, and discharge hoses) after product draining is not subject to this requirement, provided the devices are capped and secured during transportation.

these proposed revisions would have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 ("Regulatory Planning and Review"),³ as implemented by DOT Order 2100.6B ("Policies and Procedures for Rulemaking"), requires agencies to regulate in the "most cost-effective manner," to make a "reasoned determination that the benefits of the intended regulation justify its costs," and to develop regulations that "impose the least burden on society." DOT Order 2100.6B specifies that regulations should generally "not be issued unless their benefits are expected to exceed their costs." In arriving at those conclusions, E.O. 12866 requires that agencies should consider "both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify" and "maximize net benefits . . . unless a statute requires another regulatory approach." E.O. 12866 also requires that "agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating." DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the "least costly regulatory alternative that achieves the relevant objectives" unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President's Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a "major rule" as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule would result in cost savings by reducing

³ 58 FR 51735 (Oct. 4, 1993).

regulatory burdens and regulatory uncertainty for affected entities by reducing the time and manpower necessary for entities needing to unload these materials efficiently and safely without the need for special permits. PHMSA expects those cost savings would also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.⁴ PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA's initial estimates are that the total costs of the rule on the regulated community would be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is "unlawful . . . [or] that undermine[s] the national interest."⁵

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 ("Declaring a National Energy Emergency")⁶ a national emergency to address the United States's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 ("Unleashing American Energy")⁷ asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional affected entities. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule will give affected entities, many of whom are in the construction and energy industries, the ability to conduct their operations without having to remove certain hazardous materials packaging from vehicles, when in some cases, they do not have the equipment necessary to safely remove fully loaded packages.

However, this proposed rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"),⁸ which requires Federal agencies to

prepare a Statement of Energy Effects for any "significant energy action." Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism")⁹ and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009.¹⁰ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government." The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are "substantively the same" as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items (2) above and would preempt state, local, and Tribal requirements not meeting the "substantively the same" standard. While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that

has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking")¹¹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹² This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA

⁴ 90 FR 9065 (Jan. 31, 2025).

⁵ 90 FR 10583 (Feb. 19, 2025).

⁶ 90 FR 8353 (Jan. 29, 2025).

⁷ 90 FR 8353 (Jan. 29, 2025).

⁸ 66 FR 28355 (May 22, 2001).

⁹ 64 FR 43255 (Aug. 10, 1999).

¹⁰ 74 FR 24693 (May 22, 2009).

¹¹ 67 FR 53461 (Aug. 16, 2002).

¹² DOT, "Rulemaking Requirements Related to Small Entities," <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) ¹³ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it would not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This

rulemaking would not create, amend, or rescind any existing information collections. However, this rulemaking eliminates the need for persons to renew a special permit, resulting in a decrease in paperwork burden for special permit holders. PHMSA estimates the reduction in information collection burden as follows:

OMB Control No. 2137-0051:

Rulemaking, Special Permits, and Preemption Requirements.

Decrease in Annual Number of Respondents: 77.

Decrease in Annual Responses: 77.

Decrease in Annual Burden Hours: 115.

Decrease in Annual Burden Cost: \$0.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this NPRM. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this NPRM. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this NPRM.

Notwithstanding any other provision of law, no person is required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH-12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, 2nd Floor, Washington, DC, 20590-0001.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”) ¹⁴ requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent

unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments would not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹⁵ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting, and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 177—CARRIAGE BY PUBLIC HIGHWAY

■ 1. The authority citation for part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; sec. 112 of Pub. L. 103–311, 108 Stat. 1673, 1676 (1994); sec. 32509 of Pub. L. 112–141, 126 Stat. 405, 805 (2012); 49 CFR 1.81 and 1.97.

■ 2. In § 177.834, revise paragraph (h) to read as follows:

§ 177.834 General Requirements.

* * * * *

¹³ 65 FR 67249 (Nov. 9, 2000).

¹⁴ 77 FR 26413 (May 4, 2012).

¹⁵ 86 FR 26633 (May 17, 2021).

(h) *Precautions concerning containers in transit; fueling road units.* Reasonable care should be taken to prevent undue rise in temperature of containers and their contents during transit. There must be no tampering with such container or the contents thereof nor any discharge of the contents of any container between point of origin and point of billed destination. Discharge of contents of any container, other than a cargo tank, IM portable tank, or packaging authorized in paragraphs (h)(1) and (h)(2) of this section, must not be made prior to removal from the motor vehicle. Nothing contained in this paragraph shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction or maintenance.

(1) *Drums.* For the purpose of this section only, Class 3 (PG II and III), Division 6.1 (PG II and III), Class 8 (PG II and PG III), and Class 9 materials are authorized. For liquids authorized under this section, the following conditions apply—

(i) Product transfer must be through pumps mounted on the motor vehicle or with an injection system indirectly mounted on a motor vehicle;

(ii) The drums must be attended at all times during unloading operations by a qualified person. For the purposes of this requirement, “attended” and “qualified” have the meanings described in paragraphs (i)(3) and (i)(4) of this section, respectively;

(iii) Hoses shall not be attached to container outlets during transportation;

(iv) Drums shall not be manifolded together during transportation; and

(v) Each reused drum must meet the requirements prescribed in § 173.28 or an active special permit, as applicable.

(2) *IBCs and DOT specification 57 portable tanks transporting materials other than Class 3 (PG II); Class 3 (PG III with a flash point of less than 100 °F (38 °C)); Division 5.1 (PG II); or Division 6.1 (PG II).* For liquids authorized to be transported in metal, rigid plastic, and composite UN standard IBCs or DOT Specification 57 portable tanks, the following conditions apply—

(i) Transportation is limited to private or contract motor vehicle;

(ii) IBC design types authorized are UN 31A, 31B, 31N, 31H1, 31H2, and 31HZ1;

(iii) If the IBC or portable tank is pressurized, it must be equipped with a pressure relief device set to open at not higher than two-thirds of the test pressure or 9 psig for a metal IBC;

(iv) Except for hypochlorite solutions and fluosilicic acid, two or more materials may not be loaded on the same vehicle if any mixture of the materials would cause an unsafe

condition. Hypochlorite solutions and fluosilicic acid may be loaded on the same vehicle and transported in separate IBCs provided—

(A) No more than two IBCs are transported on a motor vehicle;

(B) Each IBC has a capacity not exceeding 1703 L (450 gallons);

(C) The materials shall not be discharged at the same time; and

(D) The hazardous materials are used for water treatment purposes only.

(v) Packagings shall not be manifolded together or have discharge outlets permanently connected to any part of the vehicle, including its discharge system. Hoses shall not remain attached to IBCs or portable tanks (e.g., discharge outlets) during transportation (movement) of the motor vehicle;

(vi) The packagings must be attended at all times during unloading operations by a qualified person. For the purposes of this requirement, “attended” and “qualified” have the meanings described in paragraphs (i)(3) and (i)(4) of this section, respectively;

(vii) Each IBC or DOT specification 57 portable tank must be discharged by—

(A) Using a mechanical pump with a positive means of stopping the flow of liquid from the pump;

(B) Gravity; or

(C) Pressurizing the IBC or portable tank.

(viii) Before starting each transfer of product to a receiving system, the person performing that function must determine that each component of the discharge system (including the hose) is of sound quality, free of leaks, and that connections are secure. A hose or associated equipment that shows signs of leakage, significant bulging, or other defects may not be used;

(ix) Packages shall not be filled or refilled while on a motor vehicle unless filled or refilled on the private property of the shipper, filler, or refiller. Prior to refilling, each IBC and its service equipment must be visually inspected in accordance with the provisions of §§ 173.35(b) and 180.352 and each DOT specification 57 portable tank and its service equipment must be visually inspected in accordance with the provisions of § 180.605;

(x) Prior to reentering transportation, all hazardous materials must be purged from the pump, if equipped, the piping, and the discharge hose, as far as practicable; or all free-flowing hazardous material must be removed from the pump, if equipped, piping and the discharge hose in accordance with § 173.33(e). Residue remaining in these devices after product draining is not subject to this requirement provided

these devices are capped and secured during transportation.

(xi) If the IBC or portable tank is unloaded using a pump, or if it is pressurized for unloading, prior to using a new or repaired transfer hose assembly (hose and associated fittings), the hose assembly must be subjected to a pressure test. The pressure test must be performed at no less than the pressure the hose is expected to be subjected to during product transfer. This test must be performed with all hose and hose fittings arranged in the configuration to be employed during transfer operations. Burst pressure must be at least four times the service pressure of the pump.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12099 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 180

[Docket No. PHMSA–2025–0103 (HM–2680)]

RIN 2137–AG17

Hazardous Materials: Adoption of Department of Transportation Special Permit 14175

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA proposes adopting the provisions of Department of Transportation (DOT) special permit (SP) 14175 into the hazardous materials regulations to authorize a 10-year requalification period when using the ultrasonic examination (UE) testing method for DOT specification 3A and 3AA used for flammable and non-flammable, nonpoisonous gas service. The proposed adoption reflects advances in testing technology and would relieve the burden of performing more frequent cylinder requalification.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0103 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1-202-493-2251.

Instructions: Please include the docket number PHMSA-2025-0103 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as "Confidential"; (2) send PHMSA, along with the original document, a second

copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Ryan Larson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, or by email at ryan.larson@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Ryan Larson, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-8553, ryan.larson@dot.gov.

I. General Discussion

PHMSA proposes to adopt the provisions of DOT-SP 14175 into the Hazardous Materials Regulations (HMR: 49 CFR parts 171-180) to authorize a 10-year requalification for DOT specification 3A and 3AA cylinder bundles used in flammable and non-flammable, nonpoisonous gas service. Currently, the HMR generally requires requalification of DOT Specification 3A and 3AA cylinders every five years for continued service in accordance with § 180.209. There are exceptions to the 5-year requalification period depending on the use and material contained in the cylinder. When DOT specification cylinders are required to be requalified, they generally must be subjected to a pressure test, which measures the expansion of the cylinder under pressure, and to internal and external visual inspections to check for defects in the cylinder and ensure the cylinder is still safe for continued service in transportation.

Section 180.209(b)(1) provides an exception to the 5-year requalification period for DOT 3A and 3AA cylinders provided that certain conditions are met. This exception allows these cylinders to be retested every 10 years rather than every five years if each cylinder has a water capacity less than 125 lb. (56.7 kg); the cylinder is removed from any cluster, bank, group, rack, or vehicle each time it is filled; the cylinder was manufactured after December 31, 1945; the cylinder is used exclusively for a listed gas; the cylinder is dried immediately after the

hydrostatic (pressure) testing to remove all traces of water; the cylinder is not used for underwater breathing; and the cylinder is stamped with a five-pointed star to indicate the 10-year test interval.

DOT-SP 14175 was issued to provide a similar waiver from 5-year requalification period, except that the cylinders do not have to be removed from any cluster, bank, group, rack, or vehicle prior to filling. Specifically, DOT-SP 14175 allows a 10-year requalification period using the ultrasonic examination (UE) testing method. This special permit similarly limits the types of gases that are used in these cylinders as well as the capacities of the cylinders as in § 180.209(b)(1).

By adopting the provisions of DOT-SP 14175 to generally allow UE as an alternative requalification method, PHMSA is providing the cylinder industry with greater efficiencies due to faster testing (UE does not require draining the contents of the cylinder prior to testing), less down time (cylinders can be back in service immediately after testing and do not require additional time for an internal inspection), reducing the risk of contamination (no need for valve removal with UE testing), and increased accuracy (UE testing is able to detect much smaller flaws and wall thickness). In addition, the adoption of DOT-SP 14175 into the HMR for general use removes the paperwork burden for periodic renewal by permit holders as well as government time spent processing renewal requests.

In granting the special permit that allowed UE, PHMSA determined that this cylinder requalification method is likely a superior method of examination compared to traditional methods currently required by the HMR. As such, PHMSA is confident an equivalent level of safety to the HMR would be maintained if not exceeded. PHMSA conducted a review of use of DOT-SP 14175 and determined that there were no compliance violations or incidents associated with the use of this special permit. Therefore, PHMSA proposes to adopt the provisions of DOT-SP 14175 into a new § 180.209(b)(2) that would authorize a 10-year requalification period for certain DOT 3A and 3AA cylinders used for the transportation in commerce of specified flammable and nonflammable, non-poisonous gases. PHMSA does not expect that these proposed revisions would have any adverse impact on safety, but rather are more likely to be safety enhancing.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”),¹ as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not been designated as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule would result in cost savings by reducing regulatory burdens and regulatory uncertainty for affected entities by providing for longer cylinder

requelification intervals with an alternative test method that has proven to be more accurate and more efficient. PHMSA expects those cost savings would also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.² PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA’s initial estimates are that the total costs of the rule on the regulated community would be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”³

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”) ⁴ a national emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy”) ⁵ asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional cylinder owners and cylinder requelifiers. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule would give affected entities, many of whom are in the construction and energy industry, relief from more frequent test intervals for certain DOT cylinders as well as flexibility to use more efficient testing methods. PHMSA, therefore, expects the regulatory amendments in this proposed rule would in turn facilitate affected entities’ ability to provide abundant, reliable, affordable compressed gases in response to residential, commercial, and industrial demand.

This proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect

Energy Supply, Distribution, or Use”),⁶ which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it would not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”) ⁷ and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009.⁸ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.” The Federal Hazardous Materials Transportation Laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts state, local, and tribal requirements on certain covered subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including the following:

- (1) The designation, description, and classification of hazardous material;
- (2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- (4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- (5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject item (5) above and would preempt state, local, and Tribal requirements not meeting the “substantively the same” standard.

² 90 FR 9065 (Jan. 31, 2025).

³ 90 FR 10583 (Feb. 19, 2025).

⁴ 90 FR 8353 (Jan. 29, 2025).

⁵ 90 FR 8353 (Jan. 29, 2025).

⁶ 66 FR 28355 (May 22, 2001).

⁷ 64 FR 43255 (Aug. 10, 1999).

⁸ 74 FR 24693 (May 22, 2009).

¹ 58 FR 51735 (Oct. 4, 1993).

While the proposed rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking would not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”)⁹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.¹⁰ This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses

the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking would not adversely affect safety and therefore would not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”)¹¹ and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it would not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide

interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking would not create, amend, or rescind any existing information collections.

However, this rulemaking eliminates the need for persons to renew a special permit, resulting in a decrease in paperwork burden for special permit holders. PHMSA estimates the reduction in information collection burden as follows:

OMB Control No. 2137–0051:
Rulemaking, Special Permits, and Preemption Requirements.

Decrease in Annual Number of Respondents: 30.

Decrease in Annual Responses: 30.

Decrease in Annual Burden Hours:

45.

Decrease in Annual Burden Cost: \$0.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this NPRM. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this NPRM. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this NPRM. Notwithstanding any other provision of law, no person is required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, 2nd Floor, Washington, DC 20590–0001.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”)¹² requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those

⁹ 67 FR 53461 (Aug. 16, 2002).

¹⁰ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/x/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

¹¹ 65 FR 67249 (Nov. 9, 2000).

¹² 77 FR 26413 (May 4, 2012).

that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA

has assessed the effects of the proposed rule and has determined that its regulatory amendments would not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”) ¹³ directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects in 49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 2. In § 180.209:

- a. Revise paragraph (a);
- b. Redesignate paragraphs (b)(2) and (b)(3) as paragraphs (b)(3) and (b)(4);
- c. Add new paragraph (b)(2).

The revisions read as follows:

§ 180.209 Requirements for requalification of specification cylinders.

(a) *Periodic qualification of cylinders.* Each specification cylinder that becomes due for periodic requalification, as specified in the following table, must be requalified and marked in conformance with the requirements of this subpart. Requalification records must be maintained in accordance with § 180.215. Table 1 follows:

TABLE 1 TO PARAGRAPH (a)—REQUALIFICATION OF CYLINDERS ¹

Specification under which cylinder was made	Minimum test pressure (psig) ²	Requalification period (years)
3	3000 psig	5.
3A, 3AA	5/3 times service pressure, except non-corrosive service (see § 180.209(g)), or UE ^{3,5} .	5, 10, or 12 (see § 180.209(b), (f), (h), and (j)).
3AL	5/3 times service pressure	5 or 12 (see § 180.209(j) and (m) ⁴).
3AX, 3AAX	5/3 times service pressure	5.
3B, 3BN	2 times service pressure (see § 180.209(g))	5 or 10 (see § 180.209(f)).
3E	Test not required.	
3HT	5/3 times service pressure	3 (see §§ 180.209(k) and 180.213(c)).
3T	5/3 times service pressure or UE ³	5.
4AA480	2 times service pressure (see § 180.209(g))	5 or 10 (see § 180.209(h)).
4B, 4BA, 4BW, 4B–240ET	2 times service pressure, except non-corrosive service (see § 180.209(g)).	5, 7, 10, or 12 (see § 180.209(e), (f), and (j)).
4D, 4DA, 4DS	2 times service pressure	5.
4E	2 times service pressure, except non-corrosive service (see § 180.209(g)).	5, 10, or 12 (see § 180.209(e)).
4L	Test not required.	
8, 8AL		10 or 20 (see § 180.209(i)).
Exemption or special permit cylinder	See current exemption or special permit, or UE ³ as allowed by CGA C–20 (2014).	See current exemption or special permit.
Foreign cylinder (see § 173.301(j) of this subchapter for restrictions on use).	As marked on cylinder, but not less than 5/8 of any service or working pressure marking.	5 (see §§ 180.209(l) and 180.213(d)(2)).

¹ Any cylinder not exceeding two inches outside diameter and less than two feet in length is excepted from volumetric expansion test.

² For cylinders not marked with a service pressure, see § 173.301a(b) of this subchapter.

³ Minimum test pressure is not applicable to those cylinders and tubes requalified using ultrasonic examination (UE).

⁴ This provision does not apply to cylinders used for carbon dioxide, fire extinguisher, or other industrial gas service.

⁵ UE must be performed by a valid RIN holder applicable to DOT 3A and 3AA cylinders.

* * * * *

(b) * * *

(2) A cylinder conforming to specification DOT 3A or 3AA with a water capacity of 56.7 kg (125 lb.) or less that is not removed from any cluster, bank, group, rack, or vehicle each time

it is filled, may be requalified by either hydrostatic testing and visual inspection described in § 180.205 or by ultrasonic examination (UE) testing by a valid RIN holder for DOT 3A or 3AA cylinders every ten years instead of every five

years, provided the cylinder conforms to all of the following conditions:

- (i) The cylinder was manufactured after December 31, 1945.
- (ii) The cylinder is used exclusively for air; argon; helium; oxygen; nitrogen; neon; tetrafluoromethane (CF₄);

hydrogen; deuterium; mixtures of hydrogen, argon, helium, oxygen, and/or nitrogen; mixtures of argon, xenon, and/or neon; mixtures of krypton and neon; mixtures of hydrogen, argon, helium, and/or nitrogen; and mixtures containing deuterium, provided all gas mixtures have a dew point at or below minus (52 °F) at 1 atmosphere.

(iii) Carbon dioxide in any concentration cannot be added to cylinders in the bundle.

(iv) Gases that are toxic and/or corrosive cannot be added to cylinders in the bundle.

(v) If requalified by hydrostatic pressure testing, the cylinder is dried immediately after testing to remove all traces of water.

(vi) The cylinder is not used for underwater breathing.

(vii) Each cylinder is stamped with a five-pointed star at least one-fourth of an inch high immediately following the test date.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator

[FR Doc. 2025–12083 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 190

[Docket No. PHMSA–2025–0135; Amdt. No. 190–22]

RIN 2137–AF81

Pipeline Safety: Rationalize Special Permit Conditions

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: PHMSA is proposing to clarify that the conditions in a special permit must relate directly and substantially to the requirement in the Federal Pipeline Safety Regulations that an applicant is seeking to waive.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0135 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows

the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Sayler Palabrica, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–744–0825, sayler.palabrica@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

Congress has authorized PHMSA to issue an order to the owner or operator of a pipeline facility waiving compliance with any standard prescribed in the Federal Pipeline Safety Regulations “on terms [PHMSA] considers appropriate if [PHMSA] determines that the waiver is not inconsistent with pipeline safety.” 49 U.S.C. 60118(c)(1)(A), (c)(2)(A). PHMSA can issue these waivers either on an emergency basis, provided certain conditions are met, or a non-emergency basis. 49 U.S.C. 60118(c)(1) and (2). If a waiver is granted, PHMSA must state the reasons in the order for providing that relief. 49 U.S.C. 60118(c)(3).

Congress has also authorized state authorities with a certification or agreement with PHMSA to issue orders to owners or operators of intrastate pipeline facilities “waiv[ing] compliance with a safety standard to which the certification or agreement applies in the same way and to the same extent” as PHMSA. 49 U.S.C. 60118(d). To issue such a waiver, the state authority “must give [PHMSA] written notice . . . at least 60 days before its effective date.” 49 U.S.C. 60118(d). “If [PHMSA] makes a written objection before the effective date of the waiver, the waiver is stayed” until PHMSA makes a final decision. 49 U.S.C. 60118(d).

PHMSA refers to these congressionally authorized waivers as “special permits” and has codified procedures for the issuance of the same in 49 CFR 190.341. The procedures

address, among other things, the information that must be contained in a special permit application; the process that PHMSA follows in deciding whether to grant, deny, or renew a special permit; and the circumstances where PHMSA may seek to revoke, suspend, or modify a special permit. 49 CFR 190.341. In addition, the procedures generally state that if a special permit is granted, “[c]onditions may be imposed . . . if [PHMSA] concludes they are necessary to assure safety, environmental protection, or are otherwise in the public interest.” 49 CFR 190.341(d)(2).

Experience has shown that the current language in the special permit procedures provides too much discretion to PHMSA in determining the conditions that should be included in granting a waiver. PHMSA has in the past often imposed conditions that are not directly, or even substantially, related to the requirement in the Federal Pipeline Safety Regulations that the applicant asked to be waived. As a result of that historical practice, owners and operators of pipeline facilities are unable to predict what types of conditions will be accepted by or imposed by PHMSA in granting a special permit. These uncertain and inconsistent outcomes also discourage owners and operators from applying for special permits or from proposing conditions to address directly potential risks in their applications.

PHMSA’s historical practice has impeded the agency’s ability to modernize the Federal Pipeline Safety Regulations to accommodate innovative technologies and practices as well. Special permits can serve as a proving ground for evaluating such technologies and practices for potential adoption by regulation under PHMSA’s continuing oversight.

Multiple external stakeholders have called on PHMSA to improve alignment between the regulatory provisions being waived and special permit conditions. In response to a request for information on deregulation (90 FR 14593 (Apr. 3, 2025)), the Interstate Natural Gas Association of America (INGAA) criticized PHMSA’s practice of adopting special permits containing “numerous” conditions (Docket No. DOT–OST–2025–0026–0872 (May 5, 2025)). Other pipeline industry trade associations have echoed that criticism, calling on Congress to act to limit PHMSA’s imposition of special permit conditions “unrelated” to the regulatory provision being waived. Members of Congress have responded to those concerns, echoing interest in streamlining special permit conditions in their public

statements and draft legislation introduced, for example, through the Promoting Innovation in Pipeline Efficiency and Safety Act of 2023.

To address these concerns, PHMSA is proposing to amend § 190.341 to impose a limitation on the types of conditions that can be included special permits. The proposal would require that such conditions be directly and substantially related to the provision in the Federal Pipeline Safety Regulations being waived. PHMSA does not expect that the proposed revisions would have any adverse effect on pipeline safety.

Commenting

Instructions: Please include the docket number PHMSA–2025–0135 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 United States Code (U.S.C.) 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second

copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Saylor Palabrica, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at saylor.palabrica@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This NPRM is not a significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminary determination that this proposed rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators by reducing barriers to the acceptance of special permits. PHMSA expects those cost savings will also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This NPRM is expected to be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; (90 FR 9065 (Feb. 6, 2025))). PHMSA estimates that the total costs of the NPRM on the regulated community will be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; (90 FR 8353 (Jan. 29, 2025))) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” (90 FR 8353 (Jan. 29, 2025))) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA preliminarily finds this NPRM is

consistent with each of E.O. 14156 and E.O. 14154. The proposed rule (if finalized) will give affected pipeline operators a more efficient process for requesting waivers for pipeline safety requirements. PHMSA therefore expects the proposed regulatory amendments herein would in turn increase national pipeline transportation capacity and improve pipeline operators' ability to provide abundant, reliable, affordable natural gas and hazardous liquid products in response to residential, commercial, and industrial demand.

However, this proposed rule is not a "significant energy action" under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"; (66 FR 28355 (May 22, 2001))), which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this NPRM as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this NPRM in accordance with the principles and criteria contained in E.O. 13132 ("Federalism"; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum ("Preemption") published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government."

While the amendments proposed in this NPRM may operate to preempt some State requirements, they would not have substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may

also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the proposed regulatory amendments in this NPRM is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Regulatory Flexibility Analysis (RFA) for a rule subject to notice-and-comment rulemaking under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 ("Proper Consideration of Small Entities in Agency Rulemaking"; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This NPRM was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce regulatory burdens. Therefore, PHMSA certifies the proposed rulemaking will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This NPRM does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*)

requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking should not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this NPRM according to the principles and criteria in Consultation and DOT Order 5301.1A ("Department of Transportation Tribal Consultation Policies and Procedures"). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing "substantial direct compliance costs" or "substantial direct effects" on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the NPRM and preliminarily determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking's proposed regulatory amendments have a broad, national scope; therefore, it would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has preliminarily concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 ("Promoting International Regulatory Cooperation"; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory

approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the NPRM and has preliminarily determined that its proposed regulatory amendments would not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the NPRM rule and has determined that its proposed regulatory amendments would not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 190

Pipeline Safety.

For the reasons set forth above, PHMSA proposes to amend 49 CFR part 190 as follows:

PART 190—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for 49 CFR part 190 continues to read as follows:

Authority: 33 U.S.C. 1321(b); 49 U.S.C. 60101 *et seq.*

■ 2. Amend § 190.341 by revising the second sentence of paragraph (d)(2) to read as follows,

§ 190.341 Special Permit

* * * * *

(d) * * *

(2) * * * The Associate

Administrator may only impose conditions that are directly and substantially related to the relevant standard or regulation being waived in the order granting the application.

* * *

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12132 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0114]

RIN 2137–AF84

Pipeline Safety: Eliminating Burdensome and Duplicative Deadlines for Gas Pipeline Coating Damage Assessments and Remedial Actions

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA is proposing to revise the regulations related to coating damage assessments and remedial actions for gas transmission pipeline operators by adjusting the timeframe in which operators must perform external anti-corrosion coating assessments and any repairs following an unsatisfactory assessment result. This proposed change will provide significant cost savings to gas transmission pipeline operators, eliminate ineffective regulations, and simplify current requirements.

DATES: Persons interested in submitting written comments on this NPRM must do so by September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0114 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>.

This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Robert Jagger, Senior Transportation Specialist, by telephone at 202–366–4361 or by email at robert.jagger@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA is proposing to revise the current requirements governing the timelines for operators to perform assessments of external anti-corrosion coating following installation of pipe in a ditch (*see* §§ 192.319(d) and 192.461(f)) and to complete remedial actions following an unsatisfactory assessment (*see* §§ 192.319(f) and 192.461(h)). The existing requirements state that, for certain projects, operators must perform coating damage assessments on the pipeline using direct current voltage gradient (DCVG) surveys, alternating current voltage gradient (ACVG) surveys, or other technology that provides comparable information about the integrity of the pipeline’s coating “promptly” following the completion of any backfilling of the trench (and in any event no later than 6 months following in-service date of the pipeline). The existing requirements also direct operators to develop remedial action plans, and apply for any necessary permits, within 6 months of completing an assessment that identifies coating deficiencies.

PHMSA has preliminarily determined that these provisions are impractical, unduly burdensome, and unnecessary.

The approach in §§ 192.319(d) and 192.461(f) of linking assessment performance deadlines to the date of backfill completion is often difficult to implement, as operators and regulators cannot always determine when backfilling has officially started or completed; in fact, there might be numerous backfilling dates throughout a project's duration. That uncertainty is compounded by the use of vague durational language ("promptly [after the backfill]") in each regulatory provision.

Similarly, the approach in §§ 192.319(f) and 192.419(h) of linking timelines based on the date of application for required permits has also proven challenging in practice. Pipeline projects can involve multiple permits—none of which would be issued by PHMSA—applied for and obtained at different times; operators must incur administrative costs associated with tracking the status of these permits to ensure compliance with PHMSA regulations.

Industry trade associations have noted that these implementation challenges arising from the current text of §§ 192.319 and 192.461 have real-world financial consequences for operators who often choose to respond to this regulatory uncertainty by erring on the side of caution and performing more (expensive) coating assessments than may be necessary for evaluating the coating protection of their pipelines. Operators may also find themselves creating parallel permit tracking systems within those parts of their organizations responsible for each of compliance with PHMSA regulatory requirements and obtaining necessary construction permits (Docket No. DOT-OST-2025-0026-0897 (May 5, 2025)).

PHMSA proposes to streamline each of the above provisions to address these implementation challenges. With respect to §§ 192.319(d) and 192.461(f), PHMSA proposes to eliminate vague language ("promptly") in the opening sentence of those provisions as well as eliminate the references to "backfill" as a milestone from which the timeline for conducting coating assessments begins. By way of substitute, PHMSA instead proposes to link assessment timelines in each provision to a milestone—the pipeline segment's in-service date—that is understood throughout the industry as a discrete moment of time memorialized in operator work management systems, and which is already referenced in provisions throughout the pipeline safety regulations (PSRs, 49 CFR parts 190–199). PHMSA proposes to eliminate references in §§ 192.319(f) and

192.419(h) to permit application dates and instead emphasize the date of the failed coating assessment for calculation of timelines for performing remedial actions.

PHMSA understands these amendments align with industry stakeholder recommendations. PHMSA does not expect these proposed regulatory amendments would adversely affect safety, as they will likely facilitate operator implementation of external corrosion protection assessment requirements by substituting discrete milestones for vague language and prolonged processes referenced in current regulatory text.

Commenting

Instructions: Please include the docket number PHMSA–2025–0114 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

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"Confidential"; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Robert Jagger, PHP–30, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at robert.jagger@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 ("Regulatory Planning and Review"; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B ("Policies and Procedures for Rulemaking"), requires agencies to regulate in the "most cost-effective manner," to make a "reasoned determination that the benefits of the intended regulation justify its costs," and to develop regulations that "impose the least burden on society." DOT Order 2100.6B specifies that regulations should generally "not be issued unless their benefits are expected to exceed their costs." In arriving at those conclusions, E.O. 12866 requires that agencies should consider "both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify" and "maximize net benefits . . . unless a statute requires another regulatory approach." E.O. 12866 also requires that "agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating." DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the "least costly regulatory alternative that achieves the relevant objectives"

unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This NPRM is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and expects that this NPRM may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators that perform coating surveys and coating remediation activities following the installation, repair, or replacement of pipe. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This NPRM is expected to be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; (90 FR 9065 (Feb. 6, 2025))). PHMSA estimates that the total costs of the NPRM on the regulated community will be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; (90 FR 8353 (Jan. 29, 2025))) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” (90 FR 8353 (Jan. 29, 2025))) asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and

hazardous liquids. PHMSA finds this NPRM is consistent with each of E.O. 14156 and E.O. 14154. This NPRM will give affected pipeline operators regulatory certainty and cost savings from removing the requirements related to operators documenting specific dates for construction backfill activities and permit applications. PHMSA therefore expects the regulatory amendments in this NPRM will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this NPRM is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; (66 FR 28355 (May 22, 2001))), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this NPRM is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use, and OIRA has therefore not designated this NPRM as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this NPRM in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While this NPRM may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety

requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this NPRM is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for an NPRM subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This NPRM was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce regulatory burdens. Therefore, PHMSA certifies this NPRM will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This NPRM does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*)

requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this NPRM according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the NPRM and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this NPRM will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This NPRM will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated

with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the NPRM and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Pipelines.

In consideration of the foregoing, PHMSA proposes to revise 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. Amend § 192.319 by revising paragraphs (d) and (f) to read as follows:

§ 192.319 Installation of pipe in a ditch.

* * * * *

(d) If the construction project involves 1,000 feet or more of continuous backfill length along the pipeline, then no later than 6 months after placing the pipeline in service, an operator must perform an assessment to assess any coating damage and ensure the integrity of the coating using direct current voltage gradient (DCVG) surveys, alternative current voltage gradient (ACVG) surveys, or other technology that provides comparable information about the integrity of the coating. Such coating surveys must be conducted except in locations where effective coating surveys are precluded by geographical, technical, or safety reasons.

* * * * *

(f) An operator of an onshore steel transmission pipeline must develop a remedial action plan within 6 months of completing the assessment that identified the deficiency. An operator must repair any coating damage classified as severe (voltage drop greater than 60 percent for DCVG or 70 dBμV for ACVG) in accordance with section 4 of NACE SP0502 (incorporated by reference, see § 192.7) within 6 months of the assessment, or as soon as practicable after obtaining necessary permits, not to exceed 6 months after the receipt of such permits.

* * * * *

■ 3. Amend § 192.461 by revising paragraphs (f) and (h) to read as follows:

§ 192.461 External corrosion control: Protective coating

* * * * *

(f) No later than 6 months after placing a pipeline back into service following a repair or replacement that results in 1,000 feet or more of continuous backfill length along the pipeline, an operator must perform an assessment to assess any coating damage and ensure the integrity of the coating using direct current voltage gradient (DCVG) surveys, alternating current voltage gradient (ACVG) surveys, or other technology that provides comparable information about the integrity of the coating. Such coating

surveys must be conducted except in locations where effective coating surveys are precluded by geographical, technical, or safety reasons.

* * * * *

(h) An operator of an onshore steel transmission pipeline must develop a remedial action plan within 6 months of completing the assessment that identified the deficiency. The operator must repair any coating damage classified as severe (voltage drop greater than 60 percent for DCVG or 70 dBµV for ACVG) in accordance with section 4 of NACE SP0502 (incorporated by reference, see § 192.7) within 6 months of the assessment, or as soon as practicable after obtaining necessary permits, not to exceed 6 months after the receipt of such permits.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12118 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0113]

RIN 2137–AF83

Pipeline Safety: Codify Enforcement Discretion on Incidental Gathering Lines

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA proposes to codify a statement of limited enforcement discretion applicable to “incidental gathering” lines. The proposed rule completes PHMSA’s commitment within its response to a petition for reconsideration of a 2021 final rule affecting the regulation of onshore gas gathering pipelines.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0113 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows

the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Sayler Palabrica, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–744–0825, or by email at sayler.palabrica@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

On November 15, 2021, PHMSA published a final rule titled “Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments” in the **Federal Register** (86 FR 63266 (Nov. 15, 2021)) establishing new reporting and safety requirements for gas gathering pipelines in Class 1 locations. One of the regulatory amendments adopted in that final rule (at § 192.8) imposed a 10-mile limitation on the historical exception from certain part 192 requirements applicable to gas transmission lines for “incidental gathering” pipeline segments. Operators are required to identify gas gathering pipelines and regulated onshore gathering lines based on the function of that pipeline in accordance with §§ 192.3 and 192.8, and the first edition of American Petroleum Institute (API) Recommended Practice (RP) 80, “Guidelines for the Definitions of Onshore Gas Gathering Lines.” Under these provisions, the endpoint of an onshore gathering line and the beginning of a transmission or distribution line is the furthestmost downstream endpoint of gathering described in section 2.2(a)(1) of API RP 80, subject to the limitations in § 192.8(a). The possible endpoints defined in API RP 80(a)(1)(A)–(D) and § 192.8(a) include a natural gas processing plant, gas gathering treatment facility, point of comingling from separate fields, or a gathering-related compressor station. API RP

80(a)(1)(E) also includes an “incidental gathering” designation for piping downstream of the furthestmost downstream functional endpoint of gathering that is used to connect to “another pipeline.” The 2021 Gas Gathering Final Rule imposed a new, 10-mile limitation on the use of the incidental gathering line designation in API RP 80. That limitation applies to gathering lines that are “new, replaced, relocated, or otherwise changed” after May 16, 2022, and, if exceeded, requires that the entire length of the pipeline be classified as a gas transmission line under part 192.

On December 15, 2021, the American Petroleum Institute (API) and the GPA Midstream Association submitted a petition for reconsideration (Petition) of the 2021 Gathering Gas Final Rule (Docket No. PHMSA–2011–0023–0493). In their Petition, API and GPA Midstream noted that applying the 10-mile limitation to existing gas gathering lines could require an operator to redesignate the entire length of the line as a gas transmission line in certain scenarios. On April 1, 2022, PHMSA issued a response (Petition Response, Docket No. PHMSA–2011–0023–0504) acknowledging that concern and noting that some incidental gathering line operators would respond by deferring safety-enhancing repairs to avoid the change of regulatory status. To provide PHMSA with the opportunity to consider the issue more closely, PHMSA issued a limited exercise of enforcement discretion providing relief from the 10-mile limitation for existing incidental gathering lines (87 FR 26926 (May 4, 2022)).

PHMSA is now proposing to codify the relief provided in the enforcement discretion at § 192.8(a)(5). As a result of this proposed regulatory amendment, the 10-mile restriction on use of the “incidental gathering” designation would no longer apply to portions of an existing pipeline that had been designated as “incidental gathering” on or before May 16, 2022, which are subsequently relocated, replaced, or otherwise changed. Pipelines newly installed after May 16, 2022, would remain subject to the 10-mile limitation on the “incidental gathering” designation at § 192.8(a)(5).

PHMSA is not aware of any incidents or safety related conditions on gathering lines currently subject to the enforcement discretion. As explained in the Regulatory Impact Analysis for the 2021 Gas Gathering Final Rule, PHMSA also believes that the aggregate length of pipe affected by the 10-mile limitation on the use of the incidental gathering

designation is small.¹ However, the compliance costs for existing incidental gathering lines affected by the 10-mile limitation could be significant for some operators. As noted in the Petition Response, the incidental gathering limitation as written could trigger substantially more burdensome regulatory requirements when an operator replaces, relocates, or otherwise changes an existing incidental gathering line. This could incentivize the delay of safety-enhancing maintenance activity. Eliminating regulatory uncertainty regarding existing incidental gas gathering lines could therefore enhance safety to the extent that it encourages operators to perform such maintenance.

Commenting

Instructions: Please include the docket number PHMSA–2025–0113 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

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190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Saylor Palabrica, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at saylor.palabrica@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

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II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of

not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the procedural and analytical requirements in E.O. 12866 as implemented by DOT Order 2100.6B. In so doing, PHMSA expects that this proposed rule would result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators by codifying PHMSA’s existing exercise of its enforcement discretion to provide that an operator is not required to redesignate existing incidental gathering lines as transmission lines as a result of replacement, relocation, or other changes. While PHMSA exercised enforcement discretion for such lines, this change results in cost savings to the extent that operators would otherwise reclassify incidental gathering lines due to regulatory uncertainty or action by State regulators. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This NPRM is expected to be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; (90 FR 9065 (Feb. 6, 2025))). PHMSA estimates that the total costs of the NPRM on the regulated community will be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

¹ PHMSA, Doc. No. PHMSA–2011–0023–0488, “Regulatory Impact Analysis for the Gas Gathering Final Rule” at 23 (Nov. 2021).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule will give affected pipeline operators regulatory certainty and cost savings by clarifying that operators of lines designated as “incidental gathering” lines as of May 16, 2022, would not need to redesignate those existing lines as transmission lines following replacement, relocation, or other changes on those lines. PHMSA therefore expects the regulatory amendments in this proposed rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; 66 FR 28355 (May 22, 2001)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have

“substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the proposed rule may (when finalized) operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce regulatory burdens. Therefore, PHMSA certifies the proposed rule (if finalized) will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA. PHMSA does not expect the proposed rule will result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s

regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA

has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 191

Pipeline Safety.

For the reasons set forth above, PHMSA proposes to amend 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for 49 CFR part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

§ 192.8 [Amended]

■ 2. In § 192.8(a)(5), remove the phrase, “new, replaced, relocated, or otherwise changed gas gathering pipelines installed” and add in its place the phrase “new gas gathering pipelines installed entirely”.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12131 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0116]

RIN 2137–AF86

Pipeline Safety: Harmonize Class Location Change Pressure Test Requirements With Subpart J Pressure Test Requirements

AGENCY: Pipeline and Hazardous Materials Safety Administration

(PHMSA), Department of Transportation (DOT).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: PHMSA is proposing to revise the regulation for confirming or revising the maximum allowable operating pressure following a class location change to clarify that owners and operators of gas pipeline facilities can use to satisfy that requirement certain pressure tests authorized by subpart J of part 192 for small segments of pipe.

DATES: Persons interested in submitting written comments on this proposed rule must do so by September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0116 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>

This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Robert Jagger, Senior Transportation Specialist, by telephone at 202–366–4361 or by email at robert.jagger@dot.gov.

I. General Discussion

PHMSA proposes amending the requirement at § 192.611(a)(1) for confirming or revising the maximum allowable operating pressure (MAOP) of gas pipelines where the hoop stress corresponding to the established MAOP of a segment of pipeline is not commensurate with the present class location. Currently, § 192.611(a)(1) states that any pipeline segment involved in a class location change that has been previously tested in place for a period of not less than 8 hours must follow certain requirements to confirm or revise the MAOP of that segment. PHMSA adopted the 8-hour pressure test duration requirement in § 192.611(a)(1) in the early 1970s based

on the provisions in a then-current edition of a consensus industry standard, the American Society of Mechanical Engineers Standard B31.8 “Gas Transmission and Distribution Piping Systems” (35 FR 13248 (Aug. 19, 1970)). PHMSA’s regulations elsewhere at § 192.505 authorize the use of a 4-hour pressure test for short or prefabricated pipeline segments if an 8-hour, post-installation test is impractical. These short or prefabricated pipeline segments generally present a lower risk to public safety, which justifies the shorter pressure testing interval at the time of installation.

The current language governing the 8-hour pressure testing requirement in § 192.611(a)(1) prevents operators from using an otherwise valid 4-hour test to confirm or revise the MAOP of a segment following a change in class location. To the extent that such a conflict exists, prohibiting operators from using a valid pressure test to confirm or revise the MAOP of a segment is not consistent with the intent of the pressure testing requirement in § 192.611(a)(1).

For more than five decades, § 192.505(d) has allowed operators to conduct pre-installation strength tests of fabricated units and short sections of pipe for which a post-installation test is impractical by maintaining the pressure at or above the test pressure for at least 4 hours. That requirement has proven its safety value since its adoption. Indeed, PHMSA recently expanded the use of 4-hour pressure testing duration requirements to additional provisions in the Pipeline Safety Regulations (86 FR 2210, 2233 (Jan. 21, 2021)). Operational experience with subpart J-compliant pipe demonstrates an 8-hour test duration is not essential to evaluating the mechanical strength of a pipeline undergoing a class change pursuant to § 192.611(a)(1).

Moreover the language at § 192.611(a)(1) confronts operators with a dilemma: incur additional compliance costs (and safety risks) associated with an 8-hour pressure test or assume the risk that PHMSA will enforce the apparent violation of § 192.611(a)(1) by relying on shorter, subpart J-compliant pressure testing. There is no reason that operators should be faced with that dilemma. PHMSA therefore has preliminarily concluded that the regulatory amendment proposed in this NPRM will reduce burdens on operators without adversely affecting safety.

Commenting

Instructions: Please include the docket number PHMSA–2025–0116 at the beginning of your comments. If you

submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 United States Code (U.S.C.) 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Robert Jagger, PHP–30, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at robert.jagger@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the

documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)) as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and expects the proposed rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility

operators by clarifying the regulations for confirming or revising the MAOP of gas pipeline facilities following a change in class location. PHMSA expects these cost savings would be realized by the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This proposed rule would be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; 90 FR 9065 (Feb. 6, 2025)). PHMSA estimates that the total costs of the rulemaking on the regulated community would be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; 90 FR 8353 (Jan. 29, 2025)) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA preliminarily finds this rulemaking is consistent with each of E.O. 14156 and E.O. 14154. This proposal herein would give affected pipeline operators greater flexibility in pressure testing methods associated with reconfirming or revising MAOP following a class location change. PHMSA therefore expects the proposed regulatory amendments will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”;

66 FR 28355 (May 22, 2001)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it would not have a significant adverse effect on supply, distribution, or energy use, as further discussed in the Regulatory Impact Analysis; OIRA has therefore not designated this NPRM as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this NPRM in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While this NPRM’s proposal may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the proposed regulatory amendments would be limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a rulemaking subject to notice-and-comment rulemaking under the

Administrative Procedure Act (5 U.S.C. 500 *et seq.*) unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This NPRM was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. PHMSA expects the NPRM’s proposals will relieve regulatory burdens and therefore certifies it will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This NPRM would not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and issues this draft Finding of No Significant Impact (FONSI), as it has preliminarily determined that the rulemaking would not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and

Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of this proposed rule and preliminarily determined that it would not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, the NPRM would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of this proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of this rulemaking and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Pipelines, pipeline safety, Natural gas.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. Amend § 192.611 by revising paragraph (a)(1) to read as follows:

§ 192.611 Change in class location: Confirmation or revision of maximum allowable operating pressure.

(a) * * *

(1) If the segment involved has been previously tested in place for a period of not less than 8 hours or received a pre-installation strength test for a period

of at least 4 hours pursuant to § 192.505(d):

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12128 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0115]

RIN 2137–AF85

Pipeline Safety: Atmospheric Corrosion Reassessment for Pipeline Replacements

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA is proposing to revise the corrosion requirements in 49 CFR part 192 for gas distribution systems by replacing the 3-year reassessment interval with a 5-year reassessment interval following the replacement of pipeline segments or components in service lines. This change would provide cost savings to gas distribution operators.

DATES: Persons interested in submitting written comments on this proposed rule must do so by September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0115 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Robert Jagger, Senior Transportation Specialist, by telephone at 202–366–4361 or by email at robert.jagger@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

In this NPRM, PHMSA is proposing to revise the atmospheric corrosion control requirements in § 192.481 for gas distribution service lines. Section 192.481(a)(2) generally requires operators to inspect service lines for evidence of atmospheric corrosion on a 5-year interval. If evidence of atmospheric corrosion is found during the most recent inspection, however, § 192.481(d) requires operators to conduct the next inspection of a service line on a 3-year interval. Section 192.481(d) requires operators to conduct that 3-year reinspection even if the atmospheric corrosion found during the most recent inspection is remediated by replacing the affected portion of the service line.

PHMSA has made a preliminary determination that requiring a 3-year reinspection for evidence of atmospheric corrosion is unnecessary and imposes an undue burden if an operator replaces the affected portion of a service line. Atmospheric corrosion presents minimal risk to new service lines, and operators can effectively manage that risk by conducting inspections on the standard 5-year interval. In addition, requiring operators to reinspect replaced service lines on a shorter interval imposes additional costs that are not justified by a corresponding benefit. Accordingly, PHMSA is proposing to amend § 192.481(d) by providing an exception to the 3-year reinspection interval for replaced service lines.

Commenting

Instructions: Please include the docket number PHMSA–2025–0115 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy

statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 United States Code (U.S.C.) 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

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Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This NPRM is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This NPRM is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and expects that this NPRM may result in cost savings by reducing regulatory burdens and regulatory uncertainty for pipeline facility operators related to the performance of atmospheric corrosion inspections and the reassessment intervals of such inspections. Those cost savings may also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This NPRM is expected to be a deregulatory action pursuant to Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)). PHMSA estimates that the total costs of the NPRM on the regulated community would be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; (90 FR 8353 (Jan. 29, 2025))) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” (90 FR 8353 (Jan. 29, 2025))) asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this NPRM is consistent with each of E.O. 14156 and E.O. 14154. The NPRM would give affected pipeline operators reduced compliance obligations regarding atmospheric corrosion inspection intervals in response to pipe replacements. PHMSA therefore expects the regulatory amendments in this NPRM will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this NPRM is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; (66 FR 28355 (May 22, 2001))), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” This NPRM is not a significant action under E.O. 12866 and also, it would not have a significant adverse effect on supply, distribution, or energy use; OIRA has therefore not designated this NPRM as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this NPRM in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the **Federal Register** on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While this NPRM may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this NPRM is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for an NPRM subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated

web page.¹ This NPRM was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce regulatory burdens. Therefore, PHMSA certifies the proposed rulemaking will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This NPRM does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this NPRM in accordance with NEPA and issues this draft Finding of No Significant Impact (FONSI), as it has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment.

I. Executive Order 13175

PHMSA analyzed this NPRM according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities

¹ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed Sept 3, 2024).

by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of this NPRM and determined that it would not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this NPRM would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This NPRM would not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the

standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of this NPRM and has determined that its proposed regulatory amendments would not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of this NPRM and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Pipelines.

In consideration of the foregoing, PHMSA proposes to revise 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. Amend § 192.481 by revising paragraph (d) to read as follows:

§ 192.481 Atmospheric corrosion control: Monitoring.

* * * * *

(d) If atmospheric corrosion is found on a service line during the most recent inspection, then the next inspection of that pipeline or portion of pipeline must be within 3 calendar years, but with intervals not exceeding 39 months, unless the service line is replaced.

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–12117 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2025–0112]

RIN 2137–AF82

Pipeline Safety: Exception for In-Plant Piping Systems

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to codify an exception for in-plant piping systems into the gas pipeline safety regulations. The proposed exception is consistent with prior guidance and a similar provision in the hazardous liquid pipeline safety regulations.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0112 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Sayler Palabrica, Transportation Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–744–0825, sayler.palabrica@dot.gov.

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA’s regulations at 49 CFR part 195 for hazardous liquid and carbon dioxide pipelines provide an explicit exception for “in-plant piping systems” at certain facilities. 49 CFR 195.1(b)(8);

49 U.S.C. 60101(a)(22)(B)(ii)–(iii). PHMSA’s regulations at 49 CFR part 192 for gas pipelines do not explicitly recognize a similar exception, although PHMSA has often applied the same principles in evaluating the regulatory status of in-plant piping systems at gas processing, manufacturing, and industrial facilities (PI–09–0020 (Aug. 11, 2010); PI–15–0002 (Apr. 2, 2015); PI–18–0012 (Apr. 29, 2019); PI–22–0007 (Jul. 7, 2022)).

PHMSA has also acknowledged that in-plant piping systems are subject to regulation under other Federal or State programs, such as the Occupational Safety and Health Administration’s Process Safety Management regulations in 29 CFR 1910.119, and that these regulatory programs can provide a comparable or equivalent level of safety to the requirements in parts 192 and 195. PHMSA has further recognized that applying overlapping regulatory programs to in-plant piping systems often results in uncertainty and duplicative or contradictory compliance obligations (85 FR 70124 (Nov. 4, 2020); Docket No. PHMSA–2019–0199).

In addition, stakeholders have recently submitted comments emphasizing that the absence of explicit exception for in-plant piping systems in part 192 imposes undue burdens on owners and operators of gas pipeline facilities (90 FR 14593 (Apr. 3, 2025); Docket No. DOT–OST–2025–0026). They have asked PHMSA to address that issue by codifying such an exception consistent with its prior interpretations and the comparable provisions in part 195 (DOT–OST–2025–0026–0830 (May 5, 2025)).

PHMSA agrees with the commenters and is proposing to add an exception to § 192.1(b) for in-plant piping systems. PHMSA’s proposal includes a definition for in-plant piping system that aligns with the provisions in part 195, but which establishes a clear point of demarcation between in-plant piping systems and transportation-related pipelines based on prior interpretations. Specifically, PHMSA is proposing to clarify that the point of demarcation for in-plant piping is the inlet of the pressure control device if the pipeline is moving product away from plant grounds, the outlet of the pressure control device if the pipeline is supplying the plant, or, if there is no such device on plant grounds, the plant boundary.¹ By including this clarification, PHMSA intends to minimize the need to reclassify existing

facilities among operators that were applying that historical understanding on the boundary between in-plant piping and regulated pipeline facilities.

PHMSA intends to apply its prior interpretations, whether issued in the context of gas or hazardous liquid pipelines, to the proposed definition of “in-plant piping systems” in § 192.3, including in determining the status of in-plant pipeline systems that cross a single public throughfare (e.g., a public road or rail line) (59 FR 33388, 33389 (Jun. 28, 1994); PI–19–0017 (Jun. 8, 2021)). However, PHMSA seeks comments on whether those interpretations should be codified in the text of part 192.

Commenting

Instructions: Please include the docket number PHMSA–2025–0112 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document

submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Sayler Palabrica, Office of Pipeline Safety Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at sayler.palabrica@dot.gov. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed rule is published under the authority of the Secretary of Transportation set forth in the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose

¹ PHMSA Letter of Interpretation to Ms. Kim Garold, Flint Hills Resources, No. PI–19–0017 (June 8, 2021).

the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This proposed rule is a not significant regulatory action pursuant to E.O. 12866; it also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and preliminarily determined that this proposed rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for gas pipeline facility operators by clarifying jurisdictional boundaries within certain types of facilities, avoiding duplicative or contradictory Federal requirements. PHMSA expects those cost savings will also result in reduced costs for the public to whom pipeline operators generally transfer a portion of their compliance costs. The cost savings of this rulemaking could not be quantified.

C. Executive Orders 14192 and 14219

This NPRM is expected to be a deregulatory action pursuant to E.O. 14192 (“Unleashing Prosperity Through Deregulation”; (90 FR 9065 (Feb. 6, 2025)). PHMSA estimates that the total costs of the NPRM on the regulated community will be less than zero. Nor does this rulemaking implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”) indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.” (90 FR 10583 (Feb. 25, 2025)).

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (“Declaring a National Energy Emergency”; (90 FR 8353 (Jan. 29, 2025))) a national emergency to address America’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (“Unleashing American Energy,” (90 FR 8353 (Jan. 29, 2025))) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]”

on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154. The proposed rule will give affected pipeline operators relief from complying with the pipeline safety requirements for in-plant piping. PHMSA therefore expects the regulatory amendments in this proposed rule will in turn increase national pipeline transportation capacity and improve pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this proposed rule is not a “significant energy action” under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”; (66 FR 28355 (May 22, 2001))), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this proposed rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use, as further discussed in the RIA; OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (“Federalism”; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (“Preemption”) published in the *Federal Register* on May 22, 2009 (74 FR 24693). E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the proposed rule may (when finalized) operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal

pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this proposed rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”; 67 FR 53461 (Aug. 16, 2002)) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page. This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce regulatory burdens. Therefore, PHMSA certifies the proposed rule (if finalized) will not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of \$100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed rule does not impose unfunded mandates under UMRA. PHMSA does not expect the proposed rule will result in costs of \$100 million or more (in 1996 dollars) per year for

either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and issues this draft Finding of No Significant Impact (FONSI), because it has preliminarily determined that the rulemaking will not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this proposed rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or

rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (“Promoting International Regulatory Cooperation”; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the proposed rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (“Improving the Nation’s Cybersecurity”; 86 FR 26633 (May 17, 2021)) directed the Federal government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for pipeline facilities.

List of Subjects in 49 CFR Part 191

Pipeline Safety.

For the reasons set forth above, PHMSA proposes to amend 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for 49 CFR part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. In § 192.1, add paragraph (b)(6) to read as follows:

§ 192.1 What is the scope of this part?

* * * * *

(b) * * *

(6) Any in-plant piping system.

■ 3. In § 192.3, add a definition for “in-plant piping system” in alphabetical order to read as follows:

§ 192.3 Definitions

* * * * *

In-plant piping system means piping that is located on the grounds of a plant and used to move gas between plant facilities or between plant facilities and a pipeline or other mode of transportation, not including any device and associated piping that are necessary to control pressure in a pipeline. The point of demarcation between a pipeline and an in-plant piping system is the inlet of the pressure control device if the pipeline is moving gas out of the plant or the outlet of the pressure control device if the pipeline is moving gas into the plant. If there is no such pressure control device located on the grounds of the plant, an in-plant piping system extends to the plant boundary.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

[FR Doc. 2025–12130 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 209

[Docket No. FRA–2025–0077]

RIN 2130–AD11

Prosecutorial Discretion of Enforcement Attorneys

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would clarify that FRA's Office of the Chief Counsel has discretion to decline or dismiss a violation, such as a technical violation where challenged conduct does not raise a practical safety issue.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0077 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0077), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD11). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Amanda Maizel, Attorney Adviser, FRA, telephone: (202) 308–3753, email: Amanda.Maizel@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). As part of this effort, on Apr. 3, 2025, DOT issued a request for information in which it asked the public to assist in identifying existing regulations, guidance, paperwork requirements, and other regulatory obligations that can be modified or repealed, consistent with law, to ensure that DOT administrative actions do not undermine the national interest and that DOT achieves meaningful burden

reduction while continuing to meet statutory obligations and ensure the safety of the U.S. transportation system.¹ DOT received 955 comments, including some that were rail-related and specifically a comment from the Association of American Railroads (AAR). In addition to other proposals, AAR requested that FRA clarify in 49 CFR part 209 that FRA's Office of the Chief Counsel has discretion to dismiss a technical violation where the challenged conduct does not raise a practical safety issue.

FRA intends to adopt this request and to clarify that attorneys in the Office of the Chief Counsel have enforcement discretion in all phases of a potential enforcement action. FRA has broad discretion to enforce the Federal railroad safety laws and regulations, including determining the appropriate method of addressing any violation it finds.² Accordingly, similar to the discretion that FRA has in determining whether to transmit or decline an enforcement action, FRA also has discretion to dismiss a violation, such as a technical violation where the challenged conduct does not raise a practical safety issue. Even where FRA has transmitted a violation and decides not to dismiss it, FRA continues to have the discretion to reduce the civil penalty, but not below the respective statutory minimum amount, adjusted annually for inflation.³ This clarification would streamline the enforcement process, relieve enforcement burdens on regulated entities, and promote due process and fairness. In addition, this proposal is consistent with the Mar. 11, 2025, DOT Memorandum, *Procedural Requirements for Enforcement Actions*.⁴

¹ 90 FR 14593 (Apr. 3, 2025).

² *Railway Labor Executives Ass'n v. Dole*, 760 F.2d 1021, 1025 (9th Cir. 1985) (finding “nothing in the railroad safety legislation to indicate Congress intended to make prosecutorial discretion subject to judicial review,” and upholding the dismissal of a challenge to the Secretary of Transportation's safety plan that stressed cooperation with railroads in finding and remedying safety problems).

³ See Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114–74, 129 Stat. 599, codified at 28 U.S.C. 2461 note.

⁴ See *Procedural Requirements for Enforcement Actions*, Mar. 11, 2025, available at <https://www.transportation.gov/sites/dot.gov/files/2025-03/Procedural%20Requirements%20for%20DOT%20Enforcement%20Actions.Cote%20Memo.Signed.03-11-2025.pdf>.

II. Section-by-Section Analysis

Appendix A to Part 209—Statement of Agency Policy Concerning Enforcement of Federal Railroad Safety Laws

As discussed above, FRA proposes to clarify that the Office of the Chief Counsel has discretion to decline to enforce a violation, such as a technical violation where the challenged conduct does not raise a practical safety issue. FRA proposes to add this statement to the discussion of FRA's Civil Penalty Process in appendix A to part 209.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this proposed rule. This proposed rule would clarify that FRA's Office of the Chief Counsel has discretion to decline or dismiss a violation, such as when the challenged conduct does not raise a practical safety issue. By providing this clarification, regulated entities would benefit from a streamlined enforcement process, relief from enforcement burdens, and the promotion of due process and fairness. This clarification would also help to eliminate any confusion on the Office of the Chief Counsel's discretionary authority to decline to enforce or to dismiss a technical violation where the challenged conduct does not raise a practical safety issue. FRA does not anticipate any costs from this proposed rule, but welcomes comments from the public on the impacts of this proposal.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁵ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O.

⁵ Executive Office of the President, *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

14192 deregulatory action, and an E.O. 14192 regulatory action.⁶

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁷ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing practices that comply with part 209; it merely offers clarity that could result in some benefits. By extending this regulatory relief, many regulated entities, including small entities, would experience benefits. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub.

L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with

section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁸ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁹ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely

⁶ Executive Office of the President. Office of Management and Budget. Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.” Memorandum M–25–20. Mar. 26, 2025.

⁷ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

⁸ 66 FR 28355 (May 22, 2001).

⁹ 19 U.S.C. ch. 13.

optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](https://www.regulations.gov), Docket No. FRA–2025–0077, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 209

Administrative practice and procedure, Enforcement, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 209 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

■ 1. The authority citation for part 209 continues to read as follows:

Authority: 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise appendix A to part 209 in the section under the heading “The Civil Penalty Process” to read as follows:

Appendix A to Part 209—Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws.

* * * * *

The Civil Penalty Process

* * * Once penalties have been assessed, the railroad is given a reasonable amount of time to investigate the charges. Larger railroads usually make their case before FRA in an informal conference covering a number of case files that have been issued and investigated since the previous conference. Thus, in terms of the negotiating time of both sides, economies of scale are achieved that would be impossible if each case were negotiated separately. The settlement conferences include technical experts from both FRA and the railroad as well as lawyers for both parties. Similar to the discretion that the Office of the Chief Counsel has in determining whether to transmit an enforcement action or to decline to prosecute a recommended violation, the Office also has discretion to dismiss a violation, such as a technical violation where the challenged conduct does not raise a practical safety issue. Even if FRA determines not to dismiss the violation, FRA continues to have the discretion to reduce the penalty, but not below the relevant statutory minimum

amount. In addition to allowing the two sides to make their cases for the relative merits of the various claims, these conferences also provide a forum for addressing current compliance problems. Smaller railroads usually prefer to handle negotiations through email or over the phone, often on a single case at a time. Once the two sides have agreed to an amount on each case, that agreement is put in writing and a payment is submitted to FRA’s accounting division covering the full amount agreed on.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12123 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 209

[Docket No. FRA–2022–0085]

RIN 2130–AC93

Amendments to the Federal Railroad Administration’s Procedures for Service of Documents in Railroad Safety Enforcement Proceedings

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would update FRA’s railroad safety enforcement procedures and rules of practice to require electronic service of documents. This proposed rule would also establish procedures to implement new authority regarding civil penalties for alleged Federal railroad safety violations. Finally, this proposal would make other necessary administrative updates, such as correcting addresses.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2022–0085 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2022–0085), and Regulatory Identification Number (RIN) for this rulemaking (2130–AC93). All comments received will be posted

without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, and as described in more detail below, this proposed rule would update FRA’s railroad safety enforcement procedures and rules of practice to require electronic service of documents; establish procedures to implement new authority regarding civil penalties for alleged Federal railroad safety violations; and make other necessary administrative updates, such as correcting addresses.

In 1977, FRA established 49 CFR part 209, which set out certain procedures for carrying out FRA’s safety enforcement mission. 42 FR 56742 (Oct. 28, 1977). Part 209 currently provides procedures for the assessment of civil penalties pursuant to the Federal hazardous materials (hazmat) transportation safety laws, 49 U.S.C. chapter 51, in subpart B; compliance orders pursuant to 49 U.S.C. 5121(a) and/or 20111(b) in subpart C; and administrative proceedings relating to the determination of an individual’s fitness for performing safety-sensitive functions under 49 U.S.C. 20111(c) (individual liability) in subpart D. Subpart A includes general provisions that apply to each of these subparts.¹

¹ Part 209 also includes subpart E, which sets forth provisions regarding the submission of remedial action reports by railroads, and subpart F, which deals with the review of rail routing decisions.

Part 209 divides procedures for the service of documents into two sections, with § 209.7 concerning the service of subpoenas, and § 209.5 concerning the service of all other documents in proceedings governed by part 209. *Id.* at 56743. Among other things, § 209.5 regulates the service of documents in hazmat civil penalty assessments, compliance orders, and individual liability proceedings. While appendix A to part 209 details the procedures for non-hazmat civil penalty assessments, those procedures do not include any specific requirements for how documents may be transmitted to respondents.

FRA has updated part 209's service provisions only once, in 1989, to prescribe procedures for disqualifying railroad employees from performing safety-sensitive functions and permit service by first-class mail of motions and requests for admissions. 54 FR 42894 (Oct. 18, 1989). To account for technological changes that have occurred since then, conform FRA's procedures for hazmat and non-hazmat assessments, align FRA's service provisions with those at other agencies,² and help agency operations to continue, without interruption, during emergencies, this proposed rule would modernize part 209's provisions and other FRA procedures regarding service to require service through electronic methods of transmission. By serving documents electronically, parties to proceedings under part 209 can expedite document delivery and reduce printing and mailing costs.

This proposal would also establish procedures in part 209 to implement new authority regarding civil penalties provided in section 22418 of the Infrastructure Investment and Jobs Act, Public Law 117–58 (Nov. 15, 2021), codified at 49 U.S.C. 21301(a). This statutory authority allows FRA to administratively resolve civil penalty assessments alleging violations under FRA's railroad safety authority.

Congress provided FRA with the authority to resolve these civil penalty matters with an administrative hearing, which: (1) aligns FRA's authority and procedures with those of other DOT modal administrations, such as the

Federal Aviation Administration and the Pipeline and Hazardous Materials Safety Administration (*see, e.g.*, 49 U.S.C. 5123(b) and 46301(c)(1)); (2) creates procedural and economic efficiencies in civil penalty enforcement matters under the railroad safety laws that are not otherwise paid or compromised; (3) ensures due process; (4) encourages compliance and responsiveness from regulated entities; (5) allows for the composition of an administrative record in the event of litigation; and (6) promotes safety. To implement this authority, this proposed rule would establish administrative procedures similar to those for hazmat cases (49 CFR part 209, subpart B), in a new subpart G of part 209.

This NPRM would also make miscellaneous updates to web and email addresses to ensure they are accurate. Finally, the proposed rule would adjust language in FRA regulations to ensure information gets to the agency subject matter expert in the relevant technical discipline.

II. Section-by-Section Analysis

Part 209

§ 209.1 Purpose

In § 209.1, FRA proposes to update the relevant citations regarding FRA's rail safety and hazardous materials authority. The provisions previously found in 49 CFR 1.49 are now found in 49 CFR 1.88 and 1.89. FRA proposes to revise § 209.1(a) and (b) and remove (c) entirely, as the citations in § 209.1 are obsolete.

§ 209.5 Service

This proposal would restructure 49 CFR 209.5, to update paragraph (a) to require the service of documents through electronic methods of delivery, such as email, whenever possible. FRA would expect all documents to be served by electronic means, unless such means are impossible or otherwise unavailable. FRA proposes that only in circumstances where electronic methods of delivery are impossible, would service be permitted by U.S. mail or in person. FRA proposes that service will not be effective if the party making service receives indication that the attempted service did not reach the person to be served (*e.g.*, an electronic transmission auto-reply message states the electronic communication was undeliverable to the recipient). This proposed rule would also reformat paragraph (a) for clarity and to align with the proposed updated paragraph (c), which details when service is effective.

FRA proposes to update paragraph (c) to make clear when service will be deemed completed. This paragraph expands on existing paragraph (c) to clearly delineate when service as listed in paragraph (a) becomes effective. FRA proposes to require that the date of service by an electronic method of transmission is the date of transmission. In the event service is not made by an electronic method of transmission and service is made by physical mail, FRA proposes that the date of service would be the postmark date.

FRA proposes to move the language in existing paragraph (e) to paragraph (d). FRA would add language in a revised paragraph (e) to address how dates for service would be determined. This proposed language is consistent with the language used in parts 240 and 242, providing that when service must be effected within a particular timeframe, the date certain when service must be completed will be determined in accordance with the computation of time provisions in Rule 6 of the Federal Rules of Civil Procedure (FRCP), as amended. The “as amended” after the reference to the FRCP would allow for the most current version of the FRCP to be applied.

§ 209.6 Requests for Admission

In § 209.6(a), FRA proposes to add subpart G to the list of subparts to which this section applies.

§ 209.7 Subpoenas; Witness Fees

This NPRM would amend 49 CFR 209.7, which governs subpoenas issued under part 209. In § 209.7(a) and (j), FRA proposes to add subpart G to the list of subparts to which this section applies. FRA would modify paragraphs (c) and (d), which discuss methods of service of subpoenas, to require service via the same method of electronic transmission as the proposed amended § 209.5 provides. FRA also proposes to remove the methods of in-person service or service by mail for subpoenas, except where electronic service is impossible.

§ 209.8 Depositions in Formal Proceedings

In § 209.8(a), FRA proposes to add subpart G to the list of subparts to which this section applies.

§ 209.9 Filing

This proposed rule would amend § 209.9 to replace the physical mailing address for the Assistant Chief Counsel for Safety with an email address (FRALegal@dot.gov) to accommodate electronic submissions. FRA would also add subpart G to the list of subparts to which this section applies. Finally, to

² *See, e.g.*, 49 CFR 535.9(b)(6)(ii) (providing that the National Highway Transportation Safety Administration can serve Notice of Violations with respect to its Medium- and Heavy-Duty Vehicle Fuel Efficiency Program by electronic mail); 14 CFR 302.7 (allowing for service in aviation economic proceedings before DOT to be performed by electronic mail); 18 CFR 385.2010(g) (requiring the Federal Energy Regulatory Commission to serve all documents “by electronic means, unless such means are impractical, in which case service shall be made by United States mail”).

reduce burdens, FRA would remove the requirement that any materials be submitted “in duplicate.”

§ 209.13 Consolidation

In § 209.13, FRA proposes to add subpart G to the list of subparts to which this section applies.

§ 209.15 Rules of Evidence

In § 209.15, FRA would add subpart G to the list of subparts to which this section applies.

§ 209.105 Notice of Probable Violation

FRA proposes to update the web address in § 209.105(a) from www.fra.dot.gov to <https://railroads.dot.gov/>. FRA also proposes to update the references from “Chief Counsel” to “Office of the Chief Counsel.”

§ 209.109 Payment of Penalty; Compromise

FRA proposes to amend § 209.109(a) to update the mailing and overnight delivery addresses for payments. FRA would also correct a typographical error in § 209.109(b), updating the word “contracting” to “contacting,” and update the reference to the “Office of the Chief Counsel” rather than the “Chief Counsel.”

§ 209.303 Coverage

FRA proposes to amend § 209.303(c)(3) to account for regulations issued since the provision was last revised in 2009, and a comparable change was made.³ FRA proposes to change the language from “parts 213 through 241 of this title” to “parts 213 through 299 of this title.” This change would now expressly include regulations found in additional parts, such as parts 242, 243, 245, 246, 270, 271, and 272.

§ 209.335 Penalties

To avoid the need to update this section every time the civil penalty amounts are adjusted for inflation, FRA proposes to change § 209.335(a) and (b) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty and ordinary maximum civil monetary penalty. FRA would add language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided

civil penalty amounts updated for inflation.

§ 209.405 Reporting of Remedial Actions

This proposed rule would amend § 209.405(a)(3) to require railroads to submit a required remedial action report electronically via email to the FRA inspector, instead of by first-class mail.

§ 209.407 Delayed Reports

This proposed rule would amend § 209.407(a)(2) to require railroads to submit an explanation of a delayed remedial action report electronically to the FRA inspector, instead of by first-class mail.

Part 209, Subpart G—Enforcement, Hearing, and Appeal Procedures for Rail Safety Violations

FRA proposes to amend 49 CFR part 209 to add a new subpart G, *Enforcement, Hearing, and Appeal Procedures for Rail Safety Violations*. The proposed language mirrors the procedures in part 209, subpart B, *Hazardous Materials*, but would apply the procedures to railroad safety violations, rather than hazardous materials violations. As described in the background section above, these proposed procedures would implement new statutory authority in 49 U.S.C. 21301(a) regarding railroad safety civil penalty assessments.

§ 209.601 Civil Penalties Generally

The proposed language in section 209.601 would describe the purpose of subpart G generally, as prescribing rules of procedure for the assessment of civil penalties per the Federal railroad safety laws, 49 U.S.C. chapters 201 through 213.

§ 209.603 Minimum and Maximum Penalties

Section 209.603 would refer to the minimum and maximum civil penalties for railroad safety violations. These penalties are set by statute (49 U.S.C. ch. 213) and are subject to annual inflation adjustments.

§ 209.605 Demand Letter

Section 209.605 would outline the required content for each demand letter.

§ 209.607 Reply

Section 209.607 is proposed to contain procedures for a respondent’s reply to a demand letter, to include payment, informal response, and hearing options.

§ 209.609 Payment of Penalty; Compromise

This section would contain instructions for making a payment and allowing for compromise of a civil penalty assessment.

§ 209.611 Informal Response and Assessment

Section 209.611 proposes to explain the process for how a respondent may respond informally to a demand letter.

§ 209.613 Request for Hearing

Section 209.613 proposes to explain the process for how a respondent may request a hearing in response to a demand letter.

§ 209.615 Hearing

Section 209.615 would contain the hearing procedures should a respondent request a hearing in response to a demand letter.

§ 209.617 Presiding Officer’s Decision

Section 209.617 would contain the procedures for the presiding officer’s decision following a hearing.

§ 209.619 Assessment Considerations

FRA proposes section 209.619 to provide the list of considerations when assessing a civil penalty, as provided in 49 U.S.C. 21301(a)(3).

§ 209.621 Appeal

Section 209.621 would describe the procedures for appealing the presiding officer’s decision or order issued under proposed § 209.617.

Part 209, Appendix A Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws

This proposed rule would amend 49 CFR part 209, appendix A, to incorporate a variety of minor administrative changes. For example, FRA would update previous references in the appendix from “regions” to “districts” to ensure information gets to the agency subject matter expert in the relevant technical discipline. FRA would also update this appendix for outdated web addresses and citations, and make other miscellaneous revisions, including updating citations for DOT’s delegations to FRA. FRA also proposes to add language discussing the new proposed procedures in subpart G of part 209 for resolving railroad safety civil penalty assessments.

Part 209, Appendix B Federal Railroad Administration Guidelines for Initial Hazardous Materials Assessments

FRA proposes to amend 49 CFR part 209, appendix B, to update the web

³ See 74 FR 23329, 23331 (“The existing provision only refers to parts 213 through 236. Because parts 238 through 241 have been added to the Code of Federal Regulations since the last amendment of this provision, it is necessary to make this technical amendment for accuracy and clarity”).

address from www.fra.dot.gov to <https://railroads.dot.gov/>.

Part 209, Appendix C FRA's Policy Statement Concerning Small Entities

FRA proposes to amend 49 CFR part 209, appendix C, to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>. FRA proposes to adjust language under the heading "Small Entity Communication Policy" to ensure information gets to the agency subject matter expert in the relevant technical discipline. Finally, FRA proposes to amend language under the heading "Small Entity Enforcement Policy" to remove the reference to the Safety Assurance and Compliance Program and to clarify how FRA assists small entities.

III. Regulatory Impact and Notices

A. Executive Orders (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this proposed rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

This proposed rule would allow electronic methods of serving documents, such as email, whenever possible. This would expedite the speed at which documents are delivered while also reducing costs that would otherwise exist from having to physically print and mail documents. Additionally, this proposed rule would make miscellaneous changes such as reflecting updated web and email addresses. FRA expects this proposed rule would reduce burdens on regulated entities. Moreover, this proposed rule would provide some qualitative benefits to regulated entities and the U.S. government, by clarifying, simplifying, and updating the language of part 209.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."⁴ Implementation guidance for E.O. 14192 issued by OMB

(Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O.

14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁵

An E.O. 14192 deregulatory action is defined as "an action that has been finalized and has total costs less than zero." This proposed rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or "less than zero" consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁶ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would offer clarity, and would expedite the speed at which documents are delivered while also reducing costs that would otherwise exist from having to physically print and mail documents, that could result in some benefits. By extending this regulatory relief, many regulated entities, including small entities, would experience benefits. Consequently, FRA certifies that the proposed action would not have a significant economic impact

on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this proposed rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 209 became effective when they were approved by OMB in 2022. The OMB approval numbers are OMB No. 2130–0529, which expires on July 31, 2025, and OMB No. 2130–0509, which expires on November 30, 2025.

E. Environmental Assessment

FRA has analyzed this proposed rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this proposed rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), "[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives." This proposed rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, Federalism (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

⁴ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067, Feb. 6, 2025.

⁵ Executive Office of the President, Office of Management and Budget, *Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation"*, Memorandum M–25–20, Mar. 26, 2025.

⁶ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

G. *Unfunded Mandates Reform Act of 1995*

This proposed rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. *Energy Impact*

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. *E.O. 13175 (Tribal Consultation)*

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000). The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. *International Trade Impact Assessment*

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

K. *Privacy Act Statement*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without

edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. *Rulemaking Summary, 5 U.S.C. 553(b)(4)*

As required by 5 U.S.C. 553(b)(4), a summary of this rulemaking can be found in the Abstract section of the Department’s Unified Agenda entry for this rulemaking at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202404&RIN=2130-AC93>.

List of Subjects

49 CFR Part 209

Administrative practice and procedure, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

In consideration of the foregoing, FRA proposes to amend part 209 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

■ 1. The authority citation for part 209 continues to read as follows:

Authority: 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 209.1 to read as follows:

§ 209.1 Purpose.

Appendix A to this part contains a statement of agency policy concerning enforcement of those laws. This part describes certain procedures employed by the Federal Railroad Administration in its enforcement of statutes and regulations related to railroad safety. By delegation from the Secretary of Transportation, the Administrator has responsibility for:

(a) Enforcement of subchapters B and C of chapter I, subtitle B, title 49, CFR, and 49 U.S.C. ch. 51 and uncodified provisions, with respect to the transportation or shipment of hazardous materials by railroad (49 CFR 1.89(j)); and

(b) Exercise of the authority vested in the Secretary by 49 U.S.C. Subtitle V, Part A (Safety, chapter 201 *et seq.*) and uncodified provisions of the Rail Safety Improvement Act of 2008 (Pub. L. 110–432, Div. A, 122 Stat. 4848) (49 CFR 1.89(a), (b)).

■ 3. Revise § 209.5 to read as follows:

§ 209.5 Service.

(a) Each order, notice, or other document required to be served under ch. II of subtitle B of title 49 of the Code of Federal Regulations must be served by the following method:

(1) Any electronic method of delivery so long as there was no indication received that any transmission had failed; or

(2) In the event an electronic method of delivery is impossible, service may be made by U.S. mail.

(b) Service upon a person’s duly authorized representative constitutes service upon that person.

(c) The date of service will be:

(1) If sent by an electronic method of delivery, the date of electronic transmission to the party to be served.

(2) In the event an electronic method of delivery is impossible, and mailing is used, the postmark date. An official U.S. Postal Service receipt from a registered or certified mailing constitutes *prima facie* evidence of service.

(d) Each pleading must be accompanied by a certificate of service specifying how and when service was made.

(e) When service must occur within a particular timeframe, the date certain when service must be completed will be determined in accordance with the computation of time provisions in Rule 6 of the Federal Rules of Civil Procedure, as amended.

■ 4. Revise § 209.6(a) to read as follows:

§ 209.6 Requests for admission.

(a) A party to any proceeding under subpart B, C, D, or G of this part may serve upon any other party written requests for the admission of the genuineness of any relevant documents identified within the request, the truth of any relevant matters of fact, and the application of law to the facts as set forth in the request.

* * * * *

■ 5. Amend § 209.7 by revising paragraphs (a), (c), (d)(1), (d)(2), and (j) to read as follows:

§ 209.7 Subpoenas; witness fees.

(a) The Chief Counsel may issue a subpoena on the Chief Counsel’s own initiative in any matter related to enforcement of the railroad safety laws. However, where a proceeding under

subpart B, C, D, or G of this part has been initiated, only the presiding officer may issue subpoenas, and only upon the written request of any party to the proceeding who makes an adequate showing that the information sought will materially advance the proceeding.

* * * * *

(c) A subpoena may be served by any electronic method of delivery so long as there was no indication received that any transmission had failed. In the event an electronic method of delivery is impossible, service may be made by U.S. mail or in person.

(d) * * *

(1) To a natural person by:

(i) Any electronic method of delivery so long as there was no indication received that the transmission failed; or

(ii) Any method whereby actual notice of the issuance and content is given (and the fees are made available) prior to the return date.

(2) To an entity other than a natural person by:

(i) Any electronic method of delivery so long as there was no indication received that the transmission failed; or

(ii) Any method whereby actual notice of the issuance and content is given (and the fees are made available) to a registered agent for service or to any officer, director, or agent in charge of any office of the person, prior to the return date.

* * * * *

(j) Attendance of any FRA employee engaged in an investigation which gave rise to a proceeding under subpart B, C, or G of this part for the purpose of eliciting factual testimony may be assured by filing a request with the Chief Counsel at least fifteen (15) days before the date of the hearing. The request must indicate the present intent of the requesting person to call the employee as a witness and state generally why the witness will be required.

■ 6. Revise § 209.8(a) to read as follows:

§ 209.8 Depositions in formal proceedings.

(a) Any party to a proceeding under subpart B, C, D, or G of this part may take the testimony of any person, including a party, by deposition upon oral examination on order of the presiding officer following the granting of a motion under paragraph (b) of this section. Depositions may be taken before any disinterested person who is authorized by law to administer oaths. The attendance of witnesses may be compelled by subpoena as provided in § 209.7 and, for proceedings under subpart D of this part, § 209.315.

* * * * *

■ 7. Revise § 209.9 to read as follows:

§ 209.9 Filing.

All materials filed with FRA or any FRA officer in connection with a proceeding under subpart B, C, D, or G of this part shall be submitted to the Assistant Chief Counsel for Safety, Office of the Chief Counsel, Federal Railroad Administration, to *FRALegal@dot.gov*, except that documents produced in accordance with a subpoena shall be presented at the place and time specified by the subpoena.

■ 8. Revise § 209.13 to read as follows:

§ 209.13 Consolidation.

At the time a matter is set for hearing under subpart B, C, D, or G of this part, the Chief Counsel may consolidate the matter with any similar matter(s) pending against the same respondent or with any related matter(s) pending against other respondent(s) under the same subpart. However, on certification by the presiding officer that a consolidated proceeding is unmanageable or otherwise undesirable, the Chief Counsel will rescind or modify the consolidation.

■ 9. Revise § 209.15 to read as follows:

§ 209.15 Rules of evidence.

The Federal Rules of Evidence for United States Courts and Magistrates shall be employed as general guidelines for proceedings under subparts B, C, D, and G of this part. However, all relevant and material evidence shall be received into the record.

■ 10. Revise § 209.105(a) to read as follows:

§ 209.105 Notice of probable violation.

(a) FRA, through the Office of the Chief Counsel, begins a civil penalty proceeding by serving a notice of probable violation on a person charging him or her with having violated one or more provisions of subchapter A or C of chapter I, subtitle B of this title. FRA's website at <https://railroads.dot.gov/> contains guidelines used by the Office of the Chief Counsel in making initial penalty assessments.

* * * * *

■ 11. Revise § 209.109 to read as follows:

§ 209.109 Payment of penalty; compromise.

(a) Payment of a civil penalty may be made by credit card, certified check, money order, or wire transfer. Payment by credit card must be made via the internet at <https://www.pay.gov/paygov/>. Instructions for online payment are found on the website. Payments made by certified check or money order should be made payable to

the Federal Railroad Administration and sent to DOT/FRA, M.M.A.C., AMK-324, HQ-RM 181, P.O. Box 25082, Oklahoma City, OK 73125. Overnight express payments may be sent to DOT/FRA, M.M.A.C., AMK-324, HQ-RM 181, 6500 South MacArthur Blvd., Oklahoma City, OK 73169.

(b) At any time before an order assessing a penalty is referred to the Attorney General for collection, the respondent may offer to compromise for a specific amount by contacting the Office of the Chief Counsel.

■ 12. Amend § 209.303 by revising paragraph (c)(3) to read as follows:

§ 209.303 Coverage.

* * * * *

(c) * * *

(3) Are in a position to direct the commission of violations of any of the requirements of parts 213 through 299 of this title, or any of the requirements of 49 U.S.C. ch. 51, or any regulation or order prescribed thereunder.

■ 13. Revise § 209.335 to read as follows:

§ 209.335 Penalties.

(a) Any individual who violates § 209.331(c) or § 209.333(a) may be permanently disqualified from performing the safety-sensitive functions described in § 209.303. Any individual who willfully violates § 209.331(c) or § 209.333(a) may also be assessed a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. See 49 CFR part 209, appendix A.

(b) Any railroad that violates § 209.331(a) or (b) or § 209.333(b) may be assessed a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. See 49 CFR part 209, appendix A.

(c) Each day a violation continues shall constitute a separate offense.

■ 14. Revise § 209.405(a)(3) to read as follows:

§ 209.405 Reporting of remedial actions.

(a) * * *

(3) *Submission of Form FRA F 6180.96.* The railroad must return the form via email to the FRA Safety Inspector whose name and email address appear on the form.

* * * * *

■ 15. Revise § 209.407(a)(2) to read as follows:

§ 209.407 Delayed reports.

(a) * * *

(2) Sign, date, and submit such written explanation and estimate via

email, to the FRA Safety Inspector whose name and email address appear on the notification, within 30 days after the end of the calendar month in which the notification is received.

* * * * *

■ 16. Amend part 209 to add a new subpart G, consisting of §§ 209.601 through 209.621, to read as follows:

Subpart G—Enforcement, Hearing, and Appeal Procedures for Rail Safety Violations

Sec.

209.601 Civil penalties generally.
209.603 Minimum and maximum penalties.
209.605 Demand letter.
209.607 Reply.
209.609 Payment of penalty; compromise.
209.611 Informal response and assessment.
209.613 Request for hearing.
209.615 Hearing.
209.617 Presiding officer's decision.
209.619 Assessment considerations.
209.621 Appeal.

§ 209.601 Civil penalties generally.

(a) Sections 209.601 through 209.621 prescribe rules of procedure for the assessment of civil penalties pursuant to the Federal railroad safety laws, 49 U.S.C. Chapters 201 through 213.

(b) When FRA has reason to believe that a person has committed an act which is a violation of any provision of chapter II, subtitle B of this title, or title 49, subtitle V, part A, of the United States Code, for which FRA exercises enforcement responsibility or any waiver or order issued thereunder, it may conduct a proceeding to assess a civil penalty.

§ 209.603 Minimum and maximum penalties.

A person who violates a requirement of the Federal railroad safety laws, an order issued thereunder, chapter II, subtitle B, of this title, or title 49, subtitle V, part A, of the United States Code, is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where: (1) a grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or (2) a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

§ 209.605 Demand letter.

(a) FRA, through the Office of the Chief Counsel, begins a civil penalty proceeding by serving a demand letter on a person charging the person with having violated one or more provisions of chapter II, subtitle B of this title, or title 49, subtitle V, part A, of the United States Code. FRA's website at <https://railroads.dot.gov/> contains guidelines used by the Office of the Chief Counsel in making initial penalty assessments.

(b) A demand letter issued under this section includes:

(1) A statement of the provision(s) which the respondent is believed to have violated;
(2) A statement of the factual allegations upon which the proposed civil penalty is being sought;
(3) Notice of the maximum amount of civil penalty for which the respondent may be liable;

(4) Notice of the amount of the civil penalty proposed to be assessed;

(5) A description of the manner in which the respondent should make payment of any money to the United States;

(6) A statement of the respondent's right to present written explanations, information or any materials in answer to the charges or in mitigation of the penalty; and

(7) A statement of the respondent's right to request a hearing and the procedures for requesting a hearing.

(c) FRA may amend the demand letter at any time prior to completion of a fully executed settlement agreement or the entry of an order assessing a civil penalty. If the amendment contains any new material allegation of fact, the respondent is given an opportunity to respond. In an amended demand letter, FRA may change the civil penalty amount proposed to be assessed, up to the maximum penalty amount for each violation. However, if the violation is: (1) a grossly negligent violation, or a pattern of repeated violations, that has caused an imminent hazard of death or injury to individuals; or (2) has caused death or injury, FRA may change the penalty amount proposed to be assessed up to the aggravated maximum penalty amount.

§ 209.607 Reply.

(a) Within sixty (60) days of the service of a demand letter issued under § 209.605, the respondent may—

(1) Pay as provided in § 209.609(a) and thereby close the case;

(2) Make an informal response as provided in § 209.611; or

(3) Request a hearing as provided in § 209.613.

(b) The Office of the Chief Counsel may extend the sixty (60) days period for good cause shown.

(c) Failure of the respondent to reply by taking one of the three actions described in paragraph (a) of this section, within the period provided, constitutes a waiver of the right to appear and contest the allegations, and authorizes the Office of the Chief Counsel, without further notice to the respondent, to find the facts to be as alleged in the demand letter and to assess an appropriate civil penalty.

§ 209.609 Payment of penalty; compromise.

(a) Payment of a civil penalty may be made by credit card, certified check, money order, or wire transfer. Payment by credit card must be made via the internet at <https://www.pay.gov/paygov/>. Instructions for online payment are found on the website. Payments made by certified check or money order should be made payable to the Federal Railroad Administration and sent to DOT/FRA, M.M.A.C., AMK-324, HQ-RM 181, P.O. Box 25082, Oklahoma City, OK 73125. Overnight express payments may be sent to DOT/FRA, M.M.A.C., AMK-324, HQ-RM 181, 6500 South MacArthur Blvd., Oklahoma City, OK 73169.

(b) At any time before an order assessing a penalty is referred to the Attorney General for collection, the respondent may offer to compromise for a specific amount by contacting the Office of the Chief Counsel.

§ 209.611 Informal response and assessment.

(a) If a respondent elects to make an informal response to a demand letter, respondent must submit to the Office of the Chief Counsel such written explanations, information, or other materials as respondent may desire in answer to the charges or in mitigation of the proposed penalty.

(b) The respondent may include in the informal written response a request for a conference. Upon receipt of such a request, the Office of the Chief Counsel arranges for a conference as soon as practicable.

(c) Written explanations, information, or materials submitted by the respondent, and relevant information presented during any conference held under this section, are considered by the Office of the Chief Counsel in reviewing the demand letter and determining the fact of violation and the amount of any penalty to be assessed.

(d) After consideration of an informal response, including any relevant information presented at a conference,

the Office of the Chief Counsel may dismiss the demand letter in whole or in part. If the Office of the Chief Counsel does not dismiss it in whole, the Office of the Chief Counsel may enter into a settlement agreement or enter an order assessing a civil penalty.

§ 209.613 Request for hearing.

(a) If a respondent elects to request a hearing, the respondent must submit a written request to the Office of the Chief Counsel referring to the case number which appeared on the demand letter. The request must—

(1) State the name and email address of the respondent and of the person signing the request, if different from the respondent;

(2) State with respect to each allegation whether it is admitted or denied; and

(3) State with particularity the issues to be raised by the respondent at the hearing.

(b) After a request for hearing that complies with the requirements of paragraph (a) of this section, the Office of the Chief Counsel schedules a hearing for the earliest practicable date.

(c) The Office of the Chief Counsel, or the hearing officer appointed under § 209.615, may grant extensions of the time of the commencement of the hearing for good cause shown.

§ 209.615 Hearing.

(a) When a hearing is requested and scheduled under § 209.613, a hearing officer designated by the Office of the Chief Counsel convenes and presides over the hearing. If requested by respondent, and if practicable, the hearing is held in the general vicinity of the place where the alleged violation occurred, at a place convenient to the respondent, or virtually. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.

(b) The presiding official may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas as provided by § 209.7;

(3) Adopt procedures for the submission of evidence in written form;

(4) Take or cause depositions to be taken;

(5) Rule on offers of proof and receive relevant evidence;

(6) Examine witnesses at the hearing;

(7) Convene, recess, reconvene, and adjourn and otherwise regulate the course of the hearing;

(8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and

(9) Take any other action authorized by, or consistent with, the provisions of this subpart pertaining to civil penalties

and permitted by law that may expedite the hearing or aid in the disposition of an issue raised, therein.

(c) The Office of the Chief Counsel has the burden of providing the facts alleged in the demand letter and may offer such relevant information as may be necessary fully to inform the presiding officer as to the matter concerned.

(d) The respondent may appear and be heard on the respondent's own behalf or through counsel of the respondent's choice. The respondent or respondent's counsel may offer relevant information, including testimony, which they believe should be considered in defense of the allegations, or that may bear on the penalty proposed to be assessed, and conduct such cross-examination as may be required for a full disclosure of the material facts.

(e) At the conclusion of the hearing, or as soon thereafter as the hearing officer shall provide, the parties may file proposed findings and conclusions, together with supporting reasons.

§ 209.617 Presiding officer's decision.

(a) After consideration of the evidence of record, the presiding officer may dismiss the demand letter in whole or in part. If the presiding officer does not dismiss it in whole, the presiding officer will issue and serve on the respondent an order assessing a civil penalty. The decision of the presiding officer will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law, and discretion.

(b) If, within twenty (20) days after service of an order assessing a civil penalty, the respondent does not pay the civil penalty or file an appeal as provided in § 209.621, the case may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court. In the civil action, the amount and appropriateness of the civil penalty shall not be subject to review.

§ 209.619 Assessment considerations.

The assessment of a civil penalty under § 209.617 is made only after considering:

(a) the nature, circumstances, extent, and gravity of the violation;

(b) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and

(c) other matters that justice requires.

§ 209.621 Appeal.

(a) Any party aggrieved by a presiding officer's decision or order issued under

§ 209.617 assessing a civil penalty may file an appeal with the Administrator. The appeal must be filed within twenty (20) days of service of the presiding officer's order.

(b) Prior to rendering a final determination on an appeal, the Administrator may remand the case for further proceedings before the hearing officer.

(c) In the case of an appeal by a respondent, if the Administrator affirms the assessment and the respondent does not pay the civil penalty within twenty (20) days after service of the Administrator's decision on appeal, the matter may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court. In the civil action, the amount and appropriateness of the civil penalty shall not be subject to review.

■ 17. Amend appendix A to part 209 by:

■ a. Revising the first paragraph;

■ b. Revising the section under the heading “**THE CIVIL PENALTY PROCESS;**”

■ c. Revising the section under the heading “**CIVIL PENALTIES AGAINST INDIVIDUALS;**”

■ d. Revising the seventh paragraph under the heading “**PENALTY SCHEDULES; ASSESSMENT OF MAXIMUM PENALTIES;**” and

■ e. Revising the section under the heading “**EXTRAORDINARY REMEDIES.**”

The revisions read as follows:

Appendix A to Part 209—Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws.

The Federal Railroad Administration (“FRA”) enforces the Federal railroad safety statutes under delegation from the Secretary of Transportation. See 49 CFR 1.88 and 1.89. Those statutes include 49 U.S.C. ch. 201–213 and uncodified provisions of the Rail Safety Improvement Act of 2008 (Pub. L. 110–432, Div. A, 122 Stat. 4848), the Fixing America's Surface Transportation Act (Pub. L. 114–94, Dec. 4, 2015), and the Infrastructure Investment and Jobs Act (Pub. L. 117–58, Nov. 15, 2021). On July 4, 1994, the day before the enactment of Public Law 103–272, 108 Stat. 745, the Federal railroad safety statutes included the Federal Railroad Safety Act of 1970 (“Safety Act”), and a group of statutes enacted prior to 1970 referred to collectively herein as the “older safety statutes”: the Safety Appliance Acts; the Locomotive Inspection Act; the Accident Reports Act; the Hours of Service Act; and the Signal Inspection Act. Effective July 5, 1994, Public Law 103–272 repealed certain general and permanent laws related to transportation, including these rail safety laws (the Safety Act and the older safety statutes), and reenacted them as revised by that law but without substantive change in title 49 of the U.S. Code, ch. 201–213. Regulations implementing the Federal rail safety laws are found at 49 CFR parts 209–

299. The Rail Safety Improvement Act of 1988 (Pub. L. 100–342, enacted June 22, 1988) (“RSIA”) raised the maximum civil penalties available under the railroad safety laws and made individuals liable for willful violations of those laws.

FRA also enforces the hazardous materials transportation laws (49 U.S.C. ch. 51 and uncodified provisions) (formerly the Hazardous Materials Transportation Act, which was also repealed by Pub. L. 103–272, July 5, 1994, and reenacted as revised but without substantive change) as it pertains to the shipment or transportation of hazardous materials by rail.

The Civil Penalty Process

The front lines in the civil penalty process are the FRA safety inspectors: FRA employs over 300 inspectors, and their work is supplemented by approximately 200 inspectors from States participating in enforcement of the federal rail safety laws. These inspectors routinely inspect the equipment, track, and signal systems and observe the operations of the nation’s railroads. They also investigate hundreds of complaints filed annually by those alleging noncompliance with the laws. When an inspection or complaint investigation reveals noncompliance with the laws, each noncomplying condition or action is listed on an inspection report. Where the inspector determines that the best method of promoting compliance is to assess a civil penalty, the inspector prepares a violation report, which is essentially a recommendation to the FRA Office of the Chief Counsel to assess a penalty based on the evidence provided in or with the report.

In determining which instances of noncompliance merit penalty recommendations, the inspector considers:

- (1) The inherent seriousness of the condition or action;
- (2) The kind and degree of potential safety hazard the condition or action poses in light of the immediate factual situation;
- (3) Any actual harm to persons or property already caused by the condition or action;
- (4) The offending person’s (*i.e.*, railroad’s or individual’s) general level of current compliance as revealed by the inspection as a whole;
- (5) The person’s recent history of compliance with the relevant set of regulations, especially at the specific location or division of the railroad involved;
- (6) Whether a remedy other than a civil penalty (ranging from a warning on up to an emergency order) is more appropriate under all of the facts; and
- (7) Such other factors as the immediate circumstances make relevant.

The civil penalty recommendation is reviewed at the district level by a specialist in the subject matter involved, who requires correction of any technical flaws and determines whether the recommendation is consistent with national enforcement policy in similar circumstances. Guidance on that policy in close cases is sometimes sought from Office of Railroad Safety headquarters. Violation reports that are technically and legally sufficient and in accord with FRA policy are sent from the district office to the Office of the Chief Counsel.

The exercise of this discretion at the field and headquarters levels is a vital part of the enforcement process, ensuring that the exacting and time-consuming civil penalty process is used to address those situations most in need of the deterrent effect of penalties. FRA exercises that discretion with regard to individual violators in the same manner it does with respect to railroads.

The Office of the Chief Counsel’s Office of Safety Law reviews each violation report it receives from the district offices for legal sufficiency and assesses penalties based on those allegations that survive that review.

Where the violation was committed by a railroad, penalties are assessed by issuance of a penalty demand letter that summarizes the claims, encloses the violation report with a copy of all evidence on which FRA is relying in making its initial charge, and explains that the railroad may pay in full or submit, orally or in writing, information concerning any defenses or mitigating factors. The railroad safety statutes, in conjunction with the Federal Claims Collection Act, authorize FRA to adjust or compromise the initial penalty claims based on a wide variety of mitigating factors. This system permits the efficient collection of civil penalties in amounts that fit the actual offense without resort to time-consuming and expensive litigation.

Once penalties have been assessed, the railroad is given a reasonable amount of time to investigate the charges. Larger railroads usually make their case before FRA in an informal conference covering a number of case files that have been issued and investigated since the previous conference. Thus, in terms of the negotiating time of both sides, economies of scale are achieved that would be impossible if each case were negotiated separately. The settlement conferences include technical experts from both FRA and the railroad as well as lawyers for both parties. In addition to allowing the two sides to make their cases for the relative merits of the various claims, these conferences also provide a forum for addressing current compliance problems. Smaller railroads usually prefer to handle negotiations through email or over the phone, often on a single case at a time. Once the two sides have agreed to an amount on each case, that agreement is put in writing and a payment is submitted to FRA’s accounting division covering the full amount agreed on.

Civil Penalties Against Individuals

The RSIA amended the penalty provisions of the railroad safety statutes to make them applicable to any “person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad)” who fails to comply with the regulations or statutes. *E.g.*, section 3 of the RSIA, amending section 209 of the Safety Act. However, the RSIA also provided that civil penalties may be assessed against individuals “only for willful violations.”

Thus, any individual meeting the statutory description of “person” is liable for a civil penalty for a willful violation of, or for willfully causing the violation of, the safety statutes or regulations. Of course, as has traditionally been the case with respect to acts of noncompliance by railroads, the FRA

field inspector exercises discretion in deciding which situations call for a civil penalty assessment as the best method of ensuring compliance. The inspector has a range of options, including an informal warning, a more formal warning letter issued by the Office of the Chief Counsel, recommendation of a civil penalty assessment, recommendation of disqualification or suspension from safety-sensitive service, or, under the most extreme circumstances, recommendation of emergency action.

The threshold question in any alleged violation by an individual will be whether that violation was “willful.” (Note that section 3(a) of the RSIA, which authorizes suspension or disqualification of a person whose violation of the safety laws has shown the person to be unfit for safety-sensitive service, does not require a showing of willfulness. Regulations implementing that provision are found at 49 CFR part 209, subpart D.) FRA proposed this standard of liability when, in 1987, it originally proposed a statutory revision authorizing civil penalties against individuals. FRA believed then that it would be too harsh a system to collect fines from individuals on a strict liability basis, as the safety statutes permit FRA to do with respect to railroads. FRA also believed that even a reasonable care standard (*e.g.*, the Hazardous Materials Transportation Act’s standard for civil penalty liability, 49 U.S.C. 5123) would subject individuals to civil penalties in more situations than the record warranted. Instead, FRA wanted the authority to penalize those who violate the safety laws through a purposeful act of free will.

Thus, FRA considers a “willful” violation to be one that is an intentional, voluntary act committed either with knowledge of the relevant law or reckless disregard for whether the act violated the requirements of the law. Accordingly, neither a showing of evil purpose (as is sometimes required in certain criminal cases) nor actual knowledge of the law is necessary to prove a willful violation, but a level of culpability higher than negligence must be demonstrated. *See Trans World Airlines, Inc. v. Thurston*, 469 U.S. 111 (1985); *Brock v. Morello Bros. Constr., Inc.*, 809 F.2d 161 (1st Cir. 1987); and *Donovan v. Williams Enterprises, Inc.*, 744 F.2d 170 (D.C. Cir. 1984).

Reckless disregard for the requirements of the law can be demonstrated in many ways. Evidence that a person was trained on or made aware of the specific rule involved—or, as is more likely, its corresponding industry equivalent—would suffice. Moreover, certain requirements are so obviously fundamental to safe railroading (*e.g.*, the prohibition against disabling an automatic train control device) that any violation of them, regardless of whether the person was actually aware of the prohibition, should be seen as reckless disregard of the law. *See Brock, supra*, 809 F.2d 164. Thus, a lack of subjective knowledge of the law is no impediment to a finding of willfulness. If it were, a mere denial of knowledge of the content of the particular regulation would provide a defense. Having proposed use of the word “willful,” FRA believes it was not intended

to insulate from liability those who simply claim—contrary to the established facts of the case—they had no reason to believe their conduct was wrongful.

A willful violation entails knowledge of the facts constituting the violation, but actual, subjective knowledge need not be demonstrated. It will suffice to show objectively what the alleged violator must have known of the facts based on reasonable inferences drawn from the circumstances. For example, a person shown to have been responsible for performing an initial terminal air brake test that was not in fact performed would not be able to defend against a charge of a willful violation simply by claiming subjective ignorance of the fact that the test was not performed. If the facts, taken as a whole, demonstrated that the person was responsible for doing the test and had no reason to believe it was performed by others, and if that person was shown to have acted with actual knowledge of or reckless disregard for the law requiring such a test, the person would be subject to a civil penalty.

This definition of “willful” fits squarely within the parameters for willful acts laid out by Congress in the RSIA and its legislative history. Section 3(a) of the RSIA amends the Safety Act to provide:

For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor, under protest communicated to the supervisor. Such individual shall have the right to document such protest.

As FRA made clear when it recommended legislation granting individual penalty authority, a railroad employee should not have to choose between liability for a civil penalty or insubordination charges by the railroad. Where an employee (or even a supervisor) violates the law under a direct order from a supervisor, the employee does not do so of the employee’s free will. Thus, the act is not a voluntary one and, therefore, not willful under FRA’s definition of the word. Instead, the action of the person who has directly ordered the commission of the violation is itself a willful violation subjecting that person to a civil penalty. As one of the primary sponsors of the RSIA said on the Senate floor:

This amendment also seeks to clarify that the purpose of imposing civil penalties against individuals is to deter those who, of their free will, decide to violate the safety laws. The purpose is not to penalize those who are ordered to commit violations by those above them in the railroad chain of command. Rather, in such cases, the railroad official or supervisor who orders the others to violate the law would be liable for any violations his order caused to occur. One example is the movement of railroad cars or locomotives that are actually known to contain certain defective conditions. A train crew member who was ordered to move such equipment would not be liable for a civil penalty, and that his participation in such movements could not be used against him in any disqualification proceeding brought by FRA.

133 Cong. Rec. S.15899 (daily ed. Nov. 5, 1987) (remarks of Senator Exon).

It should be noted that FRA will apply the same definition of “willful” to corporate acts as is set out here with regard to individual violations. Although railroads are strictly liable for violations of the railroad safety laws and deemed to have knowledge of those laws, FRA’s penalty schedules contain, for each regulation, a separate amount earmarked as the initial assessment for willful violations. Where FRA seeks such an extraordinary penalty from a railroad, it will apply the definition of “willful” set forth above. In such cases—as in all civil penalty cases brought by FRA—the aggregate knowledge and actions of the railroad’s managers, supervisors, employees, and other agents will be imputed to the railroad. Thus, in situations that FRA decides warrant a civil penalty based on a willful violation, FRA will have the option of citing the railroad and/or one or more of the individuals involved. In cases against railroads other than those in which FRA alleges willfulness or in which a particular regulation imposes a special standard, the principles of strict liability and presumed knowledge of the law will continue to apply.

The RSIA gives individuals the right to protest a direct order to violate the law and to document the protest. FRA will consider such protests and supporting documentation in deciding whether and against whom to cite civil penalties in a particular situation. Where such a direct order has been shown to have been given as alleged, and where such a protest is shown to have been communicated to the supervisor, the person or persons communicating it will have demonstrated their lack of willfulness. Any documentation of the protest will be considered along with all other evidence in determining whether the alleged order to violate was in fact given.

However, the absence of such a protest will not be viewed as warranting a presumption of willfulness on the part of the employee who might have communicated it. The statute says that a person who communicates such a protest shall be deemed not to have acted willfully; it does not say that a person who does not communicate such a protest will be deemed to have acted willfully. FRA would have to prove from all the pertinent facts that the employee willfully violated the law. Moreover, the absence of a protest would not be dispositive with regard to the willfulness of a supervisor who issued a direct order to violate the law. That is, the supervisor who allegedly issued an order to violate will not be able to rely on the employee’s failure to protest the order as a complete defense. Rather, the issue will be whether, in view of all pertinent facts, the supervisor intentionally and voluntarily ordered the employee to commit an act that the supervisor knew would violate the law or acted with reckless disregard for whether it violated the law.

FRA exercises the civil penalty authority over individuals through procedures very similar to those used with respect to railroad violations. However, FRA varies those procedures somewhat to account for differences that may exist between the

railroad’s ability to defend itself against a civil penalty charge and an individual’s ability to do so. First, when the field inspector decides that an individual’s actions warrant a civil penalty recommendation and drafts a violation report, the Office of Railroad Safety informs the individual in writing of its intention to seek assessment of a civil penalty and the fact that a violation report has been transmitted to the Office of the Chief Counsel. This ensures that the individual has the opportunity to seek counsel, preserve documents, or take any other necessary steps to aid the individual’s defense at the earliest possible time.

Second, if the Office of the Chief Counsel concludes that the case is meritorious and issues a penalty demand letter, that letter makes clear that FRA encourages discussion of any defenses or mitigating factors the individual may wish to raise. That letter also advises the individual that the individual may wish to obtain representation by an attorney and/or labor representative. During the negotiation stage, FRA considers each case individually on its merits and gives due weight to whatever information the alleged violator provides.

Finally, in the unlikely event that a settlement cannot be reached, the individual may request an administrative hearing, or FRA may issue an order assessing civil penalty, per the enforcement, hearing, and appeal procedures for rail safety violations in part 209, subpart G.

FRA believes that the intent of Congress would be violated if individuals who agree to pay a civil penalty or are ordered to do so by a court are indemnified for that penalty by the railroad or another institution (such as a labor organization). Congress intended that the penalties have a deterrent effect on individual behavior that would be lessened, if not eliminated, by such indemnification.

Penalty Schedules; Assessment of Maximum Penalties

* * * * *

FRA’s traditional practice has been to issue penalty schedules assigning to each particular regulation or order specific dollar amounts for initial penalty assessments. The schedule (except where issued after notice and an opportunity for comment) constitutes a statement of agency policy and was historically issued as an appendix to the relevant part of the Code of Federal Regulations. Schedules are now published on FRA’s website at <https://railroads.dot.gov/>, and they are adjusted yearly for inflation. As of December 30, 2024, for each regulation in this part or order, the schedule shows two amounts within the \$1,114 to \$36,439 range in separate columns, the first for ordinary violations, the second for willful violations (whether committed by railroads or individuals). In one instance—49 CFR part 231—the schedule refers to sections of the relevant FRA defect code rather than to sections of the CFR text. Of course, the defect code, which is simply a reorganized version of the CFR text used by FRA to facilitate computerization of inspection data, is substantively identical to the CFR text.

* * * * *

Extraordinary Remedies

While civil penalties are the primary enforcement tool under the federal railroad safety laws, more extreme measures are available under certain circumstances. FRA has authority to issue orders directing compliance with the Federal Railroad Safety Act, the Hazardous Materials Transportation Act, the older safety statutes, or regulations issued under any of those statutes. Such an order may issue only after notice and opportunity for a hearing in accordance with the procedures set forth in 49 CFR part 209, subpart C. FRA inspectors also have the authority to issue a special notice requiring repairs where a locomotive or freight car is unsafe for further service or where a segment of track does not meet the standards for the class at which the track is being operated. Such a special notice may be appealed in accordance with 49 CFR part 216, subpart B.

FRA may, through the Attorney General, also seek injunctive relief in federal district court to restrain violations or enforce rules issued under the railroad safety laws. See 49 U.S.C. 20112.

FRA also has the authority to issue, after notice and an opportunity for a hearing, an order prohibiting an individual from performing safety-sensitive functions in the rail industry for a specified period. This disqualification authority is exercised under procedures found at 49 CFR part 209, subpart D.

Criminal penalties are available for knowing violations of 49 U.S.C. 5104(b), or for willful or reckless violations of the Federal hazardous materials transportation law or a regulation issued under that law. See 49 U.S.C. ch. 51, and 49 CFR 209.131, 209.133. Criminal penalties may also be available for certain record and report violations. 49 U.S.C. 21311.

Perhaps FRA's most sweeping enforcement tool is its authority to issue emergency safety orders where "an unsafe condition or practice, or a combination of unsafe conditions or practices, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment" See 49 U.S.C. 20104. After its issuance, such an order may be reviewed in a trial-type hearing. See 49 CFR 211.47 and 216.21 through 216.27. The emergency order authority is unique because it can be used to address unsafe conditions and practices whether or not they contravene an existing regulatory or statutory requirement. Given its extraordinary nature, FRA has used the emergency order authority sparingly.

■ 18. Amend appendix B to part 209 by revising the sixth sentence of the third paragraph. The revisions read as follows:

Appendix B to Part 209—Federal Railroad Administration Guidelines for Initial Hazardous Materials Assessments

* * * * *

* * * FRA periodically makes minor updates and revisions to these guidelines, and the most current version may be found

on FRA's website at <https://railroads.dot.gov/>.

■ 19. Amend appendix C to part 209, by:

■ a. Under the heading "Small Entity Communication Policy,"

■ i. Revising the third paragraph; and

■ ii. Revising the last sentence of the fourth paragraph.

■ b. Under the heading "Small Entity Enforcement Policy," revising the third paragraph.

The revisions read as follows:

Appendix C to Part 209—FRA's Policy Statement Concerning Small Entities

* * * * *

Small Entity Communication Policy

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It is FRA's policy to maintain frequent and open communications with the national representatives of the primary small entity associations and to consult with these organizations before embarking on new policies that may impact the interests of small businesses. Additionally, FRA's Office of Railroad Safety has two Safety Management Teams dedicated to short line railroads and staff from those Safety Management Teams regularly meet with short line railroads that meet FRA's definition of "small entities" to discuss new regulations, persistent safety concerns, emerging technology, compliance issues, and any other relevant issues related to railroad safety. Contact information for each of FRA's Safety Management Teams is available online at <https://railroads.dot.gov>.

* * * Finally, FRA's website (<https://railroads.dot.gov/>) makes pertinent agency information available to the public.

* * * * *

Small Entity Enforcement Policy

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Finally, FRA works to identify systemic safety hazards that continue to occur in carrier or shipper operations, including small business operations. Often FRA personnel will work to assist the subject operations to develop a plan to address those hazards and often, the plan provides small entities with a reasonable timeframe in which to make improvements without the threat of civil penalty. If FRA determines that the entity has failed to comply with the improvement plan, however, enforcement action is initiated.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025-12124 Filed 6-27-25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 209, 213, 217, 219, 227, 229, 230, 232, 238, 239, 240, 241, and 242

[Docket No. FRA-2025-0109]

RIN 2130-AD22

Removal of Unnecessary and Outdated Paperwork Reduction Act References

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA intends to remove thirteen sections throughout its regulations that unnecessarily recite the approval of information collection requirements by the Office of Management and Budget (OMB), state the assigned OMB control number associated with the entire CFR part, and list the sections in that part with information collection requirements.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES: *Comments:* Comments related to Docket No. FRA-2025-0109 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA-2025-0109), and Regulatory Identification Number (RIN) for this rulemaking (2130-AD22). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Information Collection Clearance Officer, at email: arlette.mussington@dot.gov or telephone: (571) 609-1285, Joanne Swafford, Information Collection Clearance Officer, at email:

joanne.swafford@dot.gov or telephone: (757) 897-9908, or Elliott Gillooly, Attorney Adviser, at elliott.gillooly@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). FRA has identified thirteen sections throughout its regulations that unnecessarily recite the approval of information collection requirements by OMB, state the assigned OMB control number associated with the entire CFR part, and list the sections in that part with information collection requirements. These thirteen sections are unnecessary because the final rules promulgating each regulation generally contained the OMB control number applicable to that part¹ and, every three years on a rolling basis, FRA publishes two notices in the **Federal Register** stating its intent to renew each OMB control number. Removing each of the thirteen sections that state OMB control numbers, detailed below in the Section-by-Section Analysis, will prevent potential confusion by persons seeking to understand the scope of a particular OMB-approved control number. The potential confusion arises because most of the sections to be removed also contain lists of all the sections in that part which are covered by the OMB control number. Those lists are updated much less frequently, if at all, than FRA's submissions requesting renewed OMB approval of each control number every three years. In addition, removing these thirteen sections will collectively reduce the amount of CFR text that regulated entities must read and FRA also anticipates that the cost of publishing the CFR will be reduced because the removed sections collectively add pages to the CFR. The most up-to-date catalog of all information collection requirements approved by OMB under a particular control number can easily be reviewed in the notices seeking renewed approval that FRA publishes in the **Federal Register** at approximately three-year

intervals. Information about approved OMB control numbers is also publicly available at <https://www.reginfo.gov/public/do/PRASearch>. Overall, the removal of these sections will reduce burdens while making technical changes without any adverse effect on railroad safety.

II. Section-by-Section Analysis

Section 209.337

Section 209.337 states that information collection requirements in part 209 have been assigned OMB control number 2130-0529. This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 213.19

Section 213.19 states that information collection requirements in part 213 have been assigned OMB control number 2130-0010. This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 217.13

Section 217.13 states that information collection requirements in part 217 have been assigned OMB control number 2130-0035. This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 219.21

Section 219.21 states that information collection requirements in part 219 have been assigned OMB control number 2130-0526. This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 227.15

In part 227, "2130-NEW" was provided as an OMB control number placeholder at § 227.15. The current OMB control number for part 227 is 2130-0571, as published in the **Federal Register** most recently at 89 FR 46296

(May 28, 2024). This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 229.4

Section 229.4 states that information collection requirements in part 229 have been assigned OMB control number 2130-0004. This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 230.9

In part 230, § 230.9(a) was reserved for an OMB control number. The current OMB control number for part 230 is 2130-0505, as published in the **Federal Register** most recently at 89 FR 63469 (Aug. 5, 2024). This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 232.21

Section 232.21 states that information collection requirements in part 232 have been assigned OMB control number 2130-0008. This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 238.23

Section 238.23 states that information collection requirements in part 238 have been assigned OMB control number 2130-0544. This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 239.15

Section 239.15 states that information collection requirements in part 239 have been assigned OMB control number 2130-0545. This OMB control number is currently approved and need not be

¹ The exceptions are parts 227, 230, 241 and 242. While an approved OMB control was not included in final rules creating those parts, the control numbers that were approved for each part were later published in the **Federal Register**, as detailed in the Section-by-Section Analysis.

printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 240.13

Section 240.13 states that information collection requirements in part 240 have been assigned OMB control number 2130–0533. This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 241.19

Section 241.19(a) states that the information collection requirements of part 241 are being reviewed by OMB, but no control number was provided by FRA in a final rule. The current OMB control number for part 241 is 2130–0556, as published in the **Federal Register** most recently at 88 FR 67866 (Oct. 2, 2023). This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

Section 242.13

Section 242.13(a) states that the information collection requirements of part 242 are being reviewed by OMB, but no control number was provided by FRA in a final rule. The current OMB control number for part 242 is 2130–0596, as published in the **Federal Register** most recently at 89 FR 61231 (July 30, 2024). This OMB control number is currently approved and need not be printed in the CFR because it has been previously published in the **Federal Register**, is displayed on any FRA forms if required, and is publicly viewable at <https://www.reginfo.gov/public/do/PRASearch>.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final

rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule. The regulated entities will benefit because removing each of the thirteen sections that state OMB control numbers will eliminate potential confusion by persons seeking to understand the scope of a particular OMB-approved control number. Additionally, removing these thirteen sections will collectively reduce the amount of CFR text that regulated entities must read. The Government will also benefit from a reduced cost of publishing the CFR since the removed sections collectively add pages to the CFR.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”² Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.³

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is “less than zero” consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact.

² Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

³ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

⁴ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule removes outdated and unnecessary regulatory sections without adding any regulatory burden or costs for any entity. Consequently, the undersigned certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁵ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁶ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where

appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](http://www.regulations.gov), Docket No. FRA–2025–0109, in the **SUMMARY** section of this proposed rule.

List of Subjects

49 CFR Part 209

Administrative practice and procedure, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 213

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 217

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 219

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety, Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 227

Hazardous materials transportation, Incorporation by reference, Locomotive noise control, Occupational safety and health, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 229

Locomotives, Railroad safety, Remote control locomotives.

49 CFR Part 230

Penalties, Railroad safety, Reporting and recordkeeping requirements, Steam locomotives.

49 CFR Part 232

Power brakes, Railroad safety, Securement, Two-way end-of-train devices.

49 CFR Part 238

Fire prevention, Passenger equipment, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 239

Passenger train emergency preparedness, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 240

Administrative practice and procedure, Locomotive engineer, Penalties, Railroad employees, Railroad operating procedures, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 241

Communications, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 242

Administrative practice and procedure, Conductor, Penalties, Railroad employees, Railroad operating procedures, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend parts 209, 213, 217, 219, 227, 229, 230, 232, 238, 239, 240, 241, 242 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

- 1. The authority citation for part 209 continues to read as follows:

Authority: 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 209.337 [Removed]

- 2. Remove § 209.337.

PART 213—TRACK SAFETY STANDARDS

- 3. The authority citation for part 213 continues to read as follows:

⁵ 66 FR 28355 (May 22, 2001).

⁶ 19 U.S.C. ch. 13.

Authority: 49 U.S.C. 20102–20114 and 20142; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 213.19 [Removed]

- 4. Remove § 213.19.

PART 217—RAILROAD OPERATING RULES

- 5. The authority citation for part 217 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20168, 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 217.13 [Removed]

- 6. Remove § 217.13.

PART 219—CONTROL OF ALCOHOL AND DRUG USE

- 7. The authority citation for part 219 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461 note; Div. A, Sec. 412, Pub. L. 110–432, 122 Stat. 4889 (49 U.S.C. 20140 note); Sec. 8102, Pub. L. 115–271, 132 Stat. 3894; and 49 CFR 1.89.

§ 219.21 [Removed]

- 8. Remove § 219.21.

PART 227—OCCUPATIONAL SAFETY AND HEALTH IN THE LOCOMOTIVE CAB

- 9. The authority citation for part 227 continues to read as follows:

Authority: 49 U.S.C. 20103, 20103 note, 20166, 20701–20703, 21301, 21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 227.15 [Removed]

- 10. Remove § 227.15.

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

- 11. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20137–38, 20143, 20168, 20701–03, 21301–02, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 229.4 [Removed]

- 12. Remove § 229.4.

PART 230—STEAM LOCOMOTIVE INSPECTION AND MAINTENANCE STANDARDS

- 13. The authority citation for part 230 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 230.9 [Removed]

- 14. Remove § 230.9.

PART 232—BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES

- 15. The authority citation for part 232 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20301–20303, 20306, 21301–20302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 232.21 [Removed]

- 16. Remove § 232.21.

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

- 17. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 238.23 [Removed]

- 18. Remove § 238.23.

PART 239—PASSENGER TRAIN EMERGENCY PREPAREDNESS

- 19. The authority citation for part 239 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20105–20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 239.15 [Removed]

- 20. Remove § 239.15.

PART 240—QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS

- 21. The authority citation for part 240 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 240.13 [Removed]

- 22. Remove § 240.13.

PART 241—UNITED STATES LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS

- 23. The authority citation for part 241 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89.

§ 241.19 [Removed]

- 24. Remove § 241.19.

PART 242—QUALIFICATION AND CERTIFICATION OF CONDUCTORS

- 25. The authority citation for part 242 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 242.13 [Removed]

- 26. Remove § 242.13.

Issued in Washington, DC.

Kyle D. Fields,

Chief Counsel.

[FR Doc. 2025–12180 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. FRA–2025–0116]

RIN 2130–AD49

Repealing a Track Surface Requirement

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to repeal the runoff parameter from its track surface requirements for track Classes 1 through 5. FRA has found that other geometry requirements in FRA's regulations already capture the same safety concerns.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0116 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0116), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD49). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the

online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, Track and Structures Division, Federal Railroad Administration, telephone: (202) 493-6460, email: yujiang.zhang@dot.gov; or Aaron Moore, Senior Attorney, Federal Railroad Administration, telephone: (202) 853-4784, email: aaron.moore@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). Under 49 CFR part 213, *Track Safety Standards*, FRA prescribes minimum safety requirements for railroad track that is part of the general railroad system of transportation. Some of the requirements contained in part 213 could be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. Please review the section-by-section analysis below for the relevant information related to FRA's proposed change.

II. Section-by-Section Analysis

Section 213.63 Track Surface

Paragraph (a) of this section requires each track owner to maintain the surface of its track within certain parameters set forth in a table. FRA proposes to repeal the runoff parameter from these track surface requirements. A working group of FRA's Railroad Safety Advisory Committee previously considered removing this parameter from FRA's regulations in 2019 and 2022.¹ The other parameters in FRA's regulations, including the thresholds outlined in existing paragraph (a), already capture the same track surface safety concerns. FRA proposes removing the runoff parameter from the existing table in paragraph (a).

¹ See Track Standards Working Group Update, June 27, 2022, available at <https://rsac.fra.dot.gov/meetings?id=61>; Track Standards Working Group Update, Dec. 12, 2022, available at <https://rsac.fra.dot.gov/meetings?id=62>; Approved Minutes from Dec. 12, 2022, RSAC Meeting, available at <https://rsac.fra.dot.gov/meetings?id=63>.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this proposed rule under E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866. FRA proposes to remove the runoff parameter from the track surface requirements in 49 CFR 213.63(a), as it is unnecessary and the other geometry requirements in that paragraph capture the same safety concerns.

FRA analyzed the potential costs and benefits of this proposed rule. Because this proposed rule would reduce the regulatory burden on track owners by eliminating the costs to measure and meet the runoff parameters currently set forth in 49 CFR 213.63(a), this proposed rule would provide cost savings to regulated entities. In addition, this proposed rule would provide some qualitative benefits to regulated entities and the U.S. government by eliminating an unnecessary requirement from part 213.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."² Implementation guidance for E.O. 14192 issued by OMB (Memorandum M-25-20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.³

An E.O. 14192 deregulatory action is defined as "an action that has been finalized and has total costs less than zero." This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each

² Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065-9067 (Feb. 6, 2025).

³ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation."* Memorandum M-25-20. Mar. 26, 2025.

amendment proposed in this NPRM has a cost that is negligible or "less than zero" consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule proposes to remove an unnecessary requirement from part 213 that would otherwise require entities to measure and meet the runoff parameters in existing 49 CFR 213.63(a). While this rule may impact many regulated entities, including small entities, the proposed rule would reduce the regulatory burden on track owners and provide benefits by eliminating the costs associated with measuring and meeting runoff parameters. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult

⁴ Public Law 104-121, 110 Stat. 857 (Mar. 29, 1996).

the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Therefore, an information collection submission to OMB is not required.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule would not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of

\$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000). The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁵ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities

for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <https://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at www.regulations.gov, Docket No. FRA–2025–0116, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 213

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 213 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

■ 1. The authority citation for part 213 continues to read as follows:

Authority: 49 U.S.C. 20102–20114 and 20142; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 213.63(a) to read as follows:

§ 213.63 Track surface.

(a) Except as provided in paragraph (b) of this section, each track owner shall maintain the surface of its track within the limits prescribed in the following table:

Track surface (inches)	Class of track				
	1	2	3	4	5
The deviation from uniform profile on either rail at the mid-ordinate of a 62-foot chord may not be more than	3	2¾	2¼	2	1¼
The deviation from zero crosslevel at any point on tangent or reverse crosslevel elevation on curves may not be more than	3	2	1¾	1¼	1
The difference in crosslevel between any two points less than 62 feet apart may not be more than *1 2	3	2¼	2	1¾	1½

⁵ 19 U.S.C. ch. 13.

Track surface (inches)	Class of track				
	1	2	3	4	5
* Where determined by engineering decision prior to June 22, 1998, due to physical restrictions on spiral length and operating practices and experience, the variation in crosslevel on spirals per 31 feet may not be more than	2	1¾	1¼	1	¾

¹ Except as limited by § 213.57(a), where the elevation at any point in a curve equal or exceeds 6 inches, the difference in crosslevel within 62 feet between that point and a point with greater elevation may not be more than 1½ inches.

² However, to control harmonics on Class 2 through 5 jointed track with staggered joints, the crosslevel differences shall not exceed 1¼ inches in all of six consecutive pairs of joints, as created by seven low joints. Track with joints staggered less than 10 feet apart shall not be considered as having staggered joints. Joints within the seven low joints outside of the regular joint spacing shall not be considered as joints for purposes of this footnote.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12191 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[Docket No. FRA–2025–0083]

RIN 2130–AD44

Repealing Outdated Railroad Workplace Safety Requirements and Making Other Improvements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to repeal several roadway workplace safety requirements that have become obsolete. In addition, FRA proposes to establish a new special approval procedure to enable regulated entities, after public notice and FRA approval, to utilize an alternative approach to bridge worker safety that provides for an equivalent or better level of safety. Also, this rule proposes to clarify that the required training for operators of roadway maintenance machines equipped with a crane includes specific aspects such as maintaining vertical clearance.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0083 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0083), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD44). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Timothy Presser, Track Specialist, Office of Railroad Safety, Federal Railroad Administration, telephone: (208) 241–9458, email: timothy.presser@dot.gov; or Aaron Moore, Senior Attorney, Federal Railroad Administration, telephone: (202) 853–4784, email: aaron.moore@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). The minimum safety standards for railroad workplace safety, to prevent accidents and casualties to employees involved in certain railroad inspection, maintenance, and construction activities, are established in 49 CFR part 214, *Railroad Workplace Safety*. Some of the requirements contained in part 214 could be updated to reduce burdens, make technical or conforming changes, repeal aged-out regulations, or otherwise adjust to advancing technology or recent incidents without

any adverse effect on railroad safety. Please review the Section-by-Section Analysis below for the relevant information related to each proposed change.

II. Section-by-Section Analysis

Section 214.119 Special Approval Procedure

Because 49 CFR part 214, subpart B is highly prescriptive and therefore discourages innovation or the deployment of advancing technology in bridge worker safety systems, FRA proposes to add a new § 214.119 that would provide for a special approval procedure similar to the process provided in 49 CFR 238.21; the proposed special approval procedure would enable a regulated entity, after public notice and FRA approval, to utilize an alternative approach to bridge worker safety that provides for an equivalent or better level of safety.

Section 214.331 Definite Train Location

FRA proposes to repeal § 214.331 entirely because definite train location, as a method of roadway worker protection, has been prohibited since June 2017.

Section 214.333 Informational Line-Ups of Trains

FRA proposes to repeal § 214.333 entirely because informational line-ups of trains, as a method of roadway worker protection, has been prohibited since June 2017.

Section 214.335 On-Track Safety Procedures for Roadway Work Groups, General

FRA proposes to revise paragraph (a) of this section to remove reference to definite train location and § 214.331 since that is no longer an allowed method of protection.

Section 214.347 Training and Qualification for Lone Workers

FRA proposes to revise paragraph (a)(3) of this section to remove reference

to definite train location since that is no longer an allowed method of protection.

Section 214.357 Training and Qualification for Operators of Roadway Maintenance Machines Equipped With a Crane

FRA proposes to amend paragraph (b) of this section to clarify that the required training for operators of roadway maintenance machines equipped with a crane includes specific aspects such as maintaining vertical clearance. FRA expects that issues such as vertical clearance should be addressed in the employer's training and qualification program. Under current § 214.357(b), employers are required to include procedures for determining that the operator has the skills and knowledge to safely operate such crane machines. However, FRA expects that highlighting issues such as vertical clearance in the regulatory text may help in contributing to avoiding future incidents of crane machines striking structures, such as bridges. FRA does not expect this clarification to result in any additional burdens.

Section 214.513 Retrofitting of Existing On-Track Roadway Maintenance Machines; General

FRA proposes to amend § 214.513 by revising the title by removing reference to retrofitting. Likewise, FRA proposes to remove the retrofitting due dates in paragraphs (b) and (c) since those dates have long passed. The requirements of this section apply to existing on-track maintenance machines.

Section 214.515 Overhead Covers for Existing On-Track Roadway Maintenance Machines

FRA proposes to amend paragraph (a) of this section to remove reference to the date (March 28, 2005) that overhead covers must be repaired or reinstalled on existing on-track roadway maintenance machines currently or previously equipped with such covers. That date has long passed. Additionally, FRA proposes to delete paragraph (b) and redesignate existing paragraph (c) as new paragraph (b). Existing paragraph (b) allows for an operator of an existing on-track roadway maintenance machine that is not equipped with an overhead cover to request such a cover be provided and requires the employer to evaluate the feasibility of providing such a cover. FRA believes that since this provision was added over 20 years ago, these requests have already been made and that it is unlikely this paragraph is still utilized.

Section 214.517 Retrofitting of Existing On-Track Roadway Maintenance Machines Manufactured on or After January 1, 1991

FRA proposes to amend the title and introductory paragraph of § 214.517 to remove reference to retrofitting and the date it must be completed. That date has long passed.

Section 214.533 Schedule of Repairs Subject to Availability of Parts

FRA proposes to amend paragraph (d) of this section to clarify that this section permits electronic maintenance of required records. Existing paragraph (d) allows for electronic maintenance of required records, but the last sentence of this paragraph imposes a requirement to keep records on the on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer. FRA proposes to add a clause to the end of that sentence to clarify that the location designated by the employer may be an electronic system, consistent with the existing option in paragraph (d) to use electronic means to maintain the required records.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this proposed rule under E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

This proposed rule would simplify the regulation by creating a special approval procedure in new § 214.119 consistent with a similar procedure in existing § 238.21; remove certain regulations rendered irrelevant by the passage of time in §§ 214.331, 214.333, 214.335, 214.347, 214.513, 214.515, and 214.517; clarify training requirements in § 214.357; and simplify record retention rules in § 214.533. These proposed changes would have no adverse impact on railroad safety. The proposed rule would provide additional clarity to regulated entities and eliminate unnecessary, outdated requirements while continuing to ensure workplace safety, substantive compliance, and availability of information related to railroad maintenance activities. While FRA has not quantified these changes, FRA estimates a cost savings would incur from the proposed amendments.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,³ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

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³ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

substantial number of small entities. This proposed rule would not impose new requirements under part 214 beyond limited, cost-beneficial changes to training; it merely offers flexibilities or repeal aged-out regulations that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Therefore, an information collection submission to OMB is not required. With this NPRM, FRA will be using the existing OMB No. 2130–0539, *Railroad Workplace Safety*.

E. Environmental Assessment

FRA has analyzed this proposed rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project

resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule would not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. To the contrary, if finalized, this proposed rule would result in cost savings. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211. Nevertheless, if finalized, FRA reiterates that this would be a deregulatory action that would, to the extent it has an effect, tend to positively facilitate the movement of energy.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000). The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws (except to any extent already preempted by the preexisting part 214). Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁴ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <https://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this proposed rule can be found at <https://www.regulations.gov>, Docket No. FRA–2025–0083, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 214

Bridges, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, FRA proposes to amend part 214 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

■ 1. The authority citation for part 214 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 21301–21302, 21304, 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Add § 214.119 to subpart B to read as follows:

⁴ 19 U.S.C. ch. 13.

§ 214.119 Special approval procedure

(a) *General.* The following procedures govern consideration and action upon requests for special approval of alternative standards or for alternative compliance under § 214.103, § 214.105, § 214.107, § 214.109, § 214.111, § 214.113, § 214.115, and § 214.117.

(b) *Petitions for special approval of alternative standard or of alternative compliance.* Each petition for special approval of an alternative standard or for alternative compliance shall contain—

(1) The name, title, address, email address, and telephone number of the primary person to be contacted with regard to review of the petition;

(2) The alternative proposed, in detail, to be substituted for the particular requirements of this part;

(3) Appropriate data or analysis, or both, establishing that the alternative will provide at least an equivalent level of safety; and

(4) A statement affirming that the railroad or railroad contractor has served a copy of the petition on designated representatives of its employees, together with a list of the names and addresses of the persons served; or alternatively, a statement affirming that the railroad or railroad contractor has provided an alternative means of notice, together with a description of the notice provided.

(c) *Federal Register notice.* FRA will publish a notice in the **Federal Register** concerning each petition under this section.

(d) Not later than 30 days from the date of publication of the notice in the **Federal Register** concerning a petition under this section, any person may comment on the petition.

(1) Each comment shall set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) Each comment shall be submitted to the U.S. Department of Transportation, Docket Operations (M-30), West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, and shall contain the assigned docket number for that proceeding. The form of such submission may be in written or electronic form consistent with the standards and requirements established by the Federal Docket Management System and posted on its website at <http://www.regulations.gov>.

(e) *Disposition of petitions.*

(1) FRA will conduct a hearing on a petition in accordance with the procedures provided in § 211.25 of this chapter.

(2) If FRA finds that the petition complies with the requirements of this section or that the proposed plan is acceptable or changes are justified, or both, the petition will be granted, normally within 90 days of its receipt. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may attach special conditions to the approval of the petition. FRA may approve an alternative standard or alternative compliance in lieu of the relief requested by the petition. Following the approval of a petition, FRA may reopen consideration of the petition for cause stated.

(3) If FRA finds that the petition does not comply with the requirements of this section, or that the proposed plan is not acceptable or that the proposed changes are not justified, or both, the petition will be denied, normally within 90 days of its receipt.

(4) When FRA grants or denies a petition, or reopens consideration of the petition, written notice is sent to the petitioner and other interested parties.

■ 3. Remove and reserve § 214.331.

§ 214.331 [Removed and Reserved]

■ 4. Remove and reserve § 214.333.

§ 214.333 [Removed and Reserved]

■ 5. Amend § 214.335 by revising paragraph (a) to read as follows:

§ 214.335 On-track safety procedures for roadway work groups, general.

(a) No employer subject to the provisions of this part shall require or permit a roadway worker who is a member of a roadway work group to foul a track unless on-track safety is provided by either working limits or train approach warning in accordance with the applicable provisions of § 214.319, § 214.321, § 214.323, § 214.325, § 214.327, § 214.329, or § 214.336.

* * * * *

■ 6. Amend § 214.347 by revising paragraph (a)(3) to read as follows:

§ 214.347 Training and qualification for lone workers.

* * * * *

(a) * * *

(3) Rules and procedures prescribed by the railroad for individual train detection and establishment of working limits.

* * * * *

■ 7. Amend § 214.357 by revising paragraph (b)(1) to read as follows:

§ 214.357 Training and qualification for operators of roadway maintenance machines equipped with a crane.

* * * * *

(b) * * *

(1) Procedures for determining that the operator has the skills to safely operate each machine the person is authorized to operate, including but not limited to maintaining vertical clearance; and

* * * * *

■ 8. Amend § 214.513 by revising the section heading and paragraphs (b) and (c) to read as follows:

§ 214.513 Existing on-track roadway maintenance machines; general.

* * * * *

(b) Each existing on-track roadway maintenance machine shall be equipped with a permanent or portable horn or other audible warning device that produces a sound loud enough to be heard by roadway workers and other machine operators within the immediate work area. The triggering mechanism for the device shall be clearly identifiable and within easy reach of the machine operator.

(c) Each existing on-track roadway maintenance machine shall be equipped with a permanent illumination device or a portable light that is securely placed and not hand-held. The illumination device or portable light shall be capable of illuminating obstructions on the track ahead for a distance of 300 feet under normal weather and atmospheric conditions when the machine is operated during the period between one-half hour after sunset and one-half hour before sunrise or in dark areas such as tunnels.

■ 9. Amend § 214.515 by revising paragraph (a), removing paragraph (b), and redesignating existing paragraph (c) as new paragraph (b), to read as follows:

§ 214.515 Overhead covers for existing on-track roadway maintenance machines.

(a) For existing on-track roadway maintenance machines either currently or previously equipped with overhead covers for the operator's position, defective covers shall be repaired and maintained in accordance with the provisions of § 214.531.

(b) For purposes of this section, overhead covers shall provide the operator's position with cover from normal rainfall and midday sun.

■ 10. Amend § 214.517 by revising the section heading and the introductory text, to read as follows:

§ 214.517 Existing on-track roadway maintenance machines manufactured on or after January 1, 1991.

In addition to meeting the requirements of § 214.513, each existing on-track roadway maintenance machine

manufactured on or after January 1, 1991, shall have the following:

* * * * *

■ 11. Revise § 214.533(d) to read as follows:

§ 214.533 Schedule of repairs subject to availability of parts.

* * * * *

(d) Each employer shall maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer shall retain each record for at least one year, and the records shall be made available for inspection and copying during normal business hours by representatives of FRA and States participating under part 212 of this chapter. The records may be kept on the on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer, including an electronic system.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12104 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[Docket No. FRA–2025–0117]

RIN 2130–AD46

Repealing Special Approval Requirement for Freight Cars More Than 50 Years Old

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to amend its freight car safety regulations to repeal the requirement for special approval to place or continue a freight car in service if it is more than 50 years old or equipped with any design or type component listed in appendix A to this part. Instead, railroads would be able to continue or place such “overage” cars in service after complying with uniform safety requirements. Those requirements would include comprehensive shop inspections by a designated inspector, single-car air brake testing, recordkeeping, and, as appropriate, stenciling. The proposed requirements are consistent with the most important conditions that FRA now requires

through the existing special approval process. Repealing the special approval process and replacing it with the proposed, uniform requirements would provide equivalent safety outcomes while reducing burdens on railroads and eliminating the added delay involved in petitioning FRA for a special approval.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0117 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0117), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD46). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Steven Zuiderveen, Railroad Safety Specialist, Office of Railroad Safety, at email: steven.zuiderveen@dot.gov or telephone: (202) 493–6337 or Elliott Gillooly, Attorney Adviser, at email: elliott.gillooly@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR).

Title 49 CFR part 215 establishes railroad freight car safety requirements. Some of the requirements contained in part 215 can be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any

adverse effect on railroad safety. FRA proposes in this NPRM to reduce the burden on railroads required to maintain older freight cars in service, while maintaining important inspection and testing requirements for those cars. Please see the details of the proposed changes in the below section-by-section analysis.

II. Section-by-Section Analysis

Section 215.203—Restricted Cars

Section 215.203 currently restricts the operation of any railroad freight car that is more than 50 years old, and any car of a design or equipped with a component listed in appendix A to part 215, by prohibiting its placement or continuance in service, except under conditions approved by FRA. A railroad is required to petition FRA to obtain the required special approval. The petition currently must be submitted at least 90 days before the car is used and state the following information: (i) The name and principal business address of the petitioning railroad; (ii) the name and address of the entity that controls the operation and maintenance of the car involved; (iii) the number, type, capacity, reporting marks, and car numbers of the cars, their condition, status, and age measured from the date of original construction; (iv) the design, type component, or other item that causes the car to be restricted; (v) the maximum load the cars would carry; (vi) the maximum speed at which the cars would be operated; (vii) that each car has been examined and found to be safe to operate under the conditions set forth in the petition; and (viii) the territorial limits within which the cars are to be operated and the name of each railroad that will receive the cars in interchange.

Before FRA makes a decision on a petition, an FRA inspector examines all the cars, or a number of cars representative of all the cars, that are the subject of the railroad’s petition for compliance with all Federal safety requirements, including 49 CFR parts 215 (Railroad Freight Car Safety Standards), 231 (Railroad Safety Appliance Standards) and 232 (Brake System Safety Standards). The FRA inspector makes a recommendation following this inspection, and FRA’s Safety Board renders a decision based on the petition and the inspector’s findings. When approving a railroad’s petition, the Safety Board routinely imposes conditions on the placement or continuation of the subject cars in service, such as the completion of a comprehensive shop inspection by qualified personnel, and conditional

requirements periodically thereafter. Approvals may also include conditions such as speed limitations, or limitations on the service in which a car or cars may be used. A single-car air brake test (SCABT) may also be required at intervals shorter than generally required by FRA's Brake System Safety Standards in part 232.

FRA's proposed amendments preserve the essential requirements of the existing regulation, including a comprehensive mechanical inspection and SCABT before the car is placed or continued in service as a restricted car and every two years thereafter. FRA has preliminarily determined that some information required in a petition under the current regulation is not necessary for a railroad to make the determination that freight cars more than 50 years old are safe to continue in service. Specifically, the proposed amendments would not require railroads to state any speed restrictions placed on the cars or the maximum loads they will carry as a condition of compliance with § 215.203. Generally, speed limitations and loads will be determined in accordance with the type of car, type of commodity, class of track, terrain, intended routes, and railroad operating rules. Regulated entities would be required to maintain records of all required inspections and tests, including a certification that the subject cars are safe for the service in which they will be placed.

FRA also proposes to delete one category of restricted car currently included in § 215.203—§ 215.203(a)(3), a railroad freight car that is “[e]quipped with a Duryea underframe constructed before April 1, 1950, except for a caboose which is operated as the last car in a train”—as this category is redundant. Any car meeting the condition that it was built before April 1, 1950 is a car more than 50 years old and is included as a restricted car for that reason, regardless of whether it is equipped with a Duryea underframe. FRA has not identified any reason to exclude Duryea underframe cabooses from the requirements placed on restricted cars, as they now are.

FRA proposes to add at § 215.203(b) that “[r]ailroad freight cars approved under a standard such as the Office Manual of the Association of American Railroads' Interchange Rule 88 Increased Life Status process are exempt from the requirements of this section for up to 65 years of service life.” This proposed addition would allow a railroad to place or continue a freight car in service without complying with the requirements of § 215.203(a) only if the car has been approved under an industry standard designed for the

safety assessment and maintenance of older cars, which FRA believes will ensure such cars are safe to operate for an additional 15 years beyond the 50-year mark. The industry standards under the Office Manual of the Association of American Railroads' Interchange Rule 88 are more stringent than current FRA requirements for restricted cars and more stringent than any restrictions that FRA proposes in this NPRM.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA proposes to amend its freight car regulations to repeal and replace the requirement for special approval to place or continue a freight car more than 50 years old in service, as it would eliminate the added delay and any uncertainty involved in petitioning FRA for a special approval. FRA analyzed the potential costs and benefits of this proposed rule. Railroads would benefit from this regulatory relief because they would be able to keep certain older cars in service, provided that the cars are inspected and tested as required and found safe for service. Railroads would also avoid the additional costs associated with filing petitions for special approvals with FRA, including the time and expense required to complete the petitions and have employees present for FRA inspections prior to a Safety Board decision. Some of this regulatory relief may be offset by the additional costs from the proposed record retention requirement to maintain all required inspections and tests. However, these additional costs may be negligible and outweighed by the benefits of keeping certain older cars in service without the existing special approval process. FRA welcomes any comments from the public on the impacts of this proposed rule.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at

least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is “less than zero” consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,³ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

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entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

The recordkeeping and reporting requirements already contained in part 215 became effective when the information collection request was approved by OMB on April 24, 2023. The OMB control number is 2130–0519, and OMB approval expires on April 30, 2026. However, the petition requirement for restricted cars has not previously been reported as a burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This NPRM proposes a deregulatory action, and FRA anticipates that the overall burden on owners and operators of restricted cars will be reduced relative to the existing regulatory requirements. FRA requests public comment on any PRA burdens associated with the proposed amendments to § 215.203.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project

resulting in a use of a resource protected by section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, Federalism (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁴ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the

United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at www.regulations.gov, Docket No. FRA–2025–0117, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

- 1. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. 20102–03, 20107, 20171; 28 U.S.C. 2461; and 49 CFR 1.89.

§ 215.203 [Amended]

- 2. Revise § 215.203 to read as follows:

§ 215.203 Restricted cars.

(a) A railroad may operate a railroad freight car that is more than 50 years old, measured from the date of original construction, or a freight car that is equipped with any design or type

⁴ 19 U.S.C. ch. 13.

component listed in appendix A to this part, only under the following conditions:

(1) The railroad maintains a record of each car and makes such record available to FRA upon request, including the following information:

(i) The number, type, capacity, reporting marks, and car number of the car, and its condition, status, and age measured from the date of original construction; and

(ii) The design, type component, or other item that causes the car to be restricted; and

(2) The car must undergo a comprehensive shop inspection by a designated inspector, as defined in § 215.11, at least once every 2 years. At a minimum, each inspection must include the following and be documented in a record to be maintained with the record specified in paragraph (a)(1) of this section:

(i) A determination that the car complies with subpart B of this part;

(ii) A single-car air brake test in accordance with § 232.305(b); and

(iii) A certification that the car is safe for the service in which it will be placed; and

(3) Except for railroad freight cars used exclusively for tourist, historic, excursion, educational, recreational, or private purposes and that are not interchanged, a freight car subject to this section must be stenciled on each side of the car in accordance with § 215.303. Further, the date of the car's most recent inspection under paragraph (a)(2) of this section must be stenciled on the car in letters at least 1 inch high, immediately following "R-AGE."

(b) Railroad freight cars approved under a standard such as the Office Manual of the Association of American Railroads' Interchange Rule 88 Increased Life Status process are exempt from the requirements of this section for up to 65 years of service life.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025-12192 Filed 6-27-25; 4:15 pm]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[Docket No. FRA-2025-0119]

RIN 2130-AD55

Regulatory Relief for End of Car Cushioning Units

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to amend regulations concerning freight car draft arrangement and end-of-car cushioning units (EOCCs) to make regulatory relief now provided by waiver permanent. The amendments would allow a freight car to remain in service if the EOCC is operative and equipped with a unit condition indicator (UCI) that indicates a non-discharged EOCC. This change would permit those EOCCs to remain in service despite the presence of clearly formed oil droplets on the unit. The amendments, if finalized, preserve the requirement to repair or replace an EOCC with clearly formed oil droplets if the unit does not have a UCI.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA-2025-0119 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA-2025-0119), and Regulatory Identification Number (RIN) for this rulemaking (2130-AD55). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:
Caleb Rogers, Mechanical Engineer,

Office of Railroad Safety, at email: caleb.rogers@dot.gov or telephone: 202-579-5198 or Elliott Gillooly, Attorney Adviser, at email: elliott.gillooly@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). Title 49 CFR part 215 establishes railroad freight car safety requirements. Some of the requirements contained in part 215 can be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. FRA proposes in this NPRM to address a request from the Association of American Railroads (AAR) to incorporate regulatory relief now granted through an FRA waiver into part 215 by allowing freight cars with an EOCC that has leaked clearly formed droplets to remain in service if the cushioning unit is otherwise operational and equipped with a UCI that shows the unit has adequate pressure despite the presence of leaked oil on the exterior of the unit.

An EOCC is a device installed on the ends of railroad freight cars designed to absorb shocks and forces during rail operations (similar to shock absorbers on motor vehicles). These units are designed to absorb energy from buff and draft forces and impacts, preventing cargo from shifting and damage to the freight car draft system that could lead to a derailment. An EOCC must contain sufficient oil for the unit to function as designed (*i.e.*, for the unit adequately to absorb energy from in-train forces and potential impacts). Accordingly, FRA's Railroad Freight Car Safety Standards, 49 CFR part 215, prohibit a rail car from continuing in service if its EOCC is broken or inoperative (§ 215.129), which is a requirement that FRA does not intend to remove. Instead, FRA is proposing to remove § 215.127(c), which contains the prohibition that a freight car cannot continue in service if the EOCC is leaking "clearly formed droplets," even though the EOCC may still be operational. FRA will also make conforming changes to § 215.129 as detailed in the Section-by-Section Analysis, below, to address the

difference between EOCCs that have a UCI and those that do not.

UCIs are devices that railroad employees can use to monitor the condition of EOCCs. Insufficient internal pressure can be detected when a button on the UCI is pressed. If there is insufficient pressure in the EOCC, the button will remain depressed. Accordingly, in 2013, FRA granted AAR member railroads relief from § 215.127(c)(1) if a railroad freight car's cushioning unit is equipped with a UCI that indicates the unit is not defective.¹ This relief prevents railroad employees from having to unnecessarily remove functioning cushioning units that may be leaking clearly formed droplets of oil but are still functioning properly. Cushioning units are heavy and require freight cars to be jacked to be removed, and as such, the process presents inherent safety risks to railroad employees. The use of UCIs has allowed railroads to avoid unnecessary repairs of functioning cushioning units.

Since issuance of this waiver, AAR member railroads have seen a significant decrease in the number of cars that must be removed from service because the cushioning unit was identified as leaking. At the same time, the number of cars removed from service because the UCI indicates the cushioning unit is defective has increased. An industry standard (AAR Field Manual Rule 59) governs the use of UCIs to determine whether cushioning units are safe and acceptable for continued service. Using this standard (and as older cushioning units without UCIs age out of service), the number of cars removed from service because of leakage will continue to decline. FRA is proposing to incorporate the terms of the waiver into the Freight Car Safety Standards as follows.

II. Section-by-Section Analysis

Section 215.127 Defective Draft Arrangement

Section 215.127 addresses various components making up the draft arrangement of a freight car. If any of those components are missing or inoperative, the freight car cannot be safely used in service. As stated above, the prohibition on continuing a freight car in service with an inoperative EOCC is being preserved, but it would be moved to § 215.129. Concurrently, FRA proposes to clarify in § 215.129 that an EOCC leaking clearly formed droplets is a condition requiring a car to be held out of service only when the EOCC is not equipped with a UCI.

If the car is equipped with a UCI, railroads should rely on it instead of the formation of oil droplets to determine the condition of the EOCC. Under excessive loading conditions and pressures, some fluid may seep past the unit's seal, with the seepage accumulating and forming "clearly formed droplets." That seepage serves to relieve pressure within the EOCC but does not necessarily mean that the EOCC is not functioning properly.

Section 215.129 Defective Cushioning Device

Section 215.129 currently states that a railroad may not place or continue in service a car if it has an EOCC that is broken, inoperative, or missing a part. To incorporate the relief described above, FRA is proposing to add that a car also cannot be placed or continued in service if the EOCC is leaking clearly formed droplets and not equipped with a UCI, or if it is equipped with a UCI that indicates a discharged cushioning unit.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Management and Budget's Office of Information and Regulatory Affairs determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this proposed rule. Railroads would benefit from this regulatory relief because they would not be obligated to withhold cars from service based solely on the presence of oil on the exterior of an EOCC. This would reduce costs associated with those freight cars equipped with a UCI that have safe and operational EOCCs by eliminating unnecessary downtime and unnecessary replacement of EOCCs that still have a useful service life. In addition, railroads or their industry association would no longer be required to submit periodic, repetitive waiver requests related to the current regulatory requirement.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be

identified for elimination."²

Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.³

An E.O. 14192 deregulatory action is defined as "an action that has been finalized and has total costs less than zero." This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is "less than zero" consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 215; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated

² Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

³ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation."* Memorandum M–25–20. Mar. 26, 2025.

⁴ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

¹ See Docket No. FRA–2013–0077, available at <https://www.regulations.gov>.

entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule contains no new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 215 became effective when it was approved by OMB on April 24, 2023. The OMB control number is 2130–0519, and OMB approval expires on April 30, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁵ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁶ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities

for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](http://www.regulations.gov), Docket No. FRA–2025–0119, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

- 1. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. 20102–03, 20107, 20171; 28 U.S.C. 2461; and 49 CFR 1.89.

- 2. Amend § 215.127 by removing paragraph (c) and redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), to read as follows:

§ 215.127 Defective draft arrangement.

A railroad may not place or continue in service a car, if—

- (a) The car has a draft gear that is inoperative;
- (b) The car has a broken yoke;
- (c) A vertical coupler pin retainer plate—
 - (1) Is missing (except by design); or
 - (2) Has a missing fastener;
 - (d) The car has a draft key, or draft key retainer, that is—
 - (1) Inoperative; or

⁵ 66 FR 28355 (May 22, 2001).

⁶ 19 U.S.C. ch. 13.

(2) Missing; or
(e) The car has a missing or broken follower plate.
■ 3. Amend § 215.129 by redesignating paragraph (c) as paragraph (e), and adding new paragraphs (c) and (d) and to read as follows:

§ 215.129 Defective cushioning device.

A railroad may not place or continue in service a car if it has a cushioning device that is—

- (a) Broken;
- (b) Inoperative;
- (c) Leaking clearly formed droplets, when not equipped with a unit condition indicator (UCI);
- (d) Equipped with a UCI that indicates a discharged cushioning unit; or
- (e) Missing a part—unless its sliding components have been effectively immobilized.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12187 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[Docket No. FRA–2025–0118]

RIN 2130–AD54

Removing Stenciling Requirement for Freight Cars Used for Tourist, Historic, Excursion, Educational, Recreational, or Private Purposes and Not Interchanged

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to exclude railroad freight cars used exclusively for tourist, historic, excursion, educational, recreational, or private purposes and that are not interchanged from the requirement that all restricted freight cars, including cars more than 50 years old, be stenciled with specific information.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0118 may be

submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0118), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD54). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Steven Zuiderveen, Railroad Safety Specialist, Office of Railroad Safety, at email: steven.zuiderveen@dot.gov or telephone: (202) 493–6337 or Elliott Gillooly, Attorney Adviser, at email: elliott.gillooly@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR).

Title 49 CFR part 215 establishes railroad freight car safety requirements. Some of the requirements contained in part 215 can be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. FRA proposes in this NPRM to exempt freight cars used for tourist, historic, excursion, educational, recreational, or private purposes (THEERP) from the general stenciling requirement applicable to restricted cars, provided such THEERP cars are not interchanged among railroads, for the reasons discussed in the below section-by-section analysis.

II. Section-by-Section Analysis

Section 215.303 Stenciling of Restricted Cars

Section 215.303 currently requires any car described in “§ 215.205(a)” of

this part to be stenciled or marked to display certain information relevant to restricted freight cars, such as the car's age and those components needed to completely indicate the basis for the restricted operation of the car. FRA proposes to exempt THEERP cars from this requirement based on requests from the owners and operators of such cars and the review and recommendations of FRA's Railroad Safety Advisory Committee (RSAC) working group assigned to this topic.¹ In addition, FRA intends to correct the reference to § 215.205(a), which is a typographical error, with the correct reference to § 215.203(a).

The proposed exclusion of THEERP freight cars from the general stenciling requirement applicable to restricted cars is intended to reduce burdens on the owners and operators of this equipment. This regulatory relief would incorporate long-standing waivers granted by FRA to individual THEERP owners and operators. This relief would also not diminish safety, as each freight car that is a restricted car, as freight cars are under § 215.203(a) when they become more than 50 years old, is still subject to § 215.203(a) and its safety requirements.²

In addition to petitions for waivers from stenciling requirements, FRA has also historically received petitions from many of the same THEERP car owners or operators requesting that FRA waive reflectorization requirements. FRA published an NPRM on the subject of reflectorization on July 21, 2022 (87 FR 43467) and intends that any final rule following from that NPRM will be consistent with the currently proposed amendments to § 215.303.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies

¹ In April 1996, the RSAC formed the Tourist and Historic Railroads and Private Passenger Car Working Group (Working Group). Since that time, the Working Group has considered numerous issues affecting tourist and historic rail operations and, in 2014, identified issues involving FRA's regulatory treatment of tourist, scenic, historic, excursion, educational or recreational rail operations or private passenger rail car operations, including stenciling requirements. See RSAC Meeting Minutes, available at <https://rsac.fra.dot.gov/radcms/rsac/File/DownloadFile?id=44>.

² FRA is publishing an NPRM proposing to revise § 215.203(a) concurrently with this NPRM. Thus, FRA proposes to clarify in both § 215.203 and § 215.303 that THEERP cars will be exempted from stenciling requirements, but not from other requirements applicable to restricted cars.

and Procedures. The Office of Management and Budget's Office of Information and Regulatory Affairs determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this proposed rule. Railroads (or other owners of THEERP cars) would benefit from this regulatory relief because they would not incur the costs of stenciling and marking cars that are used for tourist, historic, excursion, educational, recreational, or private purposes and not interchanged. In addition, the proposed amendments would reduce costs for the owners of these cars as they would no longer be required to file individual petitions for waivers from the stenciling requirements.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”³ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁴

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is “less than zero” consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁵ requires Federal agencies to consider the effects of the regulatory action on small business and

other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 215; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

The recordkeeping and reporting requirements already contained in part 215 became effective when the information collection request was approved by OMB on April 24, 2023. The OMB control number is 2130–0519, and OMB approval expires on April 30, 2026. However, the stenciling requirement for restricted cars has not previously been reported as a burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This NPRM proposes a deregulatory action and FRA anticipates that the overall burden on owners and operators of restricted cars will be reduced relative to the existing regulatory requirements.

FRA requests public comment on any PRA burdens associated with the proposed amendments to § 215.303.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, Federalism (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁶ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is

³ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

⁴ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

⁵ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

⁶ 66 FR 28355 (May 22, 2001).

not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁷ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at www.regulations.gov, Docket No. FRA–2025–

0118, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

- 1. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. 20102–03, 20107, 20171; 28 U.S.C. 2461; and 49 CFR 1.89.

§ 215.303 [Amended]

- 2. Amend § 215.303 by revising paragraph (a) to read as follows:

§ 215.303 Stenciling of restricted cars.

(a) Each restricted railroad freight car that is described in § 215.203(a) of this part, except for railroad freight cars used exclusively for tourist, historic, excursion, educational, recreational, or private purposes and that are not interchanged, shall be stenciled, or marked—

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12188 Filed 6–27–25; 4:15 pm]
BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 222

[Docket No. FRA–2025–0121]

RIN 2130–AD39

Regulatory Relief From Locomotive Horn Sounding Pattern at Public Highway-Rail Grade Crossings

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would provide greater flexibility for compliance with FRA’s train horn regulation. Specifically, this proposed rule would allow for regulatory relief from the required pattern of sounding the locomotive horn in two long blasts,

one short blast, and one long blast where trains, locomotive consists, and individual locomotives have stopped in close proximity to a public highway-rail grade crossing location. This proposed rule would instead allow locomotive engineers to vary the pattern of sounding the locomotive horn to only one single blast of the horn as they enter onto and cross over these grade crossing locations.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0121 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0121), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD39). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

James Payne, Staff Director, Grade Crossing and Trespasser Outreach, FRA, telephone: (202) 441–2787, email: James.Payne@dot.gov; or Amanda Maizel, Attorney Adviser, FRA, telephone: (202) 308–3753, email: Amanda.Maizel@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). The requirements for FRA-regulated entities to sound the train horn when the train’s locomotive or lead cab car is approaching a public highway-rail grade crossing are

⁷ 19 U.S.C. ch. 13.

established in 49 CFR part 222, “Use of Locomotive Horns at Public Highway-Rail Grade Crossings.” Specifically, 49 CFR 222.21(a) generally requires the locomotive horn to be sounded in a pattern of two long blasts, one short blast, and one long blast as the locomotive approaches and occupies the crossing. Currently, this pattern may be varied as necessary where crossings are spaced closely together. *Id.* Relatedly, § 222.21(b)(2) generally requires that the locomotive horn be sounded at least 15 seconds, but not more than 20 seconds, before the locomotive enters the crossing. However, § 222.21(d) provides that trains, locomotive consists, and individual locomotives that have stopped in close proximity to a public highway-rail grade crossing may approach the crossing and sound the locomotive horn for less than 15 seconds before the locomotive enters the highway-rail grade crossing, under certain conditions. Where these same conditions are present, FRA believes that the pattern of sounding the locomotive horn may also be varied, to include one single blast of the horn. This proposed amendment would recognize that the locomotive engineer’s determination as to the duration of sounding the locomotive horn in these situations is often closely related to the necessary pattern of sounding the horn. This proposal would reduce the burden on railroads and surrounding communities without an adverse effect on railroad safety.

II. Section-by-Section Analysis

Section 222.21 When Must a Locomotive Horn Be Used?

As discussed above, this proposed rule would revise the language of 49 CFR 222.21(d) to make clear that a locomotive engineer, in addition to being permitted to sound the horn less than the required 15 seconds in certain situations, may also vary the horn sounding pattern, including, potentially, one single blast of the horn.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has evaluated this NPRM in accordance with E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this proposed rule. FRA concluded that this proposed rule reduces the burden on railroads and communities by offering flexibility on rules regarding train horns.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that the amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,³ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

³ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would allow for regulatory relief in certain situations from the pattern of locomotive horn soundings in FRA’s train horn regulation. By extending this regulatory relief, many regulated entities, including small entities, would experience benefits. Consequently, FRA certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this proposed rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 222 were approved by OMB on Nov. 9, 2022. The information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is OMB No. 2130–0560, and OMB approval expires on Nov. 31, 2025.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁴ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁵ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards, and where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at regulations.gov, Docket No. FRA–2025–0121, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 222

Administrative practice and procedure, Locomotives, Railroad safety, Train horn.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 222 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 28 U.S.C. 2461, note; 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 49 CFR 1.49.

■ 2. Amend § 222.21 by revising paragraph (d) introductory text to read as follows:

* * * * *

(d) Trains, locomotive consists and individual locomotives that have stopped in close proximity to a public highway-rail grade crossing may approach the crossing and sound the locomotive horn for less than 15 seconds, and may vary the sounding pattern set forth in paragraph (a), before the locomotive enters the highway-rail grade crossing, if the locomotive engineer is able to determine that the public highway-rail grade crossing is not obstructed and either:

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12178 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 222

[Docket No. FRA–2025–0128]

RIN 2130–AD18

Enhancing Railroad Discretion in Sounding Locomotive Horns at Passenger Stations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to amend its safety standards related to the use of the locomotive horn to clarify that no Federal regulation requires a railroad to sound a locomotive horn because of the presence of a passenger station. The proposed rule would clarify that a railroad has discretion to determine policies for sounding a locomotive horn at a passenger station through railroad operating rules. The proposed rule would also provide that if a railroad decides to sound a locomotive horn at a passenger station, the minimum sound level requirements in FRA’s *Railroad Locomotive Safety Standards* would not apply to the sound produced by the horn.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received

⁴ 66 FR 28355 (May 22, 2001).

⁵ 19 U.S.C. ch. 13.

after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0128 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0128), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD18). All comments received would be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

James Payne, Staff Director, Grade Crossing and Trespasser Outreach, FRA, telephone: (202) 441–2787, email: James.Payne@dot.gov; or Kathryn Gresham, Attorney Adviser, FRA, telephone: (202) 577–7142, email: Kathryn.Gresham@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). The requirements related to the use of locomotive horns by FRA-regulated entities are established in 49 CFR part 222, "Use of Locomotive Horns at Public Highway-Rail Grade Crossings." Although part 222 focuses on the use of locomotive horns at public highway-rail grade crossings, it also provides clarification regarding the use of locomotive horns in emergencies and other situations. Some of the requirements contained in part 222 could be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. The amendment to part 222 proposed in this NPRM aims to address public concerns about excessive

horn sounding, to provide greater flexibility to railroads regarding Federal requirements, and to eliminate any confusion by clarifying that no Federal regulation requires the sounding of a locomotive horn at a passenger station. Please review the Section-by-Section Analysis below for the relevant information related to each proposed change.

II. Section-by-Section Analysis

Section 222.9 Definitions

FRA proposes to add a definition of "passenger station" to mean a location designated in a railroad's timetable where passengers are regularly scheduled to get on or off any train, adopting the same definition of "passenger station" in § 238.5 of FRA's *Passenger Equipment Safety Standards*. FRA proposes to add this definition to clarify specific locations that are not subject to a Federal requirement for sounding of the locomotive horn.

Section 222.23 How does this regulation affect sounding of a horn during an emergency or other situations?

This proposed rule would revise the language of 49 CFR 222.23 to clarify that no Federal regulation requires a railroad to sound a locomotive horn because of the presence of a passenger station. Unless other conditions or circumstances trigger Federal regulations requiring the use of a locomotive horn, such as providing audible warning from trains or locomotives that approach roadway workers and roadway maintenance machines as required under 49 CFR 214.339, a railroad has discretion over the decision to sound a locomotive horn at a passenger station and the relevant railroad operating rules it adopts to address such a situation. If a railroad decides to sound a locomotive horn at a passenger station at its own discretion, under this proposed rule, the minimum sound level requirements in 49 CFR 229.129(a) would not apply to the sound produced by the horn.

Historically, railroads have sounded the locomotive horn at passenger stations as one method of warning passengers of approaching trains and safeguarding passenger movements at passenger stations. The railroad industry has developed additional methods for providing such warning to passengers and safeguarding their movements at passenger stations, including advancements in station design, providing physical separation of passengers from train movements, and providing other forms of warnings and

measures for increasing situational awareness, including both audible and visual station announcements. In the context of this more robust array of methods to warn passengers of approaching trains and to safeguard passenger movements at passenger stations, and in consideration that different methods may be employed depending on whether trains are stopping at a station, moving through a station without stopping, or moving over tracks adjacent to a station, the proposed rule would enhance a railroad's discretion in using the locomotive horn at passenger stations. FRA invites comment on the effectiveness of current railroad operating rules and procedures that address locomotive horn sounding at passenger stations and other methods for ensuring safety at passenger stations.

III. Regulatory Impact and Notices

A. Executive Orders (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this proposed rule. This proposed rule would provide transparency regarding Federal locomotive horn sounding requirements and eliminate any confusion to the public, rail labor organizations, and the rail industry by clarifying that no Federal regulation requires the sounding of a locomotive horn because of the presence of a passenger station. Additionally, this proposed rule would allow railroads the discretion to sound a locomotive horn without being subject to the minimum sound level requirements for locomotive horns in 49 CFR part 229. This rule would provide railroads greater flexibility to operate their businesses without adversely impacting railroad safety.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."¹

¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing*

Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA is confident that each change proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,³ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 222 or another Federal regulation; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated

entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 222 became effective when it was approved by OMB on November 09, 2022. The OMB control number is 2130–0560, and OMB approval expires on November 30, 2025.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule would not have a substantial effect on the States, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁴ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁵ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards, and where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities

Prosperity Through Deregulation. 90 FR 9065–9067. Feb. 6, 2025.

² Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

³ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

⁴ 66 FR 28355 (May 22, 2001).

⁵ 19 U.S.C. ch. 13.

for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments would be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](http://www.regulations.gov), Docket No. FRA-2025-0128, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 222

Administrative practice and procedure, Locomotives, Railroad safety, Train horn.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 222 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 222.9 by adding the definition of “passenger station” in alphabetical order to read as follows:

§ 222.9 Definitions

* * * * *

Passenger station means a location designated in a railroad’s timetable where passengers are regularly scheduled to get on or off any train.

* * * * *

■ 3. Amend § 222.23 by adding paragraph (d) to read as follows:

§ 222.23 How does this regulation affect sounding of a horn during an emergency or other situations?

* * * * *

(d) Nothing in this part requires the use of the locomotive horn at a passenger station or for purposes other

than highway-rail crossing safety. Unless a Federal regulation requires the use of a locomotive horn because of conditions present at a specific passenger station, the decision to sound a locomotive horn is subject to railroad discretion and railroad operating rules adopted under part 217 of this chapter. A locomotive horn used pursuant to this discretion is not subject to the minimum sound level requirement specified in 49 CFR 229.129(a).

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025-12157 Filed 6-27-25; 4:15 pm]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 222

[Docket No. FRA-2025-0120]

RIN 2130-AD14

Regulatory Relief To Allow Speeds Up to 45 MPH for Non-Traversable Curbs

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would revise the definition of a non-traversable curb in FRA’s train horn regulation in conformance with five longstanding FRA Safety Board waivers that allow highway speeds up to 45 miles per hour (mph) where these highway curbs are present.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA-2025-0120 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA-2025-0120), and Regulatory Identification Number (RIN) for this rulemaking (2130-AD14). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of

this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

James Payne, Staff Director, Grade Crossing and Trespasser Outreach, FRA, telephone: (202) 441-2787, email: James.Payne@dot.gov; or Amanda Maizel, Attorney Adviser, FRA, telephone: (202) 308-3753, email: Amanda.Maizel@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR) to provide regulatory relief to regulated entities. One such regulatory relief proposal would revise the definition of a non-traversable curb to allow for speeds up to 45 mph.

The current definition of a non-traversable curb is established in 49 CFR part 222, “Use of Locomotive Horns at Public Highway-Rail Grade Crossings.” It describes a highway curb designed to discourage a motor vehicle from leaving the roadway and notes that they are used at locations where highway speeds do not exceed 40 mph. At the time that 49 CFR part 222 was issued, the American Association of State Highway and Transportation Officials (AASHTO) provided guidance that vertical curbs should not be used with speeds greater than 40 mph. Subsequently, AASHTO modified its guidance stating that vertical curbs should not be used with speeds greater than 45 mph.¹ FRA proposes to revise the definition in 49 CFR 222.9 in conformance with AASHTO’s updated guidance.

In addition, the revision of this definition is in conformance with the waivers that FRA has previously granted to applicants who have sought relief from the requirement that medians with non-traversable curbing may not be used where highway speeds exceed 40 mph. See Docket Nos. FRA-2009-0066, 2010-0137, 2012-0030, 2012-0031, 2012-0074.

¹ See Section 6.3.2.5, Policy on Geometric Design of Highways and Streets (7th Ed., 2018).

II. Section-by-Section Analysis

Section 222.9 Definitions

This proposed rule would revise the definition of a non-traversable curb, which currently provides for use of such curbs at locations where highway speeds do not exceed 40 mph, to allow use at locations where highway speeds do not exceed 45 mph. This proposed rule would thereby codify five longstanding waivers in FRA's train horn regulation.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this proposed rule. Because this rule would revise the definition of a non-traversable curb and would codify five longstanding waivers in FRA's train horn regulation, this proposed rule would impart no additional burdens on regulated entities. Moreover, this rule would provide some qualitative benefits to regulated entities and the U.S. government, by clarifying, simplifying, and updating the language of part 222. This rule, if finalized as proposed, would result in cost savings. Impacted parties would no longer be required to submit periodic, repetitive waiver requests related to the regulatory definition of a non-traversable curb. This rule would also conform FRA regulations with guidance provided by industry.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”² Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O.

14192 deregulatory action, and an E.O. 14192 regulatory action.³

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 222; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

³ Executive Office of the President. Office of Management and Budget. Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.” Memorandum M–25–20. March 26, 2025.

⁴ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

There is no new collection of information requirements contained in this proposed rule, and in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 222 were approved by OMB on Nov. 9, 2022. The information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is OMB No. 2130–0560, and OMB approval expires on Nov. 31, 2025.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in

² Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁵ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁶ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at www.regulations.gov, Docket No. FRA–2025–0120, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 222

Administrative practice and procedure, Locomotives, Railroad safety, Train horn.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 222 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Section 222.9 is amended by revising the definition of “non-traversable curb” to read as follows:

§ 222.9 Definitions

* * * * *

Non-traversable curb means a highway curb designed to discourage a motor vehicle from leaving the roadway. Non-traversable curbs are used at locations where highway speeds do not exceed 45 miles per hour and are at least six inches high. Additional design specifications are determined by the standard traffic design specifications used by the governmental entity constructing the curb.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12186 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA–2025–0122]

RIN 2130–AD57

Allowing for the Electronic Posting of Reportable Injuries and Occupational Illnesses

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would allow railroads to satisfy the requirement of electronically posting a listing of all injuries and occupational illnesses at an establishment. This proposed rule also removes some of the requirements for what information railroads must include in these listings.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES: *Comments:* Comments related to Docket No. FRA–2025–0122 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0122), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD57). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Michael Wissman, Railroad Safety Specialist, Part 225, Federal Railroad

⁵ 66 FR 28355 (May 22, 2001).

⁶ 19 U.S.C. ch. 13.

Administration, telephone: 610-314-5729, email: michael.wissman@dot.gov; or Michael C. Spinnicchia, Attorney Adviser, Federal Railroad Administration, telephone: 202-713-7671, email: michael.spinnicchia@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of Title 49, Code of Federal Regulations (CFR). The requirements for FRA-regulated entities to report accidents and incidents meeting certain criteria are established in 49 CFR part 225, "Railroad Accidents/Incidents: Reports Classification, and Investigations." Some of the requirements contained in part 225 could be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology, without any adverse effect on railroad safety. Please review the SECTION-BY-SECTION ANALYSIS below for the relevant information related to each proposed change.

II. Section-by-Section Analysis

Section 225.25 Recordkeeping

Paragraph (h) of this section requires that railroads post a listing of all injuries and occupational illnesses reported to FRA "in a conspicuous location at that establishment." Over the past several years, several Class I railroads have submitted waivers requesting permission to satisfy this posting requirement electronically.¹ FRA has granted these waivers, and is unaware of any issues that have resulted from Class I railroads using electronic posting to fulfill this requirement. Thus, FRA is proposing to allow railroads to post these injuries and illnesses electronically, if certain conditions are met.

To achieve this objective, FRA proposes to reorganize paragraph (h). The proposed introductory text of paragraph (h) contains the general posting requirement. Proposed paragraph (h)(1) states the length of time and the sequence that information should be posted. Paragraph (h)(2), which is currently addressed in paragraph (h)(15) of this section, would state that railroads do not have to post

information on an occupational injury or illness that is a privacy concern case. New paragraph (h)(3) would contain the list of information that must be included in this posting. FRA is proposing to remove some of the current requirements for these postings. Specifically, FRA proposes removing the requirement in current paragraph (h)(11) that the posting include the annual average number of railroad employees reporting to the establishment. FRA also proposes removing the signature requirement found in current paragraph (h)(12). Finally, FRA is proposing new paragraph (h)(4) which would allow railroads to post the listings required under this paragraph in an electronic format if certain conditions are met. Specifically, railroads using electronic posting would have to ensure that: employees are given instructions or training on accessing the electronic posting; there is a device at the facility employees can use to access the posting or employees are issued a device that can access the posting; and supervisors can show the posting to an employee or FRA representative upon request. These conditions are designed to ensure that railroad employees have guaranteed access to these postings if a railroad decides to post this information electronically.

Lastly, FRA will revise the FRA Guide for Preparing Accident/Incident Reports in accordance with any changes to part 225 finalized in this rulemaking.²

III. Regulatory Impact and Notices

A. Executive Orders (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866. This rule would allow railroads to electronically post a listing of injuries and occupational illnesses and would remove some of the requirements for what information railroads must include in these listings.

FRA analyzed the potential costs and benefits of this proposed rule. Since this rule would allow railroads to post listings electronically and would remove some requirements for what must be included in these listings,

benefits would include increased flexibility and decreased reporting requirements and reduced burden for railroads. Additionally, this rule would provide further clarity by making technical or conforming changes, and otherwise adjusting to advancing technology. Since this rule would not impose any new requirements, it is not expected to have additional costs.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."³ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M-25-20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁴

An E.O. 14192 deregulatory action is defined as "an action that has been finalized and has total costs less than zero." This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or "less than zero" consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁵ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently

³ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065-9067 (Feb. 6, 2025).

⁴ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation."* Memorandum M-25-20. March 26, 2025.

⁵ Public Law 104-121, 110 Stat. 857 (Mar. 29, 1996).

¹ See, e.g. FRA-2018-0083.

² <https://railroads.dot.gov/elibrary/fra-guide-preparing-accidentincident-reports-0>.

owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 225; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult either person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and there are no new collection of information requirements contained in this proposed rule, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The recordkeeping and reporting requirements already contained in part 225 were approved by the Office of Management and Budget (OMB) on December 5, 2023, and the information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is 2130–0500, and OMB approval expires on December 31, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not

involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁶ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁷ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](http://www.regulations.gov), Docket No. FRA–2025–0122, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 225 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 225—RAILROAD ACCIDENTS/ INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS

■ 1. The authority citation for part 225 continues to read as follows:

⁶ 66 FR 28355 (May 22, 2001).

⁷ 19 U.S.C. Ch. 13.

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 225.25(h) to read as follows:

§ 225.25 Recordkeeping.

* * * * *

(h) Except as provided in paragraph (h)(2) of this section, a listing of all injuries and occupational illnesses reported to FRA as having occurred at an establishment shall be posted in a conspicuous location at that establishment, within 30 days after the expiration of the month during which the injuries and illnesses occurred, if the establishment has been in continual operation for a minimum of 90 calendar days. If the establishment has not been in continual operation for a minimum of 90 calendar days, the listing of all injuries and occupational illnesses reported to FRA as having occurred at the establishment shall be posted, within 30 days after the expiration of the month during which the injuries and illnesses occurred, in a conspicuous location at the next higher organizational level establishment, such as one of the following: an operating division headquarters; a major classification yard or terminal headquarters; a major equipment maintenance or repair installation, *e.g.*, a locomotive or rail car repair or construction facility; a railroad signal and maintenance-of-way division headquarters; or a central location where track or signal maintenance employees are assigned as a headquarters or receive work assignments. These examples include facilities that are generally major facilities of a permanent nature where the railroad generally posts or disseminates company informational notices and policies, *e.g.*, the policy statement in the internal control plan required by § 225.33 concerning harassment and intimidation. At a minimum, “establishment” posting is required and shall include locations where a railroad reasonably expects its employees to report during a 12-month period and to have the opportunity to observe the posted list containing any reportable injuries or illnesses they have suffered during the applicable period.

(1) This listing shall be posted and shall remain continuously displayed for the next 12 consecutive months. Incidents reported for employees at that establishment shall be displayed in date sequence.

(2) Railroads do not have to post information on an occupational injury or illness that is a privacy concern case.

(3) The listing shall contain all of the following information:

- (i) Name and address of the establishment.
- (ii) Calendar year of the cases being displayed.
- (iii) Incident number used to report case.
- (iv) Date of the injury or illness.
- (v) Location of incident.
- (vi) Regular job title of employee injured or ill.
- (vii) Description of the injury or condition.
- (viii) Number of days employee was absent from work at time of posting.
- (ix) Number of days of work restriction for employee at time of posting.
- (x) If the employee died, include the date of death.
- (xi) The preparer’s name, title, and telephone number (including the area code).
- (xii) The date the record was completed.
- (xiii) When there are no reportable injuries or occupational illnesses associated with an establishment for a month, the listing shall reference this fact.
- (4) A railroad may maintain the posting required under paragraph (h) of this section in electronic format if:
 - (i) Employees are provided instructions or training on how to properly access the electronic posting;
 - (ii) There is a device at the facility which employees may use to access the posting or employees are issued a device that can access the posting; and
 - (iii) Supervisors at the establishment can show the posting to employees or an FRA representative upon request.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,

Chief Counsel.

[FR Doc. 2025–12177 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA–2025–0124]

RIN 2130–AD59

Retiring Form FRA F 6180.107 and Form FRA F 6180.150

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would retire Form FRA F 6180.107, “Alternative Record for Illnesses Claimed to be Work-Related” (Form 6180.107), and Form FRA F 6180.150, “Highway User Injury Inquiry Form” (Form 6180.150). The proposed rule would also change the record retention period required under FRA’s accident reporting regulations and make other technical corrections.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES: *Comments:* Comments related to Docket No. FRA–2025–0124 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0124), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD59). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Michael Wissman, Railroad Safety Specialist, Part 225, Federal Railroad Administration, telephone: 610–314–5729, email: michael.wissman@dot.gov; or Michael C. Spinnicchia, Attorney Adviser, Federal Railroad Administration, telephone: 202–713–7671, email: michael.spinnicchia@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of Title 49, Code of Federal Regulations (CFR). The requirements for FRA-regulated entities to report accidents and incidents meeting certain criteria

are established in 49 CFR part 225, “Railroad Accidents/Incidents: Reports Classification, and Investigations.” Some of the requirements contained in part 225 could be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. Please review the Section-by-Section Analysis below for the relevant information related to each proposed change.

II. Section-by-Section Analysis

Section 225.3 Applicability

As is discussed in the Section-by-Section Analysis for § 225.33, FRA is proposing the removal of § 225.33(a)(11). Since the introductory text of § 225.3(b) currently references § 225.33(a)(3) through (11), FRA is proposing to revise this text to refer to § 225.33(a)(3) through (10).

Section 225.21 Forms

Section 225.25 Recordkeeping

FRA is proposing to retire Form 6180.107 and Form 6180.150. Form 6180.107 is a form railroads may use in lieu of Form FRA F 6180.98, “Railroad Employee Injury and/or Illness Record,” (Form 6180.98) to record illnesses claimed by an employee to be work-related but for which there is insufficient information for the railroad to determine work-relatedness. FRA initially proposed the creation of this form because it thought it would promote better accounting of contested illness claims, provide an appropriate audit trail, and “result in a body of information that can be used in the future for research into the causes of prevalent illnesses.”¹

Two decades later, the desired benefits of this form have not come to fruition as railroads rarely use this form. Furthermore, § 225.21(h) already allows railroads to use alternative designed forms, in lieu of Form 6180.98, to record accountable injuries and illnesses. Form 6180.107 is rarely used and has not achieved its desired goals. For railroads that want to continue using this form, § 225.21(h) would allow them to design their own form that is modeled after Form 6180.107. Therefore, FRA proposes retiring this form and removing §§ 225.21(j) and 225.25(i)–(j) which describe the requirements for completing Form 6180.107 or an alternative railroad-designed form in lieu of Form 6180.107.

Railroads are required to send Form 6180.150 to every potentially injured highway user in a highway-rail grade

crossing accident. The form was designed to assist railroads in making determinations about whether a highway user incurred an injury that must be reported to FRA. However, similar to Form 6180.107, Form 6180.150’s intended goals have not been attained. FRA estimates that railroads receive responses from approximately 1% of highway users that are sent this form. Thus, FRA is proposing retiring this form and removing § 225.21(k).

Section 225.27 Retention of Records

Paragraph (a) of this section creates two categories of retention periods for certain FRA forms and the monthly listing of injuries and illnesses required by § 225.25: a five-year retention period and a two-year retention period. In the interest of uniformity, FRA is proposing that all records subject to this paragraph have a single retention period. FRA expects that a five-year retention period is unnecessarily long. However, a two-year retention period may be too short given FRA’s audit schedule. Thus, FRA is proposing to revise this paragraph so that all records must be retained for at least three years after the end of the calendar year to which they relate. Since FRA is proposing retiring Form 6180.107 and Form 6180.150, these forms have also been removed from proposed paragraph (a).

Section 225.33 Internal Control Plans

Paragraph (a)(11) of this section requires a railroad’s internal control plan to include a statement specifying the name, title, and address of the custodian of a railroad’s Form 6180.107’s or the alternate railroad-designed forms. Since FRA is proposing retiring the Form 6180.107, FRA is also proposing removing this paragraph.

Section 225.35 Access to Records and Reports

Since FRA is proposing retiring Form 6180.107, it is also proposing removing the references to Form 6180.107 in paragraph (b) of this section. In addition, paragraph (b) incorrectly cites to § 225.31(b) for FRA’s subpoena authority. FRA is proposing correcting this citation to § 225.31(a)(2).

Lastly, FRA will revise the FRA Guide for Preparing Accident/Incident Reports in accordance with any changes to part 225 finalized in this rulemaking.²

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this proposed rule. FRA concluded that this proposed rule may impart minimal additional burden on regulated entities, but overall would provide greater relief to railroads. Regulated entities may see a minimal increased burden to retain certain forms for an additional year under the proposed rule. However, those same entities would also see a decreased burden by other forms that have a shorter retention period (three years instead of five years). FRA expects any potential additional burden to be outweighed by the benefits of this NPRM, and therefore estimates the proposed rule to be overall cost beneficial. Because this proposed rule would retire two FRA Forms and change the retention period under § 225.27(a), this proposed rule would provide qualitative benefits by requiring regulated entities to fill out fewer forms and require less storage and retention. This rule will also provide flexibility by clarifying, simplifying, and updating the language of part 225.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”³ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁴

An E.O. 14192 deregulatory action is defined as “an action that has been

³ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

⁴ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. March 26, 2025.

² <https://railroads.dot.gov/elibrary/fra-guide-preparing-accidentincident-reports-0>.

¹ 67 FR 63022, 63031 (Oct. 9, 2002).

finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁵ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule may impart minimal additional burden under part 225, but overall would provide greater relief to railroads. This proposed rule offers flexibilities that would result in cost savings. By extending this regulatory relief, small regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or

governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and there are no new collection of information requirements contained in this proposed rule, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The recordkeeping and reporting requirements already contained in part 225 were approved by the Office of Management and Budget (OMB) on December 5, 2023, and the information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is 2130–0500, and OMB approval expires on December 31, 2026. However, this proposed rule will decrease the paperwork burden in 49 CFR part 225 by retiring Form 6180.107 and Form 6180.150. All other paperwork requirements within part 225 remain the same. By removing this reporting and recordkeeping requirement, the currently approved total burden of 30,284 hours will decrease by 904 hours for a revised estimate of 29,380 hours.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁶ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁷ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without

⁵ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

⁶ 66 FR 28355 (May 22, 2001).

⁷ 19 U.S.C. Ch. 13.

edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](http://www.regulations.gov), Docket No. FRA-2025-0124, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 225 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

- 1. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901-20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. Revise § 225.3(b) introductory text to read as follows:

§ 225.3 Applicability.

* * * * *

(b) The Internal Control Plan requirements in § 225.33(a)(3) through (a)(10) do not apply to:

* * * * *

- 3. Remove § 225.21(j) and (k).

- 4. Remove § 225.25(i) and (j).

- 5. Revise § 225.27(a) to read as follows:

§ 225.27 Retention of records.

(a) Each railroad shall retain all of the following records for at least three years after the end of the calendar year to which they relate:

(1) Form FRA F 6180.98, "Railroad Employee Injury and/or Illness Record."

(2) Monthly List of Injuries and Illnesses required by § 225.25.

(3) Form FRA F 6180.97, "Initial Rail Equipment Accident/Incident Record," required by § 225.25.

(4) The Employee Human Factor Attachments (Form FRA F 6180.81, "Employee Human Factor Attachment")

required by § 225.12, that have been received by the railroad.

(5) The written notices to employees required by § 225.12 (Part I of Form FRA F 6180.78, "Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor; Employee Statement Supplementing Railroad Accident Report"), that have been received by the railroad.

(6) The employee statements supplementing railroad accident reports described in § 225.12(g) (Part II of Form FRA F 6180.78, "Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor; Employee Statement Supplementing Railroad Accident Report"), that have been received by the railroad.

* * * * *

- 6. Remove § 225.33(a)(11).

- 7. Revise § 225.35(b) to read as follows:

§ 225.35 Access to records and reports.

* * * * *

(b) Each railroad subject to this part shall also provide to any representative of the Federal Railroad Administration or of a State agency participating in investigative and surveillance activities under part 212 of this chapter or any other authorized representative access to relevant medical and claims records for examination and photocopying in a reasonable manner during normal business hours. Such representatives shall display proper credentials when requested. Each railroad shall identify the locations where a copy of any record and report required under this part is accessible for inspection and photocopying by maintaining a list of such establishment locations at the office where the railroad's reporting officer conducts his or her official business. A copy of any record and report required under this part shall be accessible within four business hours after the request. FRA will not assess a monetary penalty against the railroad for its failure to provide the requested documentation when circumstances outside the railroad's control preclude it from fulfilling the four-business-hour time limit and the railroad has made a reasonable effort to correct the problem. Should a railroad assert a legal privilege with respect to certain claims and medical records, failure to provide FRA access to such records would not constitute a violation of this section. FRA retains the right to issue a subpoena to obtain such records under 49 U.S.C. §§ 20107 and 20902 and §§ 209.7(a) and 225.31(a)(2) of this title,

and the railroad may contest that subpoena.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA-2025-0123]

RIN 2130-AD58

Miscellaneous Amendments to FRA's Accident Reporting Regulations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would make various miscellaneous amendments to FRA's accident reporting regulations. Specifically, these amendments would promote submitting documents to FRA electronically, would eliminate redundant regulations, and would allow railroads with additional time to complete certain forms.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA-2025-0123 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA-2025-0123), and Regulatory Identification Number (RIN) for this rulemaking (2130-AD58). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Michael Wissman, Railroad Safety Specialist, Part 225, Federal Railroad Administration, telephone: 610-314-5729, email: michael.wissman@dot.gov; or Michael C. Spinnicchia, Attorney Adviser, Federal Railroad Administration, telephone: 202-713-7671, email: michael.spinnicchia@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of Title 49, Code of Federal Regulations (CFR). The requirements for FRA-regulated entities to report accidents and incidents meeting certain criteria are established in 49 CFR part 225, "Railroad Accidents/Incidents: Reports Classification, and Investigations" (Part 225). Some of the requirements contained in part 225 could be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. Please review the SECTION-BY-SECTION ANALYSIS below for the relevant information related to each proposed change.

II. Section-by-Section Analysis*Section 225.5 Definitions*

Part 225 currently contains separate definitions of "railroad" and "railroad carrier" even though this section states that "railroad" means a railroad carrier and "railroad carrier" means a person providing railroad transportation. Since these two definitions are duplicative, FRA is proposing revising the definition of "railroad" to "a person providing railroad transportation" and removing the definition of "railroad carrier." Also, since the definition of "highway-rail grade crossing" references "railroad carrier," FRA is proposing removing the word "carrier" from that definition. Lastly, the definition of "privacy concern case" appears before the definition of "person." FRA is proposing switching the order of these two definitions so that they are in alphabetical order.

Section 225.6 Consolidated Reporting

FRA proposes to reorganize this section to make it more readable for regulated entities. FRA is also proposing several substantive changes to this

section in the interest of efficiency. First, FRA proposes to add paragraph (b)(2) which lists eight factors that railroads should address in their consolidated reporting requests. These are the factors that FRA currently considers when deciding whether to grant such requests. Listing these factors in this section would better inform railroads of what information they should include in their requests. Thus, this proposed change would assist railroads in drafting more well-organized requests and would make it less likely that FRA would have to ask the railroad for additional information. While a railroad does not necessarily have to prove that all eight factors are present for FRA to grant a request, railroads should be aware that the most important factor in FRA's determination is listed in proposed paragraph (b)(2)(i) (whether all of the properties are physically connected and by what means).

Next, paragraph (c) proposes that railroads submit their consolidated reporting requests to FRA via email instead of by mail. The last substantive proposed change is in paragraph (d), which proposes reducing FRA's review period for these requests from 90 days to 60 days. Proposed paragraph (d) notes that FRA's 60-day deadline will be tolled while the agency is waiting for any additional information it requests from the railroad.

Section 225.7 Use of Reports

FRA proposes removing paragraph (a) of this section, as it is redundant of DOT's regulations related to the Freedom of Information Act in 49 CFR part 7. The continued inclusion of paragraph (a) in this section unnecessarily risks confusion. Since this section would no longer address "public examination," FRA proposes renaming this section title to "Use of reports." Lastly, FRA proposes to retain the text of paragraph (b) of this section but would remove the paragraph designation and would instead be the only text found in § 225.7.

Section 225.12 Rail Equipment Accident/Incident Reports Alleging Employee Human Factor as Cause; Employee Human Factor Attachment; Notice to Employee; Employee Supplement

FRA proposes revising paragraph (h)(2) of this section to remove the fixed \$5,000 fine amount and instead state that such persons be subject to a fine under title 18 of the U.S. code.

Section 225.13 Late Reports

FRA proposes revising this section to instruct railroads to submit their late reports via email.

Section 225.25 Recordkeeping

FRA proposes revising paragraph (f) of this section to allow railroads 15 calendar days (instead of 7 working days) to enter each reportable and accountable injury and illness and each reportable and accountable rail equipment accident/incident on the appropriate record as required by § 225.25(a)-(e). This proposed change would give railroads additional time to ensure the accuracy of the information on these forms.

Lastly, FRA will revise the FRA Guide for Preparing Accident/Incident Reports in accordance with any changes to part 225 finalized in this rulemaking.¹

III. Regulatory Impact and Notices*A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this proposed rule. Because this proposed rule makes administrative changes such as revising definitions, allowing railroads to submit information to FRA electronically, and lists suggesting factors to be included in consolidated reporting requests, this final rule imparts minimal to no additional burdens on regulated entities. Moreover, this proposed rule would provide some qualitative benefits to regulated entities and the U.S. government by clarifying, simplifying, and updating the language of part 225. This rule would also provide flexibility to regulated entities by increasing the time given to railroads for completing certain forms from 7 working days to 15 calendar days. Additionally, this rule would expedite the speed at which documents are delivered while reducing costs that would otherwise exist from having to physically print, mail, and process documents.

¹ <https://railroads.dot.gov/elibrary/fra-guide-preparing-accidentincident-reports-0>.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”² Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.³

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a

substantial number of small entities. This proposed rule may impart minimal additional burden under part 225, but overall would provide greater relief to railroads. This proposed rule offers flexibilities that would result in cost savings. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and there are no new collection of information requirements contained in this proposed rule, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The recordkeeping and reporting requirements already contained in part 225 were approved by the Office of Management and Budget (OMB) on December 5, 2023, and the information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is 2130–0500, and OMB approval expires on December 31, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁵ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁶ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where

² Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

³ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. March 26, 2025.

⁴ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

⁵ 66 FR 28355 (May 22, 2001).

⁶ 19 U.S.C. Ch. 13.

appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](http://www.regulations.gov), Docket No. FRA-2025-0123, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 225 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 225—RAILROAD ACCIDENTS/ INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 225.5 by putting the definition for “privacy concern case” after the definition of “person,” removing the word “carrier” from paragraph (2) under the definition of “highway-rail grade crossing,” removing the definition of “railroad carrier,” and revising the definition of “railroad” to read as follows:

§ 225.5 Definitions.

* * * * *

Railroad means a person providing railroad transportation.

* * * * *

■ 3. Revise § 225.6 to read as follows:

§ 225.6 Consolidated reporting.

(a) A parent corporation may request in writing that FRA treat its commonly controlled railroads, which operate as a single, seamless, integrated United States rail system, as a single railroad for purposes of this part.

(b) The written request must include all of the following:

(1) A list of the subsidiary railroads controlled by the parent corporation.

(2) An explanation as to how the subsidiary railroads operate as a single, seamless, integrated United States railroad system as opposed to separate and independent entities. This explanation should address factors such as:

(i) Whether all of the properties are physically connected, and by what means (*i.e.*, is the track contiguous, are the properties connected by track rights);

(ii) Whether the parent and its subsidiaries are held out to the public as a single entity;

(iii) Whether the parent is involved in the decision-making of its subsidiaries, and to what extent;

(iv) Whether the parent and/or subsidiaries share officers, equipment, and/or other personnel;

(v) Whether the operation of trains and crews are seamless, as trains and crews move over various properties with most employees unaware that they have changed property owners;

(vi) Whether there is a single set of operating rules over all of the properties (there may be different signal and train control systems);

(vii) Whether there is a single Internal Control Plan or a single reporting or claims officer; and

(viii) Whether there is a single dispatching center.

(3) Supporting evidence or documentation, to the extent reasonably practicable, to support the parent corporation's assertion that the subsidiary railroads operate as a single, seamless, integrated railroad system. If it is not practical to submit documentation for certain factors, the parent corporation should identify the location of the supporting evidence.

(4) A point of contact at the parent corporation and all subsidiary railroads to address agency questions related to the consolidated reporting petition.

(c) The request must be sent via email to RsisAiReports@dot.gov. Each request received shall be acknowledged in writing via email and shall contain the docket number assigned to the request.

(d) FRA will notify the applicant parent corporation of the agency's decision within 60 days of receipt of the application. This deadline will be tolled pending any FRA requests to the parent corporation or subsidiary railroads for missing or additional information needed for the agency to reach a decision.

(e) If FRA approves the request, the parent corporation must enter into a written agreement with FRA specifying which subsidiaries are included in its railroad system, agreeing to assume responsibility for compliance with this part for all named subsidiaries making up the system, and consenting to guarantee any monetary penalty assessments or other liabilities owed to the United States government that are incurred by the named subsidiaries for violating Federal accident/incident reporting requirements. Any change in the subsidiaries making up the railroad system requires immediate notification to FRA and execution of an amended agreement. Executed agreements will be published in the docket for the petition.

■ 4. Revise and republish § 225.7 to change the title to “Use of reports,” and remove paragraph (a), to read as follows:

§ 225.7 Use of reports.

49 U.S.C. 20903 provides that monthly reports filed by railroads under § 225.11 may not be admitted as evidence or used for any purpose in any action for damages growing out of any matters mentioned in these monthly reports. The Employee Human Factor Attachment, Notice, and Employee Supplement under § 225.12 are part of the reporting railroad's accident report to FRA pursuant to 49 U.S.C. 20901 and, as such, shall not “be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report * * *.” 49 U.S.C. 20903.

■ 5. Revise § 225.12(h)(2) to read as follows:

§ 225.12 Rail Equipment Accident/Incident Reports alleging employee human factor as cause; Employee Human Factor Attachment; notice to employee; employee supplement.

* * * * *

(h) * * *

(2) Any person who knowingly and willfully files a false Supplement is subject to a fine under title 18 of the U.S. Code, imprisonment for up to two years, or both, in accordance with 49 U.S.C. 21311(a).

■ 6. In § 225.13, revise the first sentence to read as follows:

§ 225.13 Late reports.

Whenever a railroad discovers that a report of an accident/incident, through mistake or otherwise, has been improperly omitted from or improperly reported on its regular monthly accident/incident report, a report covering this accident/incident together with a letter of explanation must be submitted immediately by email to RsisAiReports@dot.gov.

* * * * *

■ 7. In § 225.25(f), replace “seven working days” with “15 calendar days”.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12179 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 229**

[Docket No. FRA–2025–0126]

RIN 2130–AD50

Expanding Certain Locomotive Wheel Set Diameter Variations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to amend its locomotive safety regulations to expand the maximum permitted variation in diameter for locomotive wheel sets using alternating current technology, in response to a Class I railroad’s May 2019 petition for rulemaking and innovations in traction motor control.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0126 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0126), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD50). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the

Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Gary Fairbanks, Staff Director, Motive Power & Equipment Division, Federal Railroad Administration, telephone: (202) 230–9594, email: gary.fairbanks@dot.gov; or Michael Masci, Attorney Adviser, Federal Railroad Administration, telephone: (202) 302–7177, email: michael.masci@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America’s economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). Under 49 CFR part 229, *Railroad Locomotive Safety Standards*, FRA prescribes minimum Federal safety standards for all locomotives except those propelled by steam power. Some of the requirements contained in part 229 could be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. Please review the Section-by-Section Analysis below for the relevant information related to each proposed change.

II. Section-by-Section Analysis*Section 229.73 Wheel Sets*

FRA proposes to amend paragraph (b) of this section to expand the maximum permitted variation in diameter for locomotive wheel sets using alternating current (AC) technology. In May 2019, Union Pacific Railroad submitted a petition for rulemaking under 49 CFR part 209 on the basis that “[n]ew technology with individual axle control developed and placed in service after 1980 provides the basis for change which will result in better customer service through a reduction of locomotive out of service time and

increased wheel life without impacting safety.”¹

Generally, excessive wheel size variation is a safety concern due to the potential impact on wheel slip and truck dynamics. For older locomotives equipped with direct current (DC) traction motors, excessive wheel size variation causes current imbalance and triggers wheel slip corrections, including unnecessary sanding, removing tractive effort, and removing power. These corrections can have adverse effects on the equipment and efficiency of operations but are necessary to prevent more serious safety hazards like damage to the rail. Newer locomotives equipped with AC traction motors utilize single axle control technology to apply voltage and control current more precisely to each wheel set based on operating conditions. As such, the AC traction motors function as an independent wheel slip correction system that do not use wheel size variation as a trigger for correction.

Despite the improvements to prevent wheel slip, wheel sets on locomotives equipped with AC traction motors still need to minimize wheel size variation to help maintain proper truck dynamics. Excessive wheel size variation can decrease the effectiveness of weight distribution from corresponding trucks, and the trucks’ inability to help absorb the impact of a shifting load could lead to a derailment.

Existing paragraph (b) of § 229.73 specifies that the maximum variation in the diameter between any two wheel sets on different trucks on a locomotive that has three-powered-axle trucks may not exceed 1¼ inches. FRA proposes to separate the existing requirement in current paragraph (b) into new paragraphs (b)(1)(i) and (b)(1)(ii), generally continuing the current 1¼ inch maximum variation for wheel sets on older locomotives equipped with DC traction motors. FRA proposes to add a new paragraph (b)(2)(i), generally allowing a 1½ inch maximum variation for wheel sets on newer locomotives equipped with AC traction motors that utilize single axle control. Proposed new paragraph (b)(2)(ii) would eliminate the wheel set variation requirement of this section for wheel sets on non-powered axles on locomotives equipped with AC traction motors that utilize single axle control because FRA does not expect wheel variation to have a significant impact on truck dynamics in that case. FRA expects this proposal would better

¹ UP’s petition for rulemaking is available in Docket No. FRA–2025–0126 on <https://www.regulations.gov>.

accommodate new technology and maintain current levels of safety.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this proposed rule under E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866. This proposed rule would amend FRA's locomotive safety regulations to expand the maximum permitted variation in diameter for wheel sets using alternating current technology.

FRA expects that this proposed rule would result in cost savings to the industry as it would increase a maximum threshold for certain locomotives under 49 CFR 229.73(b) due to innovations in traction motor control. This would, in turn, result in a reduction of locomotive out-of-service time and increased wheel life without impacting safety. The increased allowable variation would help reduce the regulatory burden on the railroad industry while maintaining proper truck dynamics.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”² Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.³

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule.

While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 229; it merely offers flexibilities that could result in cost savings if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

⁴ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule would not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant

² Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

³ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

energy action.” FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000). The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁵ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <https://www.regulations.gov>, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at <https://www.regulations.gov>, Docket No. FRA-2025-0126, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 229

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 229 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20137–38, 20143, 20168, 20701–03, 21301–02, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 229.73 by revising paragraph (b) to read as follows:

§ 229.73 Wheel sets.

* * * * *

(b) The maximum variation in the diameter between any two wheel sets (the average diameter of the two wheels on an axle) shall not exceed the following:

(1) For wheel sets on locomotives equipped with direct current traction motors:

(i) Within the same three-powered-axle truck, $\frac{3}{4}$ inch, except that when shims are used at the journal box springs to compensate for wheel diameter variation, the maximum variation may not exceed $1\frac{1}{4}$ inches.

(ii) On different trucks on a locomotive that has three-powered-axle trucks, $1\frac{1}{4}$ inches.

(2) For wheel sets on locomotives equipped with alternating current traction motors that utilize individual truck or single axle control technology:

(i) Powered axles, $1\frac{1}{2}$ inches, with or without shims.

(ii) Non-powered axles in the middle of two powered axles, the restriction of $1\frac{1}{2}$ inches, with or without shims, does not apply.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025-12159 Filed 6-27-25; 4:15 pm]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 229, 232, and 238

[Docket No. FRA-2025-0130]

RIN 2130-AD24

Amendments to Brake System Maintenance and Inspection Requirements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to amend its mechanical equipment safety standards related to brake inspections for passenger and freight rail equipment. The proposed changes focus on the incorporation of longstanding waivers for locomotive brake system maintenance and inspection requirements. The amendments are consistent with the mandates of the Infrastructure Investment and Jobs Act (IIJA), which require FRA to review and analyze certain longstanding waivers to determine whether incorporating the waivers into FRA’s regulations is justified, and the Executive Order for Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA-2025-0130 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA-2025-0130), and Regulatory Identification Number (RIN) for this rulemaking (2130-AD24). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the

⁵ 19 U.S.C. ch. 13.

online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Gary Fairbanks, Supervisory Railroad Safety Specialist, FRA, telephone: (202) 230-9594, email: Gary.Fairbanks@dot.gov; or James Mecone, Attorney Adviser, FRA, telephone: (202) 380-5324, email: James.Mecone@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). Some of the requirements contained in 49 CFR parts 229, 232, and 238 could be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. The amendments proposed in this NPRM would codify certain waivers to make permanent the safety benefits of these waivers and eliminate uncertainty about potential extensions. The codification of these waivers would also eliminate the need for railroads to submit waiver petitions (and repeated extensions of those waivers every five years) from the various applicable regulations and FRA's review and approval burden for the waiver petitions and extension requests. Please review the Section-by-Section Analysis below for the relevant information related to each proposed change.

II. Section-by-Section Analysis

PART 229—LOCOMOTIVE SAFETY STANDARDS

Section 229.29 Air Brake System Calibration, Maintenance, and Testing

This section currently provides requirements for periodic calibration, maintenance, and testing of locomotive air brake systems. FRA proposes to extend brake equipment service life and maintenance intervals for periodic cleaning, repairing, and testing of air brake equipment, based on extensive industry and FRA experience implementing test waivers. For industry convenience and clarity, FRA also proposes to improve consistency between passenger locomotive standards located in parts 229 and 238, by reorganizing and restating certain requirements. FRA recognizes that some equipment on passenger railroads must

comply with both §§ 229.29 and 238.309, which currently require the same brake maintenance, but are expressed differently. FRA's proposal includes editorial changes to match terms and definitions in both parts 229 and 238.

FRA proposes to remove existing paragraph (b) of this section and combine its requirements with those in § 232.205(c)(1)(iii) for clarity and ease of reference. As discussed in the analysis of § 232.205(c)(1)(iii) below, FRA is proposing to revise the requirements to account for the use of digital air flow method (AFM) indicators. Part 232 already includes the use of digital AFMs as an acceptable option for conducting a brake test.¹ Additionally, FRA proposes to remove existing paragraph (g)(1) requiring that the date of AFM indicator calibration be recorded on form FRA F 6180-49A (the blue card). This requirement is already codified at 49 CFR 232.205(c)(1)(iv).

With the removal of existing paragraph (b), FRA proposes to redesignate existing paragraph (c) as paragraph (b) and to revise new paragraph (b)(1) to account for the use of electronic air brake (EAB) control valves. This revision effectively codifies a condition of the longstanding waiver in Docket Number FRA-2005-21613.

The longstanding waiver in Docket Number FRA-2005-21613 involves locomotive EAB systems manufactured by New York Air Brake (NYAB) (CCB-1, CCB-2, and CCB-26), and Wabtec (EPIC 3102D2, EPIC 2, and FastBrake). Approximately 17,000 locomotives in the U.S. (over half the U.S. locomotive operating fleet) and approximately 70 percent of the Class I operating fleet are equipped with these types of brakes. These brake systems electronically control the pneumatic brakes on freight locomotives. During the course of this waiver, the test committee overseeing implementation of the relief concluded that the periodic inspection period interval for these brake systems could be extended from 1,472 days to 3,680 days.²

FRA proposes to redesignate paragraphs (d) as paragraph (c), and to redesignate paragraph (e) as paragraph (c).

FRA proposes to revise redesignated paragraph (e) to update the intervals and be consistent with the language in § 238.309(b). First, FRA proposes to revise the reference to "26 L or equivalent brake system" in paragraph

(e)(1) to a full listing of all 26 type brake systems and to generally identify those brake systems as "26 type brake systems." Consistent with that change, FRA proposes to revise the reference to 26 L or equivalent brake systems in paragraph (e)(2) to "26 type brake systems."

FRA proposes to revise redesignated paragraph (e)(3) to remove the references to brake systems subject to longstanding age exploration waivers.

FRA proposes to add new paragraphs (e)(4) through (6) to incorporate the results of age exploration waiver in docket number FRA-2005-21613.

FRA proposes to add new paragraphs (f) and (g) to incorporate specific conditions of the waiver in docket number FRA-2005-21613. These paragraphs would require maintenance of the critical components of the brake systems designed to control contaminants to ensure the effectiveness of those systems throughout the inspection cycle.

Finally, FRA proposes to redesignate paragraph (g) as paragraph (h). Specifically, FRA proposes to redesignate paragraph (g)(2) as paragraph (h)(1), and to redesignate paragraph (g)(3) as paragraph (h)(2) and modify redesignated paragraph (h)(2) with the provision for a unique employee identifier to permit the use of electronic signature of required records. As described above, FRA proposes to remove existing paragraph (g)(1) requiring a record of the AFM indicator calibration date on form FRA F 6180-49A (the blue card) because this requirement is already codified at 49 CFR 232.205(c)(1)(iv).

PART 232—BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES

Section 232.205 Class I Brake Test-Initial Terminal Inspection

As noted above, FRA is proposing to combine the requirements of existing paragraph (b) of § 229.29 with those of paragraph (c)(1)(iii) of this section. Specifically, FRA proposes to revise paragraph (c)(1)(iii) to address the use of digital AFM indicators. The existing regulation governs the use and calibration of standalone analog mechanical AFM indicators, but, recognizing the self-diagnostic capabilities of these digital devices, a longstanding FRA test waiver extended the calibration interval to 184 days.³

¹ § 232.205(c)(1)(ii).

² See <https://www.regulations.gov/document/FRA-2005-21613-0129>. There are no comments in opposition to the relief in this docket.

³ Docket Number FRA-2016-0086.

This has resulted in 98 percent of AFM devices remaining in calibration for each day of the 184-day interval without attention (as compared to 78 percent remaining in calibration prior to the waiver).

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

Section 238.307 Periodic Mechanical Inspection of Passenger Cars and Unpowered Vehicles Used in Passenger Trains

FRA proposes to add paragraph (d)(4) to require the execution and passing of a self-test of all EAB systems as part of the 368-day periodic mechanical inspection. This requirement is intended to make paragraph (d)(4) consistent with a similar requirement to perform the self-test on EAB systems at the level one inspection for locomotives at § 229.29(b)(1) and effectively codifies the requirements of the longstanding waiver in Docket No. FRA–2005–21613.

Section 238.309 Periodic Brake Equipment Maintenance

FRA proposes to extend brake equipment service life and maintenance intervals for periodic cleaning, repairing, and testing of air brake equipment, based on extensive industry and FRA experience implementing test waivers. For industry convenience and clarity, FRA also proposes to improve harmonization between passenger locomotive standards located in 49 CFR parts 229 and 238, by reorganizing and restating certain requirements. FRA recognizes that some equipment on passenger railroads must comply with both § 229.29, Air brake system calibration, maintenance, and testing, and § 238.309, which collectively require the same brake maintenance but are expressed differently. Accordingly, FRA proposes reordering the requirements in § 238.309 within each type of equipment category, in chronological order, by length of service period, and also proposes replacing the word “every” with the phrase “at intervals that do not exceed” to match the language in § 229.29. These changes would clarify the period of performance or maintenance governed by § 238.309.

Additionally, in § 238.309, FRA uses the term “fleet” regarding whether equipment is (or is not) equipped with air dryers. FRA considers a “fleet” to be a group of equipment that operates independently of other groups of equipment on a railroad. Typically, this equipment is operated interchangeably and maintained uniformly within its group, but not operated with equipment outside of the group. Testing on the EAB

valves specified in this proposed section has shown that recently designed brake systems have sufficient internal filtration and engineering design to withstand operation without air dryers, and be safe and suitable for service during intervals between the proposed inspections. Older air brake equipment may use metallic piston rings, brass-on-brass slide valves, and older filtration schemes that have not proven to withstand non-dryer treated air for extended use. Therefore, FRA proposes to continue its two-tiered approach to the use of air dryers for older air brake systems and require separate operation of fleets if a railroad desires to utilize the longer maintenance period for older equipment fitted with air dryers.

For DMU and MU locomotives, FRA proposes to move present paragraph (b)(2) to new paragraph (b)(3) with modifications. Modified (b)(2) would retain the 1,104-day⁴ inspection frequency but be assigned to only brake systems not listed in new paragraphs (b)(3) through (b)(7) that are for brake systems that are air dryer equipped.

New paragraph (b)(3) would make DMU and MU locomotive air brake requirements consistent with the freight locomotive requirements found at existing § 229.29(f)(2) (proposed to be redesignated as (e)(2)). As such, all of these different types of locomotives equipped with 26-type brake equipment with air dryers, would be permitted 1,472 days between inspections.

Proposed new paragraphs (b)(4) through (7) would incorporate the findings of AAR’s 2005 test waiver for the service life extension of EABs. See Docket No. FRA–2005–21613. While the principal investigations for the service life extension were conducted by freight railroads in cooperation with manufacturers of EABs and interested parties, in 2013 the American Public Transportation Association petitioned and received relief for consistency of passenger locomotives and cab cars equipped with EABs with the requirements of proposed § 229.29(e)(4)–(6), therefore “piggybacking” on Docket no. FRA–2005–21613. See FRA–2007–28306–0011. FRA is proposing to move current paragraph (b)(3) to paragraph (b)(4) and modify it by the addition of EPIC 1 (formerly EPIC 3102) to the list of brake systems permitted 1,840 days between

cleaning, repair, and test, to be consistent with the requirement of § 229.29. As explained regarding EAB valves, FRA is also proposing deleting the requirement for air dryers for the brake systems listed in paragraph (b)(4). The reference to KBC’s “KBCT1” is being removed from this paragraph and placed in paragraph (b)(7) as “CT–1.”

In 2004, Long Island Rail Road (LIRR) and Metro-North Commuter Railroad (MNCR) petitioned and were granted a waiver of compliance from FRA for age exploration of the KBC CT–1 air brake for their fleets of M–7 MU locomotives to extend time intervals between brake maintenance cycles beyond the five years (1,840 days) required in § 238.309 (Docket No. FRA–2004–17099). After completing 12 years of thorough testing and component evaluation, the waiver test committee recommended a 10-year (3,680-day) interval for cleaning, repair, and test. The LIRR (836 cars) and the MNCR (336 cars) M–7 fleets entered revenue service between 2002 and 2007.

In 2013, FRA granted MNCR’s petition to add its M–8 fleet (405 units) identified as a KBC CT–1a air brake system to Docket No. FRA–2004–17099. FRA concurred that the similar components of the KBC CT–1a system are considered to have the same life expectancy as the KBC CT–1 system. Based on its analysis of the LIRR/MNCR data and the overall fleet brake system reliability and safety performance, the waiver test committee recommended approval for a 10-year (3,680-day) clean, oil, test, and stencil (COT&S) interval for the KBC CT–1 family of brake systems. FRA proposes to incorporate the results of this test waiver in proposed paragraph (b)(7).

FRA also proposes to codify the remaining EABs that were investigated under Docket No. FRA–2005–21613 to make this section consistent with proposed revisions to § 229.29. FRA proposes to add paragraph (b)(5) to permit 2,944-day intervals between brake maintenance for DMU or MU locomotives equipped with EPIC 3102(D2) or EPIC 2 brake systems. FRA proposes to add paragraph (b)(6) to permit 3,128-day intervals between brake maintenance for DMU or MU locomotives equipped with CCB–1 brake systems. FRA proposes to add paragraph (b)(7) to permit 3,680-day intervals between brake maintenance for DMU or MU locomotives equipped with CCB–2, CCB–26, or FastBrake electronic air brake systems, as specified in Docket No. FRA–2005–21613, and to permit the of the CT–1 brake system as specified in Docket No. FRA–2004–17099.

For passenger coaches and other unpowered passenger vehicles, FRA

⁴ Since publication of the revised Railroad Locomotive Safety Standards final rule in 1980, FRA has typically expressed periodic inspections for all railroad equipment in multiples of 92-day quarters, which allows for clarity in calculating service days without concern for variances in the number of days in a calendar month (28 to 31 days) in making calculations.

proposes to exchange paragraphs (d)(1) and (3) to arrange the paragraphs in chronological order, and to change the brake system reference in new paragraph (d)(1) to “brake system not specifically identified” to provide consistency with § 229.29 and to reflect that 1,104 days is the default interval for brake systems not otherwise noted in paragraph (d). The interval in paragraph (d)(2) is being changed from 1,476 days to 1,472 days to correct a long-standing typographical error and conform with FRA’s method for calculating periodic inspection dates.

Proposed paragraph (d)(3) would address AB-type brake systems used on passenger equipment (currently in paragraph (d)(1)), and the interval between required brake maintenance would remain 2,208 days.

For cab cars, FRA proposes to reorder paragraph (e) to arrange the requirements in chronological order, and to change the brake system reference to “brake system not specifically identified” in new paragraph (e)(1) (currently (e)(4)), to provide consistency with § 229.29. In paragraph (e)(2), FRA proposes the same conforming change from “1,476 days” to “1,472 days,” as discussed above, and current paragraph (e)(3) would be removed. Splitting of the intervals between 26–C “under floor” equipment and 26–L control cab equipment, as in current paragraph (e)(2) and (3), would no longer be required due to the proposed parity of treatment of all 26-type brake valves in part 238 and part 229. Proposed (e)(3), which is current (e)(1), would specify the 1,840-day brake interval equipment requirements. Proposed new paragraphs (e)(4) through (6) would codify the provisions of EAB test waivers under Docket Nos. FRA–2005–21613 and FRA–2007–28306 for the brake maintenance intervals.

Similar to proposed paragraphs (f) and (g) for § 229.29 described above, proposed paragraphs (f) and (g) would provide for the maintenance of automatic drain valves and air dryers, and air compressors (with an emphasis on elimination of oil contamination). These paragraphs are identical to two general conditions of the test waiver at Docket No. FRA–2005–21613,⁵ and are considered essential elements to the success of the test waiver. These paragraphs require maintenance of the critical components of the brake systems designed to control contaminants to ensure the effectiveness of those

systems throughout the inspection cycle.

FRA proposes to redesignate paragraph (f) as new paragraph (h) and modify new paragraph (h)(1) with the provision for a unique employee identifier to permit the use of electronic signature of required records.

III. Regulatory Impact and Notices

A. Executive Orders (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866. FRA is proposing to incorporate longstanding waivers for locomotive and passenger equipment brake system maintenance and inspection requirements.

FRA expects that this proposed rule would result in cost savings to the industry as it would codify mostly longstanding waivers and save railroads the need to submit waiver petitions (and repeated extensions of those waivers every five years) to FRA for continued relief of various applicable regulations and the Federal Government’s review and approval burden for the waiver petitions and extension requests. In instances where a current waiver may not be longstanding, FRA estimates the cost savings would be greater since a railroad would now be granted additional time in between regulatory maintenance and inspection intervals. FRA also expects this proposed rule would provide clarity to railroads regarding regulatory maintenance and inspection requirements.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁶ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O.

14192 deregulatory action, and an E.O. 14192 regulatory action.⁷

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA is confident that each amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁸ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with parts 229, 232, or 238; it merely offers flexibilities that would result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

⁷ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. March 26, 2025.

⁸ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

⁶ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation.* 90 FR 9065–9067. Feb. 6, 2025.

⁵ See FRA–2005–21613–0088, “U.S. Dot/FRA—Decision,” conditions no. 6–7.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* With this NPRM, FRA will be using the OMB control numbers: 2130–0544, *Passenger Equipment Safety Standards*; 2130–0008, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment*; and 2130–0004, *Railroad Locomotive Safety Standards and Event Recorders*.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10,

1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁹ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979¹⁰ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

⁹ 66 FR 28355 (May 22, 2001).

¹⁰ 19 U.S.C. ch. 13.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at www.regulations.gov, Docket No. FRA–2025–0130, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 229

Locomotives, Railroad safety.

List of Subjects in 49 CFR Part 232

Power brakes, Railroad safety.

List of Subjects in 49 CFR Part 238

Passenger equipment, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend parts 229, 232, and 238 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20137–38, 20143, 20168, 20701–03, 21301–02, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 229.29 by revising paragraph (a), removing paragraph (b), redesignating paragraphs (c) through (f) as paragraphs (b) through (e) and revising newly redesignated paragraphs (b) through (e), redesignating paragraph (g) as paragraph (h) and revising newly redesignated paragraph (h), and adding new paragraphs (f) and (g) to read as follows:

§ 229.29 Air brake system calibration, maintenance, and testing.

(a) A locomotive's air brake system shall receive the calibration, maintenance, and testing as prescribed in this section. The level of maintenance and testing and the intervals for receiving such maintenance and testing of locomotives with various types of air brake systems shall be conducted in accordance with paragraphs (c) through (e) of this section. Records of the maintenance and testing required in this section shall be maintained in accordance with paragraph (h) of this section.

(b) Except for DMU or MU locomotives covered under § 238.309 of this chapter, the extent of air brake system maintenance and testing that is required on a locomotive shall be in accordance with the following levels:

(1) *Level one:* Locomotives shall have the filtering devices or dirt collectors located in the main reservoir supply line to the air brake system cleaned, repaired, or replaced. Locomotives equipped with electronic air brake (EAB) control valves, must execute and pass a self-test of the operational health of the brake system.

(2) *Level two:* Locomotives shall have the following components cleaned, repaired, and tested: brake cylinder relay valve portions; main reservoir safety valves; brake pipe vent valve portions; and, feed and reducing valve portions in the air brake system (including related dirt collectors and filters).

(3) *Level three:* Locomotives shall have the components identified in this paragraph removed from the locomotive and disassembled, cleaned and lubricated (if necessary), and tested. In addition, all parts of such components that can deteriorate within the inspection interval as defined in paragraphs (c) through (e) of this section shall be replaced and tested. The components include: all pneumatic components of the locomotive equipment's brake system that contain moving parts and are sealed against air leaks; all valves and valve portions; electric-pneumatic master controllers in the air brake system; and all air brake related filters and dirt collectors.

(c) Except for MU locomotives covered under § 238.309 of this chapter, all locomotives shall receive level one air brake maintenance and testing as described in this section at intervals that do not exceed 368 days.

(d) Locomotives equipped with an air brake system not specifically identified in paragraphs (e)(1) through (6) of this section shall receive level two air brake maintenance and testing as described in

this section at intervals that do not exceed 368 days and level three air brake maintenance and testing at intervals that do not exceed 736 days.

(e) Level two and level three air brake maintenance and testing shall be performed on each locomotive identified in this paragraph in accordance with the following:

(1) At intervals that do not exceed 1,104 days for a locomotive equipped with PS-68, 26-C, 26-L, PS-90, CS-1, RT-2, RT-5A, GRB-1, CS-2, or 26-R brake systems (26 type brake systems). (This listing of brake system types is intended to subsume all brake systems using 26 type, 6N, MC30, ABD, or ABDW control valves and PS68, PS-90, 26B-1, 26C, 26CE, 26-B1, 30CDW, or 30ECDW engineer's brake valves.);

(2) At intervals that do not exceed 1,472 days for locomotives equipped with an air dryer and a 26 type brake system and for locomotives not equipped with an air compressor and that are semi-permanently coupled and dedicated to locomotives with an air dryer;

(3) At intervals that do not exceed 1,840 days for locomotives equipped with KB-HL1, KB-HS1, or EPIC 1 (formerly EPIC 3102) brake systems;

(4) At intervals that do not exceed 2,944 days for locomotives equipped with EPIC 3102(D2) or EPIC 2 brake systems;

(5) At intervals that do not exceed 3,128 days for locomotives equipped with CCB-1 brake systems; or

(6) At intervals that do not exceed 3,680 days for locomotives equipped with CT-1, CCB-2, CCB-26, or FastBrake brake systems.

(f) All systems for the discharge or removal of moisture, such as automatic drain valves and air dryers, must be maintained to function as intended.

(g) The air compressor (if equipped) must be maintained to function as intended with emphasis on detection and elimination of oil contamination of the main reservoir air.

(h) Records of the air brake system maintenance and testing required by this section shall be generated and maintained in accordance with the following:

(1) The date and place of the cleaning, repairing and testing required by this section shall be recorded on Form FRA F 6180-49A, and the work shall be certified. A record of the parts of the air brake system that are cleaned, repaired, and tested shall be kept in the railroad's files or in the cab of the locomotive.

(2) At its option, a railroad may fragment the work required by this section. In that event, a separate record shall be maintained under a transparent

cover in the cab. The air record shall include: the locomotive number; a list of the air brake components; and the date and place of the inspection and testing of each component. The signature or unique employee identifier of the person performing the work and the signature or unique employee identifier of that person's supervisor shall be included for each component. A duplicate record shall be maintained in the railroad's files.

PART 232—BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES

■ 2. The Authority citation for part 232 continues to read as follows:

Authority: 49 U.S.C. 201012–20103, 20107, 20133, 20141, 20301–20303, 20306, 21301–20302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 4. Amend 232.5 by adding, in alphabetical order, the following definition:

§ 232.5 Definitions.

* * * * *

Electronic air brake (EAB) means a brake system controlled by a computer which provides the means for control of the locomotive brakes or train brakes or both.

* * * * *

■ 5. Revise § 232.205(c)(1)(iii) to read as follows:

§ 232.205 Class 1 brake test-initial terminal inspection.

* * * * *

(c) * * *

(1) * * *

(iii) An analog AFM indicator must be calibrated for accuracy at periodic intervals not to exceed 92 days. A digital AFM integrated into an EAB system must be calibrated for accuracy at periodic intervals not to exceed 184 days. The AFM indicator and all test orifices must be calibrated at temperatures of not less than 20 °F. AFM indicators must be accurate to within ±3 standard cubic feet per minute (CFM) at 60 CFM air flow.

* * * * *

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

■ 6. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 7. Amend 238.5 by adding, in alphabetical order, the following definition:

§ 238.5 Definitions.

* * * * *

Electronic air brake (EAB) means a brake system controlled by a computer which provides the means for control of the locomotive brakes or train brakes or both.

* * * * *

■ 8. Amend § 238.307 by revising paragraph (d) to read as follows:

§ 238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains.

* * * * *

(d) * * *

(4) For passenger equipment equipped with an EAB system, a self-test of the operational health of the brake system must be performed and successfully passed as part of the periodic mechanical inspection.

* * * * *

■ 9. Amend § 238.309 by revising paragraphs (b), (d), and (e), redesignating paragraph (f) as paragraph (h) and revising newly designated paragraph (h), and adding new paragraphs (f) and (g) to read as follows:

§ 238.309 Periodic brake equipment maintenance.

* * * * *

* * * * *

(b) *DMU and MU locomotives.* The brake equipment and brake cylinders of each DMU or MU locomotive shall be cleaned, repaired, and tested, and the filtering devices or dirt collectors located in the main reservoir supply line to the air brake system cleaned, repaired, or replaced in accordance with the following schedule:

(1) At intervals that do not exceed 736 days if the DMU or MU locomotive is part of a fleet that is not 100 percent equipped with air dryers;

(2) At intervals that do not exceed 1,104 days if the DMU or MU locomotive is part of a fleet that is 100 percent equipped with air dryers and is equipped with a brake system not listed in paragraphs (b)(3) through (7) of this section;

(3) At intervals that do not exceed 1,472 days if the DMU or MU locomotive is part of a fleet that is 100 percent equipped with air dryers and is equipped with PS-68, 26-C, 26-L, PS-90, CS-1, RT-2, RT-5A, GRB-1, CS-2, or 26-R brake systems (26 Type brake system). (This listing of brake system types is intended to subsume all brake

systems using 26 Type, 6N, MC30, ABD, or ABDW control valves and PS68, PS-90, 26B-1, 26C, 26CE, 26-B1, 30CDW, or 30ECDW engineer's brake valves.);

(4) At intervals that do not exceed 1,840 days if the DMU or MU locomotive is equipped with KB-HL1, KB-HS1, or EPIC 1 (formerly EPIC 3102) brake systems;

(5) At intervals that do not exceed 2,944 days if the DMU or MU locomotive is equipped with EPIC 3102(D2) or EPIC 2 brake systems;

(6) At intervals that do not exceed 3,128 days if the DMU or MU locomotive is equipped with CCB-1 brake systems; or

(7) At intervals that do not exceed 3,680 days if the DMU or MU locomotive is equipped with CT-1, CCB-2, CCB-26, or FastBrake brake systems.

* * * * *

(d) *Passenger coaches and other unpowered vehicles.* The brake equipment on each passenger coach and each unpowered vehicle used in a passenger train shall be cleaned, repaired, and tested in accordance with following schedule:

(1) At intervals that do not exceed 1,104 days for a coach or vehicle equipped with a brake system not specifically identified in paragraphs (d)(2) through (4) of this section;

(2) At intervals that do not exceed 1,472 days for a coach or vehicle equipped with a 26 Type listed in paragraph (b)(3) of this section or equivalent brake system;

(3) At intervals that do not exceed 2,208 days for a coach or vehicle equipped with an AB-type brake system;

(4) At intervals that do not exceed 2,944 days for a coach or vehicle equipped with EE-26 (26-C emulation brake system) or any locomotive electronic air brake (EAB) control valve listed in (b)(5) through (7) of this section when used for brake cylinder control only; or

(5) At intervals that do not exceed 3,680 days for a coach or vehicle equipped with EE-26 (26-C emulation brake system), or any locomotive electronic air brake (EAB) control valve listed in (b)(5) through (7) of this section when used for brake cylinder control only, and operated in a fleet where continuous brake operational health information is displayed to the train operator.

(e) *Cab cars.* The brake equipment of each cab car shall be cleaned, repaired, and tested in accordance with the following schedule:

(1) At intervals that do not exceed 736 days for all types of a cab car brake

system not specifically identified in paragraphs (e)(2) through (6) of this section;

(2) At intervals that do not exceed 1,472 days for a cab car brake system equipped with 26 Type brake valves listed in paragraph (b)(3) of this section;

(3) At intervals that do not exceed 1,840 days for a cab car brake system equipped with KB-HL1, KB-HS1, KB-CT1, or EPIC 1 (formerly EPIC 3102);

(4) At intervals that do not exceed 2,944 days for a cab car brake system equipped with EPIC 3102(D2) or EPIC 2 brake systems;

(5) At intervals that do not exceed 3,128 days for a cab car brake system equipped with CCB-1 brake systems; or

(6) At intervals that do not exceed 3,680 days for a cab car brake system equipped with CT-1, CCB-2, CCB-26, or FastBrake brake systems.

(f) *Moisture discharge or removal system maintenance.* Automatic drain valve and air dryer maintenance. All systems for the discharge or removal of moisture, such as automatic drain valves and air dryers, must be maintained to function as intended.

(g) *Air compressor maintenance.* The air compressor (if equipped) must be maintained to function as intended with emphasis on detection and elimination of oil contamination of the main reservoir air.

(h) *Records of periodic maintenance.*

(1) The date and place of the cleaning, repairing, and testing required by this section shall be recorded on Form FRA 6180-49A or a similar form developed by the railroad containing the same information, and the person performing the work and that person's supervisor shall sign or mark the form with a unique employee identifier, if possible. Alternatively, the railroad may stencil the vehicle with the date and place of the cleaning, repairing, and testing and maintain an electronic record of the person performing the work and that person's supervisor.

(2) A record of the parts of the air brake system that are cleaned, repaired, and tested shall be kept in the railroad's files, the cab of the locomotive, or a designated location in the passenger car until the next such periodic test is performed.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 232**

[Docket No. FRA–2025–0127]

RIN 2130–AD51

Permitting Use of Virtual Simulation for Periodic Refresher Training on Brake Systems

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to allow railroads to use three-dimensional virtual simulation to satisfy the hands-on portion of periodic refresher training under FRA's brake system training requirements, consistent with waivers FRA has granted to date. FRA has found that such virtual training provides employees with randomized scenarios that may not be readily available for hands-on training and real-time feedback on performance of duties.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0127 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0127), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD51). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Lance Hawks, Human Performance Specialist, Safety Partnerships Division, Federal Railroad Administration, telephone: (678) 633–7400, email:

Lance.Hawks@dot.gov; or Jason Schlosberg, Attorney Adviser, Federal Railroad Administration, telephone: (202) 302–7218, email: Jason.Schlosberg@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). Under 49 CFR part 232, FRA prescribes Federal safety standards for freight and other non-passenger train brake systems and equipment. Based on its review, FRA has preliminarily determined that periodic refresher training requirements in § 232.203(b)(8) could be updated to permit railroads to use three-dimensional virtual simulation to meet the hands-on portion of the refresher training requirement. Please review the Section-by-Section Analysis below for the relevant information related to FRA's proposed change.

II. Section-by-Section Analysis*Section 232.203 Training Requirements*

FRA proposes to amend paragraph (b)(8) of this section to permit railroads to use three-dimensional virtual simulation to meet the hands-on portion of the periodic refresher training requirement. This section generally requires railroads to adopt and comply with a training, qualification, and designation program for employees who perform brake system inspections, tests, or maintenance. Currently, paragraph (b)(8) of this section specifies, in part, that a railroad's program must require periodic refresher training that includes classroom and hands-on training. Paragraph (b)(8) further provides that observation and evaluation of actual performance of duties may be used to meet the hands-on training requirement.

FRA's proposal would amend paragraph (b)(8) specifically to include three-dimensional virtual simulation as another way to meet the hands-on refresher training requirement, in addition to observation and evaluation of actual performance of duties. This proposal is consistent with waivers FRA has granted to several Class I freight railroads to use three-dimensional virtual simulation to meet the hands-on

refresher training requirement.¹ FRA first granted this relief to BNSF Railway (BNSF) in 2012 in a waiver that allowed BNSF to use a three-dimensional virtual simulation using web-based and desktop software, called the Air Brake System Virtual Training Environment (ABSVTE), to satisfy the hands-on portion of the periodic refresher training requirement for train, yard, and engine service employees.² Since that time, BNSF reports having provided such virtual refresher training using ABSVTE in over 72,000 training events, representing training provided to over 25,000 employees. At the same time, BNSF's number of reportable brake-related defects has trended downward. FRA subsequently provided similar relief to the Norfolk Southern Railway (NS), CSX Transportation, Inc. (CSX), and the Canadian National Railway (CN).³

Different types of freight equipment move across the nation's rail network, freely interchangeable between railroads. As a result, FRA has found that three-dimensional virtual simulation provides employees with randomized scenarios on equipment types that may not otherwise be readily available for hands-on training, as well as allows for real-time feedback on employee performance of duties. Three-dimensional virtual simulation training may also provide for more consistent training across employees and reduce the risk of hazards or potential injury that may occur in a field training setting. Accordingly, FRA proposes to amend § 232.203(b)(8) to provide railroads the flexibility to use three-dimensional virtual simulation to meet the hands-on refresher training requirement.

III. Regulatory Impact and Notices*A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

FRA has considered the impact of this proposed rule under E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

¹ See Docket Nos. FRA–2011–0074, FRA–2018–0100, FRA–2020–0008, and FRA–2020–0087 on www.regulations.gov.

² See <https://www.regulations.gov/document/FRA-2011-0074-0011>.

³ See Docket Nos. FRA–2018–0100 (NS); FRA–2020–0008 (CSX); and FRA–2020–0087 (CN) on www.regulations.gov.

FRA proposes to amend § 232.203(b)(8) to permit railroads to use three-dimensional virtual simulation to meet the hands-on refresher training requirement for employees who perform brake system inspections, tests, or maintenance.

FRA analyzed the potential costs and benefits of this proposed rule. This rule proposes to allow railroads to use three-dimensional virtual simulation to satisfy the hands-on portion of periodic refresher training for employees who perform brake system inspections, tests, or maintenance. This rule would provide some qualitative benefits as it would enable training to become more consistent across employees, provide an alternative method to satisfy the hands-on portion of the periodic refresher training requirement, reduce the risk of potential hazards or injury that may occur in a field training environment, and facilitate real-time feedback on performance of duties. This rule, if finalized as proposed, would result in cost savings. Railroads would no longer be required to submit waiver requests to be able to use virtual simulation for hands-on training under § 232.203(b)(8). In addition, all railroads, not just those granted a waiver, would have the flexibility to use three-dimensional virtual simulation to satisfy the hands-on portion of the periodic refresher training requirement.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁴ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁵

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each

amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁶ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing practices that comply with part 232; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

⁶ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.* Therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 232 became effective when it was approved by OMB on April 24, 2024. The OMB control number is 2130–0506, and the OMB approval expires on April 30, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule would not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

⁴ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

⁵ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000). The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁷ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <https://www.regulations.gov>, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely

comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at regulations.gov, Docket No. FRA-2025-0127, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 232

Penalties; Railroad safety; Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 232 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 232—BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES

- 1. The authority citation for part 232 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20301–20303, 20306, 21301–20302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

- 2. Amend § 232.203 by revising the second sentence of paragraph (b)(8) to read as follows:

§ 232.203 Training requirements.

* * * * *

(b) * * *

(8) * * * Observation and evaluation of actual performance of duties or three-dimensional virtual simulation may be used to meet the “hands-on” portion of this requirement, provided that such testing or training is documented as required in paragraph (e) of this section; and

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12158 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 237

[Docket No. FRA–2025–0129]

RIN 2130–AD28

Repealing Certain Bridge Load Capacity Evaluation Requirements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to eliminate the Federal requirement that defines the process a track owner must follow when scheduling the evaluation of bridges with no load capacity determination. The requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective. The restrictions on the track owner’s discretion to determine the process for evaluation of bridge load capacity are no longer necessary because the regulations have been in effect for almost fifteen years and the transitional period for compliance has ended.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES: *Comments:* Comments related to Docket No. FRA–2025–0129 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0129), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD28). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, FRA Track & Structures Division, FRA, telephone:

⁷ 19 U.S.C. ch. 13.

(202) 570–1508, email: Yujiang.Zhang@dot.gov; or Veronica Chittim, Attorney Adviser, FRA, telephone: (202) 480–3410, email: Veronica.Chittim@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). The requirements for FRA-regulated entities to schedule the evaluation of bridges without a load capacity determination are established in 49 CFR part 237, Bridge Safety Standards. Some of the requirements contained in part 237 could be updated to reduce burdens, make technical or conforming changes, or otherwise adjust to advancing technology without any adverse effect on railroad safety. The specific requirement proposed for elimination in this NPRM creates an unnecessary infringement upon a track owner's authority to evaluate bridge load capacity and perform activities related to bridge management. Please review the SECTION-BY-SECTION ANALYSIS below for the relevant information related to this proposed change.

II. Section-by-Section Analysis

Section 237.71 Determination of Bridge Load Capacities

This proposed rule would remove the requirement in paragraph (e) that defines the process a track owner must follow when scheduling the evaluation of bridges with no load capacity determination. The existing requirement imposes a restriction on a track owner's ability to establish a bridge management policy (BMP) and evaluate bridge load capacity as the track owner sees fit. The existing regulation requires that an initial determination of load capacity must be completed within five years of the BMP's adoption. At this time, no bridges¹ lack an initial load capacity determination, making this requirement obsolete. This requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective.

¹ At this time, the load rating for all applicable railroad bridges should have been captured by the implementation of a compliant BMP. FRA notes, however, that there may be instances where a railroad carrier has a BMP in place, but a load rating may not have been completed on one of numerous bridges covered by that BMP. FRA seeks comment on this assumption.

Removing this regulatory text would remove an obsolete provision from the CFR, improving readability of this CFR part.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866. This proposed rule removes requirements that were originally put in place for a transition period, which has since expired.

FRA analyzed the potential costs and benefits of this proposed rule. Because this proposed rule would remove obsolete requirements, it imposes no additional burdens on regulated entities. Moreover, this rule would provide benefits, improving readability of this CFR part.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”² Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.³

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that the amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA still requests comment on the extent of the

cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing practices that comply with proposed part 237; it merely offers flexibilities to track owners with respect to bridge management and bridge load capacity determination that could result in benefits, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience benefits. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

⁴ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

² Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067 (Feb. 6, 2025).

³ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. Mar. 26, 2025.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements, in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements contained in part 237 became effective when it was approved by OMB on February 27, 2023. The OMB control number is 2130–0586, and OMB approval expires on February 28, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking. Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to

prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁵ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁶ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards, and where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters

identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](https://www.regulations.gov), Docket No. FRA–2025–0129, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 237

Bridge safety, Railroad safety.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 237 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 237—BRIDGE SAFETY STANDARDS

■ 1. The authority citation for part 237 continues to read as follows:

Authority: 49 U.S.C. 20102–20114; 28 U.S.C. 2461 note; Div. A, Sec. 417, Pub. L. 110–432, 122 Stat. 4848; and 49 CFR 1.89.

■ 2. Amend § 237.71 by revising and republishing paragraphs (e) through (g) to read as follows:

§ 237.71 Determination of bridge load capacities.

* * * * *

(e) Where a bridge inspection reveals that, in the determination of the railroad bridge engineer, the condition of a bridge or a bridge component might adversely affect the ability of the bridge to carry the traffic being operated, a new capacity shall be determined.

(f) Bridge load capacity may be expressed in terms of numerical values related to a standard system of bridge loads, but shall in any case be stated in terms of weight and length of individual or combined cars and locomotives, for the use of transportation personnel.

(g) Bridge load capacity may be expressed in terms of both normal and maximum load conditions. Operation of equipment that produces forces greater than the normal capacity shall be subject to any restrictions or conditions that may be prescribed by a railroad bridge engineer.

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025–12169 Filed 6–27–25; 4:15 pm]

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⁵ 66 FR 28355 (May 22, 2001).

⁶ 19 U.S.C. ch. 13.

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 240**

[Docket No. FRA–2025–0132]

RIN 2130–AD60

Miscellaneous Revisions to the Qualification and Certification of Locomotive Engineers

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would update FRA's locomotive engineer certification requirements by reducing the information that is required on an engineer's certificate and allowing certificates to be electronic. FRA is also proposing changes to the certification revocation process and the Administrative Hearing Officer (AHO) process. Lastly, FRA is proposing other administrative updates including revising definitions and correcting errors in the regulatory text.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0132 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0132), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD60). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the

SUPPLEMENTARY INFORMATION section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Christian Holt, Staff Director-Operating Practices Division, Federal Railroad Administration, telephone: 202–366–

0978, email: christian.holt@dot.gov; or Michael C. Spinnicchia, Attorney Adviser, Federal Railroad Administration, telephone: 202–713–7671, email: michael.spinnicchia@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of Title 49, Code of Federal Regulations (CFR). The requirements for FRA-regulated entities to certify locomotive engineers are established in 49 CFR part 240, "Qualification and Certification of Locomotive Engineers." Some of the requirements contained in part 240 could be updated to reduce burdens, make technical or conforming changes, ensure due process and constitutionality, or otherwise adjust to advancing technology without any adverse effect on railroad safety. Please review the SECTION-BY-SECTION ANALYSIS below for the relevant information related to each proposed change.

II. Section-by-Section Analysis*Section 240.7 Definitions*

To be consistent with 49 CFR 209.5, FRA is proposing to amend this section by adjusting the definitions for "File, filed and filing" and "Serve or service." In this rule, FRA would amend the definition of "File, filed and filing" to mean submission of a document under this part on the date when the DOT Docket Clerk or FRA receives it, or if served as that term is defined under 49 CFR 209.5, the date of service. FRA also proposes adding a comma after the word "filed." Further, FRA proposes amending the definition of "Serve or service," in the context of serving documents, to have the meaning given in § 209.5.

Section 240.11 Penalties and Consequences for Noncompliance

FRA is proposing to amend paragraph (a) of this section by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is proposing to add language to this section referring readers to 49 CFR part 209, appendix A, where FRA specifies statutorily provided civil

penalty amounts updated for inflation. FRA is also proposing to amend this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

Section 240.103 Approval of Design of Individual Railroad Programs by FRA

This section explains the approval process for a railroad's locomotive engineer certification program. Paragraphs (b)(1) and (b)(2) and the introductory text of paragraph (c) currently refer to resubmissions filed pursuant to paragraph (f) of this section and material modifications filed pursuant to paragraph (g) of this section. However, these cross-references are incorrect as paragraph (g) of this section discusses the process for resubmitting a certification program and paragraph (h) addresses material modifications. Therefore, FRA is proposing to correct these cross-references in paragraphs (b)(1) and (b)(2) and the introductory text of paragraph (c).

Section 240.217 Time Limitations for Making Determinations

Paragraph (a) of this section currently lists five scenarios where a railroad shall not certify or recertify a person as a locomotive engineer. Paragraph (a)(3) states railroads cannot make certification decisions based on a knowledge examination that was conducted more than 366 days before the date of the railroad's certification decision. Paragraph (a)(4) is intended to provide an exception to paragraph (a)(3) that allows for railroads to rely on knowledge examinations performed in the 24 months prior to the certification decision if the railroad administers its knowledge testing program at intervals that do not exceed 24 months.¹ However, the way this section is written, a railroad that conducts its knowledge testing exams on a two-year cycle would still be prohibited from relying on a knowledge exam performed more than 366 days before the certification decision under paragraph (a)(3). This is a clear drafting error that does not conform with the intent of the regulation and makes paragraph (a)(4) superfluous. Therefore, FRA is proposing to amend paragraph (a)(3) to add "except as provided for in paragraph (a)(4) of this section" at the end of the paragraph to clarify that paragraph (a)(4) provides an exception to the limitation in paragraph (a)(3).

¹ 84 FR 20472, 20485 (May 9, 2019).

Section 240.223 Criteria for the Certificate

As part of the requirement that locomotive engineers be certified, railroads must issue certificates to those individuals that they certify. This section details what information must be included in these certificates.

Paragraph (a)(3) of this section states that the certificate must identify the person to whom the certificate is being issued. This must include the person's name, employee identification number, the year of birth, and either a physical description or photograph of the person. FRA is proposing to remove the requirement that the certificate include the person's year of birth.

In 2023, FRA issued NPRMs proposing the establishment of certification requirements for dispatchers and signal employees.² The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) submitted joint comments to both NPRMs requesting that FRA remove the year of birth requirement from dispatcher and signal employee certificates.³ In support of their comment, AAR and ASLRRA noted that a person's birth year provides little to no assistance in confirming a person's identity and there are other ways, such as a physical description or photograph that better serve this purpose. When FRA issued the final rules establishing dispatcher and signal employee certification, the agency agreed with AAR and ASLRRA's rationale that it was unnecessary to include the year of birth on the certificates and this requirement was removed from the final rules.⁴ For similar reasons, FRA is proposing removing the requirement that a person's year of birth be included on their locomotive engineer certificate.

Paragraph (a)(8) of this section states the certificate must be sufficiently small to permit being carried in an ordinary pocket wallet. FRA is proposing amending this paragraph to allow railroads to issue electronic certificates. Section 240.301(b) already provides for railroads to issue temporary replacement certificates electronically and FRA does not find any safety concerns with extending this allowance to the certificates issued under this section. Electronic certificates will allow for railroads to issue certificates more efficiently while also making it much less likely that a railroad would

have to issue a replacement certificate under § 240.301. Lastly, while FRA is not proposing any revisions to paragraph (a)(6) of this section, which requires that a certificate be signed by a supervisor of locomotive engineers or other designated individual, based on the proposed revision to paragraph (a)(8), it logically follows that FRA would allow for electronic signatures under this proposed rule.

Section 240.307 Revocation of Certification

Many railroads issue their written decisions to revoke a person's certification without findings of fact and a clear application of the regulation. That approach conflicts with an existing requirement in paragraph (c)(11) of this section which requires that each railroad decision must include "the findings of fact as well as the basis therefor, concerning all material issues of fact presented on the record and citations to all applicable railroad rules and practices." Although paragraph (d) allows a railroad to use hearing procedures under an applicable collective bargaining agreement, and such an agreement might not contain the same or similar requirements as in paragraph (c)(11), including findings of fact is normally what would be expected in such a decision. Thus, a railroad's failure to include such basic information in a decision has led to an inefficient and more complicated process. For instance, a railroad's failure to include findings of fact in its revocation decision means that the person who is challenging the decision cannot quickly and effectively pinpoint whether the basis for the parties' disagreement is based on a misunderstanding or material disagreement of the facts.

FRA's Operating Crew Review Board (OCRB), which is delegated the authority to review a person's challenge to a railroad's revocation decision, has similarly been less efficient in its review because it must spend an inordinate amount of time dissecting the evidentiary record in a way that exceeds the appropriate, accelerated consideration of a case envisioned by this certification review. Railroads often include findings of fact in their responses to petitions filed with the OCRB, but that is too late in the process to give the affected engineer an opportunity to consider the findings of fact and respond. To obviate this inefficient process, FRA proposes to revise paragraph (d) of this section to clarify that written findings of fact and application of the regulation must always be provided in a railroad's

written decision prior to consideration of a case before the OCRB, regardless of any alternative requirement provided in a collective bargaining agreement. This amendment would be deregulatory insofar as it provides required information to the affected person earlier in the certification revocation process, ensuring due process for locomotive engineers subject to the certification requirements in part 240, and increasing efficiency of the process.

Section 240.409 Hearings

Executive Order (E.O.) 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative (90 FR 10583, Feb. 19, 2025), requires agencies to review regulations for a variety of concerns and rescind or modify such regulations identified. This section raises concerns due to its potential shifting of the burden of proof. The existing regulation grants a party adversely affected by an OCRB decision the right to a *de novo* hearing before an AHO with more robust evidentiary and procedural protections than the expedited OCRB proceeding but shifts the burden of proof at this AHO hearing stage to the party that was adversely affected by the OCRB decision. In cases where the locomotive engineer or locomotive engineer candidate was the party adversely affected by the preceding OCRB decision, the burden of proof at the AHO hearing stage currently shifts to the impacted engineer/engineer candidate.

To correct for this concern, FRA proposes to amend paragraph (q) of this section to clarify that the railroad taking a certification action is always the hearing petitioner at the AHO hearing stage and always bears the burden of proof by a preponderance of the evidence. FRA acknowledges that while this approach provides additional protections for a locomotive engineer or locomotive engineer candidate who has been subject to a denial or revocation of certification with related impacts on his or her livelihood, this burden could now shift to railroads. However, FRA expects the burden to be negligible. FRA requests comments on the extent of this shift in burden and any potential impacts.

Paragraph (r) of this section notes that FRA will be a mandatory party to the administrative hearing and will be a respondent at the start of the hearing. FRA is proposing to delete the requirement that FRA be a respondent at the start of each proceeding. Under the proposed revisions to paragraph (q) of this section, the hearing respondent

² 88 FR 35574 (May 31, 2023); 88 FR 35632 (May 31, 2023).

³ FRA-2022-0019-0041; FRA-2022-0020-0035.

⁴ 89 FR 44766, 44789 (May 21, 2024); 89 FR 44830, 44859 (May 21, 2024).

would always be the engineer or engineer candidate. FRA is more likely to align with the party who received a favorable decision before the OCRB, which could be, with the proposed changes to paragraph (q), either the petitioner or respondent at the AHO hearing stage. Therefore, it would no longer make sense for FRA to always be the respondent at the AHO hearing stage.

FRA is also requesting comments on whether it should remove paragraph (r) in its entirety and no longer require that FRA be a mandatory party to the administrative hearing.

Lastly, under these proposed changes, if FRA is a mandatory party and agrees with the railroad, FRA would be considered a hearing petitioner. However, in such circumstances, FRA would not be responsible for presenting any evidence, through witness testimony or exhibits, in support of the railroad's case. That responsibility would remain with the railroad.

III. Regulatory Impact and Notices

A. E.O. 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA expects this NPRM would update FRA's locomotive engineer certification requirements by reducing the information that is required on an engineer's certificate and by allowing certificates to be electronic and proposes other administrative updates including revising definitions and correcting errors in the regulatory text. While some additional burdens may be added from the proposed changes to the revocation of certification requirements, FRA estimates that the overall benefits of this proposed rule would outweigh any potential burdens. Moreover, this proposed rule would provide additional benefits to regulated entities and the U.S. government, by clarifying, simplifying, and updating the language of part 240. This rule would also decrease the information requested on an engineer's certificate. FRA requests any comments from the public on the impacts of this proposed rule.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."⁵ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero."⁶ This proposed rulemaking is expected to have total costs less than zero, and therefore, if finalized, it would be considered an E.O. 14192 deregulatory action. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or "less than zero" consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁷ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 240; it merely offers clarity and updates that

could result in benefits, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience some benefits. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and there is no new information collection requirement, in accordance with the Paperwork Reduction Act of 1995 U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in Part 240 became effective when it was approved by OMB on July 12, 2024. The OMB approval number is 2130–0533, which expires on July 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), "[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives." This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132,

⁵ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

⁶ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation."* Memorandum M–25–20. March 26, 2025.

⁷ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

“Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁸ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁹ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at regulations.gov, Docket No. FRA–2025–0132, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 240

Administrative practice and procedure, Locomotive engineer, Penalties, Railroad employees, Railroad operating procedures, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 240 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 240—QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS

■ 1. The authority citation for part 240 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. In § 240.7, revise the definitions of “File, filed and filing” and “Serve or service” to read as follows:

§ 240.7 Definitions.

File, filed, and filing mean submission of a document under this part on the date when the DOT Docket Clerk or FRA receives it, or if served as that term is defined under 49 CFR 209.5, the date of service.

Serve or service, in the context of serving documents, has the meaning given in 49 CFR 209.5. The computation

of time provisions in Rule 6 of the Federal Rules of Civil Procedure as amended are also applicable in this part. *See also* the definition of “file, filed, and filing” in this section.

* * * * *

■ 3. Revise § 240.11(a) to read as follows:

§ 240.11 Penalties and consequences for noncompliance.

(a) A person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where: (1) a grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or (2) a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

* * * * *

■ 4. Revise § 240.103(b)(1), (b)(2), and (c) introductory text to read as follows:

§ 240.103 Approval of design of individual railroad programs by FRA.

* * * * *

(b) * * *

(1) Simultaneous with its filing with FRA, provide a copy of the submission filed pursuant to paragraph (a) of this section, a resubmission filed pursuant to paragraph (g) of this section, or a material modification filed pursuant to paragraph (h) of this section to the president of each labor organization that represents the railroad’s employees subject to this part; and

(2) Include in its submission filed pursuant to paragraph (a) of this section, a resubmission filed pursuant to paragraph (g) of this section, or a material modification filed pursuant to paragraph (h) of this section a statement affirming that the railroad has provided a copy to the president of each labor organization that represents the railroad’s employees subject to this part, together with a list of the names and addresses of persons provided a copy.

(c) Not later than 45 days from the date of filing a submission pursuant to paragraph (a) of this section, a resubmission pursuant to paragraph (g) of this section, or a material modification pursuant to paragraph (h)

⁸ 66 FR 28355 (May 22, 2001).

⁹ 19 U.S.C. Ch. 13.

of this section, any designated representative of railroad employees subject to this part may comment on the submission, resubmission, or material modification.

* * * * *

■ 5. Revise § 240.217(a)(3) to read as follows:

§ 240.217 Time limitations for making determinations.

(a) * * *

(3) Demonstrated knowledge and the knowledge examination being relied on was conducted more than 366 days before the date of the railroad's certification decision except as provided for in paragraph (a)(4) of this section;

* * * * *

■ 6. Revise § 240.223(a)(3) and (8) to read as follows:

§ 240.223 Criteria for the certificate.

(a) * * *

(3) Identify the person to whom it is being issued (including the person's name, employee identification number, and either a physical description or photograph of the person);

* * * * *

(8) Be electronic or be of sufficiently small size to permit being carried in an ordinary pocket wallet.

* * * * *

■ 7. Revise § 240.307(d) to read as follows:

§ 240.307 Revocation of certification.

* * * * *

(d) A hearing required by this section which is conducted in a manner that conforms procedurally to the applicable collective bargaining agreement shall be deemed to satisfy the procedural requirements of this section except that the railroad's decision must comply with the requirements in paragraph (c)(11) of this section.

* * * * *

■ 8. Revise § 240.409(q) and (r) to read as follows:

§ 240.409 Hearings.

* * * * *

(q) Regardless of the prevailing party before the Operating Crew Review Board, the railroad involved in taking the certification action shall be the "hearing petitioner" and shall have the burden of proving its case by a preponderance of the evidence. The impacted locomotive engineer or locomotive engineer candidate shall be the "hearing respondent."

(r) FRA will be a mandatory party to the administrative hearing.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,

Chief Counsel.

[FR Doc. 2025-12172 Filed 6-27-25; 4:15 pm]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 240 and 242

[Docket No. FRA-2025-0131]

RIN 2130-AD32

Qualification and Certification of Locomotive Engineers and Conductors: Incorporation of Longstanding C³RS Waivers

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to amend its regulations governing the qualification and certification of locomotive engineers and conductors, to codify longstanding waivers that have granted relief from certain certification requirements for railroads that participate in the FRA-sponsored Confidential Close Call Reporting System (C³RS). FRA does not intend this NPRM to be a disincentive to railroads implementing alternative close call reporting programs outside C³RS, which the agency believes can still positively impact safety culture. FRA would still entertain waiver requests to implement alternative close call reporting programs, as necessary.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA-2025-0131 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA-2025-0131), and Regulatory Identification Number (RIN) for this rulemaking (2130-AD32). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act

information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Mike Long, Director of Railroad Operations and Outreach, FRA, telephone: (202) 770-8203, email: Mike.Long@dot.gov; or Elizabeth A. Gross, Attorney Adviser, FRA, telephone: (202-253-6281), email: Elizabeth.Gross@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). The requirements for FRA-regulated entities to establish programs for certifying the qualifications of locomotive engineers and conductors are established in 49 CFR part 240, Qualification and Certification of Locomotive Engineers, and part 242, Qualification and Certification of Conductors, respectively. FRA proposes to amend parts 240 and 242 to codify longstanding waivers that have granted relief from certain certification requirements for railroads that participate in the FRA-sponsored C³RS.

The History of C³RS and the Waiver Process

C³RS is a partnership between FRA and an independent third party (currently, the National Aeronautics and Space Administration (NASA)), in conjunction with participating railroads and labor organizations, that allows participating railroads and their employees to report close calls voluntarily and confidentially.¹ A close call is an event or sequence of events having a potential for more serious adverse consequences to railroad safety,² and close call reports provide an opportunity to improve safety in support of railroad operations.³

¹ See generally <https://c3rs.arc.nasa.gov/information/summary.html>.

² See C³RS Frequently Asked Questions, available at https://c3rs.arc.nasa.gov/docs/C3RS_FAQ.pdf ("A close call is any condition or event that may have the potential for more serious safety consequences.")

³ See *id.* ("C³RS de-identified reports may be used by the railroad community and/or government

Employees of participating railroads can report close calls to NASA, which protects the identity of both the reporting employee and the railroad by generalizing or removing all identifying information. C³RS thereby allows railroads to gain railroad safety information about why close calls occur. Without C³RS, many close calls would go unreported, which would deprive railroads of this important information.

C³RS is established at participating railroads through Implementing Memoranda of Understanding (IMOU) that are developed and signed by all stakeholders, including the participating railroad, FRA, and any participating non-profit employee labor organization. While development of a C³RS IMOU typically begins with a template provided by FRA, C³RS stakeholders can modify the template to contain provisions specific to their program that they have agreed upon. Nothing in the proposed rule would limit stakeholders' ability to modify the template IMOU to fit their specific program, except that no IMOU may provide protection from revocation of certification in certain specified situations that have traditionally been excluded from C³RS, such as violations involving the prohibited use of alcohol or controlled substances, as discussed below in the section-by-section analysis for §§ 240.307 and 242.407.

All C³RS IMOUs provide that employees who report close calls in accordance with the IMOU's provisions are protected from railroad discipline, FRA enforcement, and revocation of a locomotive engineer or conductor certification under part 240 or 242, respectively. To effectuate an IMOU's protections against revocation of certification, a railroad wishing to participate in C³RS must request relief from the provisions in parts 240 and 242 that require the railroad to revoke an employee's certification for certain violations of the railroad's operating rules and practices. A railroad requests this relief by submitting a waiver request to FRA in accordance with 49 CFR part 211, subpart C—Waivers. Once granted, this relief allows the railroad to honor the commitment it made in the IMOU not to revoke an employee's certification for a close call that has been reported in accordance with all applicable provisions of an IMOU.

As of February 28, 2025, a total of 25 railroads were participating in C³RS, including passenger railroads, Class III short line freight railroads, and Class I

freight railroads.⁴ Because the relief provided by the waivers expires, railroads must submit a new waiver request approximately every five years, even when there have been no significant changes to the provisions of the IMOU or the relief requested. FRA's Railroad Safety Board must similarly review and respond to each waiver request pursuant to the procedures in part 211. Because C³RS has been established for approximately 20 years, the waiver process has essentially become a *pro forma* paperwork exercise, with railroads submitting template waiver requests that are routinely granted by FRA. Several C³RS waivers have been in effect for numerous years, having been renewed multiple times.⁵ As such, requiring railroads to go through the waiver process impedes a more streamlined and efficient implementation of C³RS at participating railroads.

Because C³RS has proven to be a valuable tool for improving railroad safety, FRA is proposing to codify these longstanding C³RS waivers by revising parts 240 and 242 to provide that a railroad may not revoke an engineer's or conductor's certification for a close call event that has been reported in accordance with all applicable provisions of a C³RS IMOU. FRA is not currently proposing to amend recently published rules at 49 CFR part 245, Qualification and Certification of Dispatchers, and part 246, Certification of Signal Employees in this rule, but may consider similar amendments to these rules in the future.⁶ Further, no C³RS waivers for dispatchers or signal employees have yet been granted.⁷

The proposed revisions would reduce burdens on C³RS-participating railroads in two ways. First, a railroad would no longer have to apply for a waiver from the implicated provisions in part 240 or 242 to participate in C³RS and be protected from FRA enforcement for failing to revoke a certification for a

close call event that has been reported in accordance with all applicable provisions of a C³RS IMOU. Second, the railroad would be relieved from the associated burden of revoking a certification for a close call event, including burdens associated with suspending a person's certificate; providing notice of the reason for the suspension, the pending revocation, and an opportunity for a hearing before a president officer other than the investigating officer; convening a hearing; and issuing a decision in the proceeding after the hearing.⁸ The proposed revisions would also relieve FRA of the burden of reviewing and approving a unending series of nearly-identical C³RS waiver requests.

Nothing in this proposed rule changes the voluntary and cooperative nature of C³RS, as participating stakeholders retain the ability to terminate their participation in the program in accordance with the provisions of the applicable C³RS IMOU.

Railroad Safety Advisory Committee (RSAC) Task No. 2022–03

On October 17, 2022, the RSAC voted to adopt Task No 2022–03: Confidential Close Call Reporting System (C³RS Task Statement), with a stated purpose of “consider[ing] how FRA could promote rail safety through regulation, voluntary standards, or guidance for voluntary, non-punitive railroad safety reporting system industry-wide.” After a series of RSAC C³RS Working Group meetings, it became apparent that stakeholders generally agreed that FRA should engage in a rulemaking that would streamline C³RS participation by relieving railroads of the burden associated with submitting waivers and recurrent waiver extension requests. FRA presented draft rule text to the C³RS Working Group in May 2024, soliciting stakeholder feedback. The feedback received generally supported the goal of the rule text, although some stakeholders suggested revisions or alternative approaches. FRA subsequently withdrew Task No. 2022–03 from the RSAC in March 2025, in part with the view to begin a rulemaking that would propose amending parts 240 and 242 to remove the need for C³RS waivers. The rule text FRA is proposing in this NPRM is substantially the same as that shared with the C³RS Working Group in May 2024.⁹

⁸ See 49 CFR 240.307 and 242.407.

⁹ FRA will also be placing the draft rule text shared with the C³RS Working Group in the docket for this rulemaking.

⁴ See <https://railroads.dot.gov/railroad-safety/divisions/safety-partnerships/c3rs/participating-railroads>.

⁵ For example, Amtrak has had a waiver from part 240 since 2010 and from part 242 since 2013. See Docket Nos. FRA–2010–0152 and FRA–2012–0054. Similarly, New Jersey Transit has had a part 240 waiver since 2009 and a part 242 waiver since 2012. See Docket Nos. FRA–2009–0096 and FRA–2012–0056.

⁶ FRA is exercising enforcement discretion on the current compliance deadlines in these two regulations. See FRA Follow-up Response to Petitions for Reconsideration (March 14, 2025), Document ID Nos. FRA–2022–0020–0049 and FRA–2022–0019–0058.

⁷ FRA has a pending C³RS waiver request, submitted by the Association of American Railroads on behalf of its members, for dispatchers. See Docket No. FRA–2024–0089.

II. Section-by-Section Analysis

FRA is proposing to amend parts 240 and 242 to codify longstanding waivers that have granted relief from certain certification requirements for railroads that participate in the FRA-sponsored C³RS. FRA would codify these longstanding C³RS waivers by revising parts 240 and 242 to provide that a railroad may not revoke an engineer's or conductor's certification for a close call event that has been reported in accordance with all applicable provisions of a C³RS IMOU.

Section 240.7—Definitions

FRA is proposing to amend this section to add the below definitions to part 240.

C³RS Implementing Memorandum of Understanding or C³RS IMOU

FRA proposes to define “C³RS Implementing Memorandum of Understanding” or “C³RS IMOU” as a voluntary written agreement that implements C³RS on a participating railroad and is signed by FRA, the participating railroad, and any non-profit employee labor organization(s) representing participating employees. The proposed definition would clarify that if the participating employees are not represented by a non-profit labor organization, or if the non-profit labor organization is not a stakeholder to the program, a C³RS IMOU may be signed only by FRA and the participating railroad. Further, when contractor employees are participating in C³RS, the C³RS IMOU must also be signed by the contractor for the railroad and can be signed by any non-profit employee labor organization representing the contractor employees. The proposed definition states that FRA will post all C³RS IMOUs to the Federal Docket Management System's website at <https://www.regulations.gov>.

Close Call

FRA proposes to define “close call” as an unsafe event or sequence of unsafe events that had a potential for more serious adverse consequences to railroad safety and has been reported to C³RS and accepted by both the independent third party and the peer review team (PRT) as a reportable close call, in accordance with all applicable provisions of a C³RS IMOU. The proposed definition has been adapted from C³RS IMOUs that are currently in effect.

Confidential Close Call Reporting System or C³RS

FRA proposes to define “Confidential Close Call Reporting System” or “C³RS”

as an FRA-sponsored voluntary program designed to improve the safety of railroad operations by allowing railroad workers to confidentially report currently unreported or underreported unsafe events without the repercussions of suspension or revocation of certification under 49 CFR part 240 or 242.

Electronic Device

FRA proposes to define “electronic device” by referencing the definition in § 220.5 for purposes of FRA regulations establishing prohibitions, restrictions, and requirements that apply to the use of personal and railroad-supplied cellular telephones and other electronic devices. Section 220.5 currently states that an electronic device is an electronic or electrical device used to conduct oral, written, or visual communication; place or receive a telephone call; send or read an electronic mail message or text message; look at pictures; read a book or other written material; play a game; navigate the internet; navigate the physical world; play, view, or listen to a video; play, view, or listen to a television broadcast; play or listen to a radio broadcast other than a radio broadcast by a railroad; play or listen to music; execute a computational function; or, perform any other function that is not necessary for the health or safety of the person and that entails the risk of distracting the employee or another railroad operating employee from a safety-related task. The definition in § 220.5 further clarifies that the term “electronic device” does not include (1) electronic control systems and information displays within the locomotive cab (whether the displays or systems be fixed or portable) or on a remote control transmitter necessary to operate a train or conduct switching operations; or (2) a digital watch whose only purpose is as a timepiece.

FRA proposes to include a definition of “electronic device” in part 240 to define the term as used in the proposed definition of “personal electronic device.” By using the same definition as found in § 220.5, FRA would promote consistency across its regulations and enhance compliance because the railroad industry is already familiar with the definition. Referencing the § 220.5 definition also removes the need for FRA to make conforming revisions to § 240.5 if the § 220.5 definition is revised in the future.

Hazardous Material

FRA proposes to define “hazardous material” as a commodity designated as a hazardous material by 49 CFR part 172—Hazardous Materials Table,

Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans. The term “hazardous material” would be used in proposed § 240.307(i)(3)(ii)(C)(6), which states that an employee is not protected from certification revocation for any alleged violation of a railroad operating rule or practice that involves an event resulting in the identifiable release of a hazardous material. The proposed definition also appears in C³RS IMOUs that are currently in effect.

ID Strip

FRA proposes to define “ID strip” as the identification strip the independent third party issues to an employee who has reported a close call to C³RS to indicate that the independent third party has accepted the close call.

Independent Third Party

FRA proposes to define “independent third party” to mean the non-FRA organization that manages C³RS, accepts close call reports, and protects the confidentiality of both a reporting employee and a participating railroad.

Peer Review Team (PRT)

FRA proposes to define “peer review team” or “PRT” as a problem-solving team consisting of representatives for the primary stakeholders to a C³RS IMOU, including FRA, the participating railroad, and any participating non-profit employee labor organization(s). The proposed definition has been adapted from C³RS IMOUs that are currently in effect.

Personal Electronic Device

FRA proposes to define “personal electronic device” by referencing the definition established in § 220.5 for purposes of FRA regulations establishing prohibitions, restrictions, and requirements that apply to the use of personal and railroad-supplied cellular telephones and other electronic devices. Section 220.5 currently states that “personal electronic device” means an electronic device that was not provided to the railroad operating employee by the employing railroad for a business purpose.

FRA is proposing to include a definition of “personal electronic device” in part 240 to define the term as used in proposed § 240.307(i)(3)(ii)(C)(8), which states that an employee is not protected from certification revocation for any alleged violation of a railroad operating rule or practice that involves use of a personal electronic device prohibited by a Federal railroad safety law or railroad

operating rule. By using the same definition as § 220.5, FRA would promote consistency across its regulations and enhance compliance because the railroad industry is already familiar with the definition. Referencing the § 220.5 definition also removes the need for FRA to make conforming revisions to § 240.5 if the § 220.5 definition is revised in the future.

Section 240.117—Criteria for Consideration of Operating Rules Compliance Data

FRA proposes to amend § 240.117 to add a new paragraph (f)(5) that references proposed § 240.307(i)(3) to provide that a railroad shall not deny or revoke an employee's certification based on an alleged violation of the railroad's operating rules or practices that the employee reported to C³RS and that was accepted as a close call by both the independent third party and the PRT in accordance with all applicable provisions of a C³RS IMOU. FRA also proposes to add references to new paragraph (f)(5) in paragraphs (b) and (c)(1) to clarify that those paragraphs' requirements regarding certification do not apply to reported close calls.

Section 240.307—Revocation of Certification

FRA proposes to amend § 240.307 by revising paragraph (i) to include a new paragraph (i)(3)(i) providing that a railroad shall not revoke a person's certification for an alleged violation of a railroad operating rule or practice that was reported to C³RS and accepted as a close call by both the independent third party and the PRT in accordance with all applicable provisions of a C³RS IMOU and proposed new language in paragraphs (i)(3)(ii), as described below. FRA also proposes minor technical revisions to paragraphs (i)(1) and (i)(2) that would accommodate new paragraph (i)(3) by replacing the current punctuation marks at the end of each paragraph with a period.

Proposed paragraph (i)(3)(ii)(A) would provide that if a railroad initiates certification suspension or revocation and the person indicates the event was reported to C³RS as a close call, all time limits in § 240.307 are put in abeyance until the employee (or the employee's representative) provides an ID strip to the investigating officer or charging officer and confirmation is received from the PRT regarding whether the alleged violation was reported and accepted as a close call. The proposed language is adapted from C³RS IMOU currently in effect that put time limits for pursuing revocation of certification into abeyance until an ID strip is

delivered, with additional language clarifying that the PRT must also determine that the alleged violation was reported and accepted as a close call.

Proposed paragraph (i)(3)(ii)(B) would provide that a determination made by the independent third party or the PRT regarding whether a report was accepted as a close call may not be overturned pursuant to the administrative hearing and dispute resolution procedures in subpart E of part 240. The cooperative and voluntary nature of C³RS requires that these important stakeholder determinations—particularly PRT determinations, which are generally made by consensus pursuant to the applicable C³RS IMOU—are not subject to the administrative review procedures of part 240. Not only would such review be inconsistent with the nature of C³RS, but it would create an unfair situation where locomotive engineers and conductors covered by a C³RS IMOU would have an avenue to appeal a determination made by the independent third party or the PRT that was not available to other employees who did not possess a certification, but who would still be potentially subject to railroad discipline and FRA enforcement as a result of a reported event that was not accepted by either the independent third party or the PRT.

Proposed paragraph (i)(3)(ii)(B) further provides, however, that such determinations can be included as a finding of fact for purposes of determining whether a railroad impermissibly revoked a person's certification for an alleged violation that was reported and accepted as a close call by both the independent third party and the PRT. In other words, if a railroad suspends or revokes a person's certification even though the alleged violation was reported and accepted as a close call by both the independent third party and the PRT, the existence of that acceptance determination can be a factual finding introduced during a subpart E proceeding to demonstrate that the railroad impermissibly revoked the person's certification under proposed paragraph (i)(3)(i).

Proposed paragraph (i)(3)(ii)(C) establishes that an employee is not protected from decertification for an alleged violation of a railroad's operating rules or practices that involves any of the following, even if the employee reported the event to C³RS:

- An event that caused or is alleged to have caused death, injury, illness, or medical treatment of any kind to any person (including a passenger) involved in the event;

- An event that results in damages above the current monetary rail equipment accident/incident reporting threshold described in 49 CFR part 225—Railroad Accidents/Incidents and published annually by FRA;

- An event that results in a highway-rail grade crossing accident/incident, as described in 49 CFR 225.19(b);

- A willful violation of a Federal railroad safety law or railroad operating rule or practice, including the prohibited use of alcohol or a controlled substance;

- A substance abuse disorder;

- An event resulting in the identifiable release of a hazardous material;

- An act of sabotage or other criminal offense; or

- An event involving use of a personal electronic device that is prohibited by a Federal railroad safety law or railroad operating rule.

Because there is longstanding consensus among C³RS stakeholders that events involving the above situations are ineligible to be reported to C³RS, FRA proposes to memorialize them in part 240. Doing would assure all railroad safety stakeholders, including the public, that violations involving a heightened or willful degree of risk to the safety of railroad operations, or which resulted in casualties or significant property damage, are ineligible for the C³RS protections against decertification.

Further, all C³RS IMOU currently in effect contain the above exclusions, with the exception of the prohibited use of personal electronic devices. Some C³RS IMOU predate FRA's personal electronic device regulations in part 220 (which went into effect on March 28, 2011),¹⁰ and therefore these earlier IMOU did not state that the prohibited use of a personal electronic device could not be reported to C³RS. However, FRA interprets these IMOU to exclude prohibited use of a personal electronic device from C³RS because such uses are willful violations of a railroad operating rule or practice or Federal railroad safety law, as the prohibited use of a personal electronic device can be presumed to be willful. More recent C³RS IMOU specifically exclude prohibited use of electronic devices, including IMOU establishing C³RS

¹⁰ Before issuing the part 220 regulations governing the use of personal electronic devices, FRA had published Emergency Order (E.O.) 28 on October 7, 2008. E.O. 28 restricted on-duty railroad operating employees from improperly using cellular telephones and other distracting electronic and electrical devices. 73 FR 58702.

pilot programs for certain Class I freight railroads, which helps improve clarity.

For these reasons, FRA proposes to exclude prohibited use of personal electronic devices from C³RS decertification protections in part 240, especially since it would be antithetical to the railroad safety purposes of the program to permit an employee to escape consequences for prohibited use of a personal electronic device simply by reporting such use.

In addition to these identified exclusions, C³RS stakeholders would retain the flexibility they currently have to develop IMOU provisions establishing other limits or exclusions to C³RS reporting.

Section 242.7—Definitions

FRA is proposing to amend this section to add the definitions to part 242 for “close call”; “Confidential Close Call Reporting System” or “C³RS”; “C³RS Implementing Memorandum of Understanding” or “C³RS IMOU”; “electronic device”; “hazardous material”; “ID strip”; “independent third party”; “Peer Review Team” or “PRT”; and “personal electronic device.” Because these are the same definitions FRA is proposing to add to § 240.7, please refer to the above section-by-section analysis for § 240.7 for discussion of FRA’s rationale for the proposed definitions.

Section 242.403—Criteria for Revoking Certification

FRA proposes to amend § 242.403 to add a new paragraph (f)(5) that references proposed § 242.407(i)(3) to provide that a railroad shall not deny or revoke an employee’s certification based on an alleged violation of the railroad’s operating rules or practices that the employee reported to C³RS and that was accepted as a close call by both the independent third party and the PRT in accordance with all applicable provisions of a C³RS IMOU. FRA also proposes to add references to new paragraph (f)(5) in paragraphs (b) and (c)(1) to clarify that those paragraphs’ requirements regarding certification do not apply to reported close calls. These are substantively the same revisions FRA is proposing to § 240.117.

Section 242.407—Process for Revoking Certification

FRA proposes to amend § 242.407 to include new language in paragraph (i)(3)(i) stating that a railroad shall not suspend or revoke a person’s certification if the violation was reported to C³RS and accepted by both the independent third party and the PRT in accordance with all applicable

provisions of a C³RS IMOU and additional criteria contained in paragraphs (i)(3)(ii). Because these are substantively the same revisions FRA is proposing to § 240.307, please refer to the above section-by-section analysis for § 240.307 for discussion of FRA’s rationale for the proposed revisions.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

This rule proposes to amend its regulations governing the qualification and certification of locomotive engineers and conductors and codifies longstanding waivers that have granted relief from certain certification requirements for railroads that participate in the FRA-sponsored C³RS program, reducing burdens on C³RS-participating railroads. Nothing in this proposed rule changes the voluntary and cooperative nature of C³RS, as participating stakeholders retain the ability to terminate their participation in the program in accordance with the provisions of the applicable C³RS IMOU. Moreover, this rule would provide some qualitative benefits to regulated entities and the U.S. government, by clarifying, simplifying, and updating the language of part 240 and 242. The proposed rule would also promote more efficient use of government resources by reducing the time spent by FRA on reviewing and approving these types of waivers.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O.

14192 deregulatory action, and an E.O. 14192 regulatory action.¹²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or “less than zero” consistent with E.O. 14192, FRA requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,¹³ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 240 or 242; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience a cost savings. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

¹² Executive Office of the President. Office of Management and Budget. Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.” Memorandum M–25–20. Mar. 26, 2025.

¹³ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

¹¹ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation.* 90 FR 9065–9067. Feb. 6, 2025.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed above under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and it contains no new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), therefore an information collection submission to OMB is not required. The recordkeeping and reporting requirements contained in parts 240 and 242 became effective when they were approved by OMB in 2024. The OMB approval numbers are OMB No. 2130–0533, which expires on July 31, 2027, and OMB No. 2130–0596, which expires on October 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in

accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹⁴ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979¹⁵ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

¹⁴ 66 FR 28355 (May 22, 2001).

¹⁵ 19 U.S.C. ch. 13.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](http://www.regulations.gov), Docket No. FRA–2025–0131, in the **SUMMARY** section of this proposed rule.

List of Subjects

49 CFR Part 240

Administrative practice and procedures, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 242

Administrative practice and procedure, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend parts 240 and 242 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 240—QUALIFICATION AND CERTIFICATION OF CONDUCTORS

- 1. The authority citation for part 240 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. Amend § 240.7 by adding definitions in alphabetical order for “C³RS Implementing Memorandum of Understanding (C³RS IMOU)”, “Close call”, “Confidential Close Call Reporting System (C³RS)”, “Electronic device”, “Hazardous material”, “ID strip”, “Independent third party”, “Peer Review Team (PRT)”, and “Personal electronic device” to read as follows:

§ 240.7 Definitions.

* * * *

C³RS Implementing Memorandum of Understanding (C³RS IMOU) means a voluntary written agreement that implements C³RS on a participating railroad and is signed by FRA, the participating railroad, and any non-profit employee labor organization(s) representing participating employees for purposes of the C³RS IMOU. If the participating employees are not represented by a non-profit labor organization, or if a non-profit employee labor organization representing employees covered by a C³RS IMOU is not a stakeholder to the program, a C³RS IMOU may be signed only by FRA and the participating railroad. When contractor employees are participating in C³RS, the C³RS IMOU must also be signed by the contractor for the railroad and can be signed by any non-profit employee labor organization representing the contractor employees for purposes of the C³RS IMOU. FRA will post all C³RS IMOUs to the Federal Docket Management System's website at <https://www.regulations.gov>.

Close call means an unsafe event or sequence of unsafe events that had a potential for more serious adverse consequences to railroad safety and has been reported to C³RS and accepted by both the independent third party and the Peer Review Team (PRT) as a reportable close call in accordance with all applicable provisions of a C³RS IMOU.

* * * *

Confidential Close Call Reporting System (C³RS) means an FRA-sponsored voluntary program designed to improve the safety of railroad operations by allowing railroad workers to confidentially report currently unreported or underreported unsafe events without the repercussions of suspension or revocation of certification.

* * * *

Electronic device has the meaning assigned by § 220.5 of this chapter.

* * * *

Hazardous material means a commodity designated as a hazardous material by part 172 of this title.

ID strip means the identification strip the independent third party issues to an employee who has reported a close call to C³RS to indicate that the independent third party has accepted the close call.

Independent third party means the non-FRA organization that manages C³RS, accepts close call reports, and protects the confidentiality of both a

reporting employee and a participating railroad.

* * * *

Peer Review Team (PRT) is a problem-solving team consisting of representatives for the primary stakeholders to a C³RS IMOU, including FRA, the participating railroad, and any participating non-profit employee labor organization(s).

* * * *

Personal electronic device has the meaning assigned by § 220.5.

■ 3. Amend § 240.117 by revising paragraph (b) and paragraph (c)(1) and adding a new paragraph (f)(5) to read as follows:

§ 240.117 Criteria for consideration of operating rules compliance data.

* * * *

(b) Except as provided in paragraph (f)(5) of this section, a person who has demonstrated a failure to comply, as described in paragraph (e) of this section, with railroad rules and practices for the safe operation of trains shall not be currently certified as a locomotive engineer.

(c)

(1) Except as provided in paragraph (f)(5) of this section, a certified locomotive engineer who has demonstrated a failure to comply with railroad rules and practices described in paragraph (e) of this section shall have his or her certification revoked.

* * * *

(f) * * *

(5) In accordance with § 240.307(i)(3), a railroad shall not deny or revoke an employee's certification based on an alleged violation of the railroad's operating rules or practices that the employee reported to C³RS as a close call and was accepted as a close call by both the independent third party and the PRT in accordance with all applicable provisions of a C³RS IMOU.

* * * *

■ 4. Amend § 240.307 by revising paragraph (i) to read as follows:

§ 240.307 Revocation of certification.

* * * *

(i) A railroad:

(1) Shall not revoke the person's certification as provided for in paragraph (a) of this section if sufficient evidence exists to establish that an intervening cause prevented or materially impaired the locomotive engineer's ability to comply with the railroad operating rule or practice that constitutes a violation under § 240.117(e)(1) through (5).

(2) May decide not to revoke the person's certification as provided for in

paragraph (a) of this section if sufficient evidence exists to establish that the violation of § 240.117(e)(1) through (5) was of a minimal nature and had no direct or potential effect on rail safety.

(3)(i) Shall not suspend or revoke the person's certification as provided for in paragraph (a) of this section if the person reported the alleged violation of the railroad's operating rule or practice that constitutes a violation under § 240.117(e)(1) through (5) to C³RS as a close call; and if the person's report was accepted as a close call by both the independent third party and the PRT in accordance with all applicable provisions of a C³RS IMOU.

(ii)(A) If a railroad initiates suspension or revocation of the person's certification and the person indicates the alleged violation was reported to C³RS as a close call, the time limits prescribed in this section for pursuing certificate suspension or revocation will be put in abeyance, pending provision of an ID strip from the reporting employee, or the employee's designated representative, to the investigating officer or presiding officer and confirmation from the PRT that the alleged violation was reported and accepted as a close call.

(B) A determination made by the independent third party or the PRT regarding whether a report was accepted as a close call may not be overturned pursuant to the administrative hearing and dispute resolution procedures in subpart E of this part, but may be included as a finding of fact for purposes of determining whether the railroad impermissibly revoked a person's certification for an alleged violation that was reported and accepted as a close call by both the third party and the PRT.

(C) Paragraph (i)(3) of this section will not apply to any alleged violation of a railroad's operating rules or practices that constitutes a violation under § 240.117(e)(1) through (5) that involves:

(1) An event that caused or is alleged to have caused death, injury, illness, or medical treatment of any kind to any person (including a passenger) involved in the event;

(2) An event that results in damages above the current monetary rail equipment accident/incident reporting threshold described in part 225 of this chapter and published annually by FRA;

(3) An event that results in a highway-rail grade crossing accident/incident, as described in § 225.19(b) of this chapter;

(4) A willful violation of a Federal railroad safety law or railroad operating rule or practice, including the prohibited use of alcohol or a controlled substance;

(5) A substance abuse disorder;
 (6) An event resulting in the identifiable release of a hazardous material;

(7) An act of sabotage or other criminal offense; or

(8) An event involving use of a personal electronic device that is prohibited by a Federal railroad safety law or railroad operating rule.

PART 242—QUALIFICATION AND CERTIFICATION OF CONDUCTORS

■ 5. The authority citation for part 242 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 6. Amend § 242.7 by adding definitions in alphabetical order for “C³RS Implementing Memorandum of Understanding (C³RS IMOU)”, “Close call”, “Confidential Close Call Reporting System (C³RS)”, “Electronic device”, “Hazardous material”, “ID strip”, “Independent third party”, “Peer Review Team (PRT)”, and “Personal electronic device” to read as follows:

§ 242.7 Definitions.

C³RS Implementing Memorandum of Understanding (C³RS IMOU) means a voluntary written agreement that implements C³RS on a participating railroad and is signed by FRA, the participating railroad, and any non-profit employee labor organization(s) representing participating employees for purposes of the C³RS IMOU. If the participating employees are not represented by a non-profit labor organization, or if a non-profit employee labor organization representing employees covered by a C³RS IMOU is not a stakeholder to the program, a C³RS IMOU may be signed only by FRA and the participating railroad. When contractor employees are participating in C³RS, the C³RS IMOU must also be signed by the contractor for the railroad and can be signed by any non-profit employee labor organization representing the contractor employees for purposes of the C³RS IMOU. FRA will post all C³RS IMOs to the Federal Docket Management System’s website at <https://www.regulations.gov>.

Close call means an unsafe event or sequence of unsafe events that had a potential for more serious adverse consequences to railroad safety and has been reported to C³RS and accepted by both the independent third party and the Peer Review Team (PRT) as a reportable close call in accordance with

all applicable provisions of a C³RS IMOU.

Confidential Close Call Reporting System (C³RS) means an FRA-sponsored voluntary program designed to improve the safety of railroad operations by allowing railroad workers to confidentially report currently unreported or underreported unsafe events without the repercussions of suspension or revocation of certification.

Electronic device has the meaning assigned by § 220.5 of this chapter.

Hazardous material means a commodity designated as a hazardous material by part 172 of this title.

ID strip means the identification strip the independent third party issues to an employee who has reported a close call to C³RS to indicate that the independent third party has accepted the close call.

Independent third party means the non-FRA organization that manages C³RS, accepts close call reports, and protects the confidentiality of both a reporting employee and a participating railroad.

Peer Review Team (PRT) is a problem-solving team consisting of representatives for the primary stakeholders to a C³RS IMOU, including FRA, the participating railroad, and any participating non-profit employee labor organization(s).

Personal electronic device has the meaning assigned by § 220.5 of this chapter.

■ 7. Amend § 242.403 by revising paragraph (b) and paragraph (c)(1) and adding a new paragraph (f)(5) to read as follows:

§ 242.403 Criteria for revoking certification.

(b) Except as provided in paragraph (f)(5) of this section, it shall be unlawful to fail to comply with any of the railroad rules and practices described in paragraph (e) of this section.

(c) (1) Except as provided in paragraph (f)(5) of this section, a certified conductor who has demonstrated a failure to comply with railroad rules and practices described in paragraph (e) of this section shall have his or her certification revoked.

(f) (5) In accordance with § 242.407(i)(3), a railroad shall not deny or revoke an

employee’s certification based on an alleged violation of the railroad’s operating rules or practices that the employee reported to C³RS as a close call and was accepted as a close call by both the independent third party and the PRT in accordance with all applicable provisions of a C³RS IMOU.

■ 8. Amend § 242.407 by revising paragraph (i) to read as follows:

§ 242.407 Process for revoking certification.

(i) A railroad:

(1) Shall not revoke the person’s certification as provided for in paragraph (a) of this section if sufficient evidence exists to establish that an intervening cause prevented or materially impaired the conductor’s ability to comply with the railroad operating rule or practice which constitutes a violation under § 242.403(e)(1) through (e)(11).

(2) May decide not to revoke the person’s certification as provided for in paragraph (a) of this section if sufficient evidence exists to establish that the violation of § 242.403(e)(1) through (e)(11) was of a minimal nature and had no direct or potential effect on rail safety.

(3)(i) Shall not suspend or revoke the person’s certification as provided for in paragraph (a) of this section if the person reported the alleged violation of the railroad’s operating rule or practice that constitutes a violation under § 242.403(e)(1) through (11) to C³RS as a close call; and if the person’s report was accepted as a close call by both the independent third party and the PRT in accordance with all applicable provisions of a C³RS IMOU.

(ii)(A) If a railroad initiates suspension or revocation of the person’s certification and the person indicates the alleged violation was reported to C³RS as a close call, the time limits prescribed in this section for pursuing certificate suspension or revocation will be put in abeyance, pending provision of an ID strip from the reporting employee, or the employee’s designated representative, to the investigating officer or presiding officer and confirmation from the PRT that the alleged violation was reported and accepted as a close call.

(B) A determination made by the independent third party or the PRT regarding whether a report was accepted as a close call may not be overturned pursuant to the administrative hearing and dispute resolution procedures in subpart F of this part, but may be included as a finding of fact for

purposes of determining whether the railroad impermissibly revoked a person's certification for an alleged violation that was reported and accepted as a close call by both the third party and the PRT.

(C) Paragraph (i)(3) of this section will not apply to any alleged violation of a railroad's operating rules or practices that constitutes a violation under § 242.403(e)(1) through (11) that involves:

(1) An event that caused or is alleged to have caused death, injury, illness, or medical treatment of any kind to any person (including a passenger) involved in the event;

(2) An event that results in damages above the current monetary rail equipment accident/incident reporting threshold described in part 225 of this chapter and published annually by FRA;

(3) An event that results in a highway-rail grade crossing accident/incident, as described in § 225.19(b) of this chapter;

(4) A willful violation of a Federal railroad safety law or railroad operating rule or practice, including the prohibited use of alcohol or a controlled substance;

(5) A substance abuse disorder;

(6) An event resulting in the identifiable release of a hazardous material;

(7) An act of sabotage or other criminal offense; or

(8) An event involving use of a personal electronic device that is prohibited by a Federal railroad safety law or railroad operating rule.

Issued in Washington, DC.

Kyle D. Fields,

Chief Counsel.

[FR Doc. 2025–12167 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 242

[Docket No. FRA–2025–0133]

RIN 2130–AD61

Miscellaneous Revisions to the Qualification and Certification of Conductors

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would update FRA's conductor certification requirements by reducing the

information that is required on a conductor's certificate and allowing certificates to be electronic. FRA is also proposing changes to the certification revocation process and the Administrative Hearing Officer (AHO) process. Lastly, FRA is proposing other administrative updates including revising definitions and correcting errors in the regulatory text.

DATES: Comments on the proposed rule must be received by September 2, 2025. FRA may consider comments received after that date, but only to the extent practicable.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2025–0133 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2025–0133), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD61). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Christian Holt, Staff Director-Operating Practices Division, Federal Railroad Administration, telephone: 202–366–0978, email: christian.holt@dot.gov; or Michael C. Spinnicchia, Attorney Adviser, Federal Railroad Administration, telephone: 202–713–7671, email: michael.spinnicchia@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, FRA is reviewing its regulatory requirements in parts 200 through 299 of Title 49, Code of Federal Regulations (CFR). The requirements for FRA-regulated entities to certify conductors are established in 49 CFR part 242,

“Qualification and Certification of Conductors.” Some of the requirements contained in part 242 could be updated to reduce burdens, make technical or conforming changes, ensure due process or constitutionality, or otherwise adjust to advancing technology without any adverse effect on railroad safety. Please review the SECTION-BY-SECTION ANALYSIS below for the relevant information related to each proposed change.

II. Section-by-Section Analysis

§ 242.7 Definitions

To be consistent with 49 CFR 209.5, FRA is proposing to amend this section by adjusting the definitions for “File, filed and filing” and “Serve or service.” In this rule, FRA would amend the definition of “File, filed and filing” to mean submission of a document under this part on the date when the DOT Docket Clerk or FRA receives it, or if served as that term is defined under 49 CFR 209.5, the date of service. FRA also proposes adding a comma after the word “filed.” Further, FRA proposes amending the definition of “Serve or service,” in the context of serving documents, to have the meaning given in § 209.5.

§ 242.11 Penalties and Consequences for Noncompliance

FRA is proposing to amend paragraph (a) of this section by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is proposing to add language to this section referring readers to 49 CFR part 209, appendix A, where FRA specifies statutorily provided civil penalty amounts updated for inflation. FRA is also proposing to amend this section to update the web address from www.fra.dot.gov to <https://railroads.dot.gov/>.

Section 242.201 Time Limitations for Certification

Paragraph (a) of this section currently lists four scenarios where a railroad shall not certify or recertify a person as a conductor. Paragraph (a)(3) states railroads cannot make certification decisions based on a knowledge examination that was conducted more than 366 days before the date of the railroad's certification decision. Paragraph (a)(4) is intended to provide an exception to paragraph (a)(3) that allows for railroads to rely on knowledge examinations performed in the 24 months prior to the certification

decision *if* the railroad administers its knowledge testing program at intervals that do not exceed 24 months.¹ However, the way this section is written, a railroad that conducts its knowledge testing exams on a two-year cycle would still be prohibited from relying on a knowledge exam performed more than 366 days before the certification decision under paragraph (a)(3). This is a clear drafting error that does not conform with the intent of the regulation and makes paragraph (a)(4) superfluous. Therefore, FRA is proposing to amend paragraph (a)(3) to add “except as provided for in paragraph (a)(4) of this section” at the end of the paragraph to clarify that paragraph (a)(4) provides an exception to the limitation in paragraph (a)(3).

Section 242.207 Certificate Components

As part of the requirement that conductors be certified, railroads must issue certificates to those individuals that they certify. This section details what information must be included in these certificates.

Paragraph (a)(3) of this section states that the certificate must identify the person to whom the certificate is being issued. This must include the person's name, employee identification number, the year of birth, and either a physical description or photograph of the person. FRA is proposing to remove the requirement that the certificate include the person's year of birth.

In 2023, FRA issued NPRMs proposing the establishment of certification requirements for dispatchers and signal employees.² The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) submitted joint comments to both NPRMs requesting that FRA remove the year of birth requirement from dispatcher and signal employee certificates.³ In support of their comment, AAR and ASLRRA noted that a person's birth year provides little to no assistance in confirming a person's identity and there are other ways, such as a physical description or photograph, that better serve this purpose. When FRA issued the final rules establishing dispatcher and signal employee certification, the agency agreed with AAR and ASLRRA's rationale that it was unnecessary to include the year of birth on the certificates, and this requirement was removed from the final

rules.⁴ For similar reasons, FRA is proposing removing the requirement that a person's year of birth be included on their conductor certificate.

Paragraph (a)(7) of this section states the certificate must be sufficiently small to permit being carried in an ordinary pocket wallet. FRA is proposing amending this paragraph to allow railroads to issue electronic certificates. Section 242.211(b) already provides for railroads to issue temporary replacement certificates electronically, and FRA does not find any safety concerns with extending this allowance to the certificates issued under this section. Electronic certificates would allow for railroads to issue certificates more efficiently while also making it much less likely that a railroad would have to issue a replacement certificate under § 242.211. Lastly, while FRA is not proposing any revisions to paragraph (a)(6) of this section, which requires that a certificate be signed by an individual designated in accordance with paragraph (b) of this section, based on the proposed revision to paragraph (a)(7), it logically follows that FRA would allow for electronic signatures under this proposed rule.

Section 242.407 Process for Revoking Certification

Many railroads issue their written decisions to revoke a person's certification without findings of fact and a clear application of the regulation. That approach conflicts with an existing requirement in paragraph (c)(11) of this section which requires that each railroad decision must include “the findings of fact as well as the basis therefor, concerning all material issues of fact presented on the record and citations to all applicable railroad rules and practices.” Although paragraph (d) allows a railroad to use hearing procedures under an applicable collective bargaining agreement, and such an agreement might not contain the same or similar requirements as in paragraph (c)(11), including findings of fact is normally what would be expected in such a decision. Thus, a railroad's failure to include such basic information in a decision has led to an inefficient and more complicated process. For instance, a railroad's failure to include findings of fact in its revocation decision means that the person who is challenging the decision cannot quickly and effectively pinpoint whether the basis for the parties' disagreement is based on a

misunderstanding or material disagreement of the facts.

FRA's Operating Crew Review Board (OCRB), which is delegated the authority to review a person's challenge to a railroad's revocation decision, has similarly been less efficient in its review because it must spend an inordinate amount of time dissecting the evidentiary record in a way that exceeds the appropriate, accelerated consideration of a case envisioned by this certification review. Railroads often include findings of fact in their responses to petitions filed with the OCRB, but that is too late in the process to give the affected conductor an opportunity to consider the findings of fact and respond. To obviate this inefficient process, FRA proposes to revise paragraph (d) of this section to clarify that written findings of fact and application of the regulation must always be provided in a railroad's written decision prior to consideration of a case before the OCRB, regardless of any alternative requirement provided in a collective bargaining agreement. This amendment would be deregulatory insofar as it provides required information to the affected person earlier in the certification revocation process, ensuring due process for conductors subject to the certification requirements in part 242, and increasing efficiency of the process.

Section 242.509 Hearings

Executive Order (E.O.) 14219, Ensuring Lawful Governance and Implementing the President's “Department of Government Efficiency” Deregulatory Initiative (90 FR 10583, Feb. 19, 2025), requires agencies to review regulations for a variety of concerns and rescind or modify such regulations identified. This section raises concerns due to its potential shifting of the burden of proof. The existing regulation grants a party adversely affected by an OCRB decision the right to a *de novo* hearing before an AHO with more robust evidentiary and procedural protections than the expedited OCRB proceeding but shifts the burden of proof at this AHO hearing stage to the party that was adversely affected by the OCRB decision. In cases where the conductor or conductor candidate was the party adversely affected by the preceding OCRB decision, the burden of proof at the AHO hearing stage currently shifts to the impacted conductor/conductor candidate.

To correct for this concern, FRA proposes to amend paragraph (q) of this section to clarify that the railroad taking a certification action is always the

¹ 84 FR 20472, 20485 (May 9, 2019).

² 88 FR 35574 (May 31, 2023); 88 FR 35632 (May 31, 2023).

³ FRA–2022–0019–0041; FRA–2022–0020–0035.

⁴ 89 FR 44766, 44789 (May 21, 2024); 89 FR 44830, 44859 (May 21, 2024).

petitioner at the AHO hearing stage and always bears the burden of proof by a preponderance of the evidence. FRA acknowledges that while this approach provides additional protections for a conductor or conductor candidate who has been subject to a denial or revocation of certification with related impacts on his or her livelihood, this burden could now shift to railroads. However, FRA expects the burden to be negligible. FRA requests comments on the extent of this shift in burden and any potential impacts.

Paragraph (r) of this section notes that FRA will be a mandatory party to the administrative hearing and will be a respondent at the start of the hearing. FRA is proposing to delete the requirement that FRA be a respondent at the start of each proceeding. Under the proposed revisions to paragraph (q) of this section, the hearing respondent would always be the conductor or conductor candidate. FRA is more likely to align with the party who received a favorable decision before the OCRB, which could be, with the proposed changes to paragraph (q), either the petitioner or respondent at the AHO hearing stage. Therefore, it would no longer make sense for FRA to always be the respondent at the AHO hearing stage.

FRA is also requesting comments on whether it should remove paragraph (r) in its entirety and no longer require that FRA be a mandatory party to the administrative hearing.

Lastly, under these proposed changes, if FRA is a mandatory party and agrees with the railroad, FRA would be considered a hearing petitioner. However, in such circumstances, FRA would not be responsible for presenting any evidence, through witness testimony or exhibits, in support of the railroad's case. That responsibility would remain with the railroad.

III. Regulatory Impact and Notices

A. E.O. 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA expects this NPRM would update FRA's conductor certification requirements by reducing the information that is required on a

conductor's certificate and by allowing certificates to be electronic and proposes other administrative updates including revising definitions and correcting errors in the regulatory text. While some additional burdens may be added from the proposed changes to the revocation of certification requirements, FRA estimates that the overall benefits of this proposed rule would outweigh any potential burdens. Moreover, this proposed rule would provide additional benefits to regulated entities and the U.S. government, by clarifying, simplifying, and updating the language of part 242. This rule would also decrease the information requested on a conductor's certificate. FRA requests any comments from the public on the impacts of this proposed rule.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."⁵ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero."⁶ This proposed rulemaking is expected to have total costs less than zero, and therefore, if finalized, it would be considered an E.O. 14192 deregulatory action. While FRA affirms that each amendment proposed in this NPRM has a cost that is negligible or "less than zero" consistent with E.O. 14192, FRA still requests comment on the extent of the cost savings for the changes proposed in this NPRM.

C. Regulatory Flexibility Act and E.O. 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁷ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that

⁵ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

⁶ Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation."* Memorandum M–25–20. March 26, 2025.

⁷ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not preclude small entities from continuing existing practices that comply with part 242; it merely offers clarity and updates that could result in benefits, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, would experience some benefits. Consequently, FRA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FRA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

D. Paperwork Reduction Act

This proposed rule offers regulatory flexibilities, and there is no new information collection requirement, in accordance with the Paperwork Reduction Act of 1995, U.S.C. 3501 *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in Part 242 became effective when it was approved by OMB on October 24, 2024. The OMB approval number is 2130–0596, and OMB approval expires on October 31, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FRA has determined that this rule is categorically

excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This proposed rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁸ FRA has evaluated this proposed rule in accordance with E.O. 13211 and determined that this proposed rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979⁹ prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

K. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to <http://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at regulations.gov, Docket No. FRA–2025–0133, in the **SUMMARY** section of this proposed rule.

List of Subjects in 49 CFR Part 242

Administrative practice and procedure, Conductor, Penalties, Railroad employees, Railroad operating procedures, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 242 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 242—QUALIFICATION AND CERTIFICATION OF CONDUCTORS

■ 1. The authority citation for part 242 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. In § 242.7, revise the definitions of “File, filed and filing” and “Serve or service” to read as follows:

§ 242.7 Definitions.

* * * * *

File, filed, and filing mean submission of a document under this part on the date when the DOT Docket Clerk or FRA receives it, or if served as that term is defined under 49 CFR 209.5, the date of service.

* * * * *

Serve or service, in the context of serving documents, has the meaning given in 49 CFR 209.5. The computation of time provisions in Rule 6 of the Federal Rules of Civil Procedure as amended are also applicable in this part. *See also* the definition of “file, filed, and filing” in this section.

* * * * *

■ 3. Revise § 242.11(a) to read as follows:

§ 242.11 Penalties and consequences for noncompliance.

(a) A person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where: (1) a grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons, or (2) a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA’s website at <https://railroads.dot.gov> for a statement of agency civil penalty policy.

* * * * *

■ 4. Revise § 242.201(a)(3) to read as follows:

§ 242.201 Time limitations for certification.

(a) * * *

(3) A determination concerning demonstrated knowledge and the knowledge examination being relied on was conducted more than 366 days before the date of the railroad’s certification decision except as provided for in paragraph (a)(4) of this section; or

* * * * *

■ 5. Revise § 242.207(a)(3) and (7) to read as follows:

⁸ 66 FR 28355 (May 22, 2001).

⁹ 19 U.S.C. Ch. 13.

§ 242.207 Certificate components.

(a) * * *

(3) Identify the person to whom it is being issued (including the person's name, employee identification number, and either a physical description or photograph of the person);

* * * * *

(7) Be electronic or be of sufficiently small size to permit being carried in an ordinary pocket wallet.

* * * * *

■ 6. Revise § 242.407(d) to read as follows:

§ 242.407 Process for revoking certification.

* * * * *

(d) A hearing required by this section which is conducted in a manner that conforms procedurally to the applicable collective bargaining agreement shall be deemed to satisfy the procedural requirements of this section except that the railroad's decision must comply with the requirements in paragraph (c)(11) of this section.

* * * * *

■ 7. Revise § 242.509(q) and (r) to read as follows:

§ 242.509 Hearings.

* * * * *

(q) Regardless of the prevailing party before the Operating Crew Review Board, the railroad involved in taking the certification action shall be the "hearing petitioner" and shall have the burden of proving its case by a preponderance of the evidence. The impacted conductor or conductor candidate shall be the "hearing respondent."

(r) FRA will be a mandatory party to the administrative hearing.

* * * * *

Issued in Washington, DC.

Kyle D. Fields,
Chief Counsel.

[FR Doc. 2025-12171 Filed 6-27-25; 4:15 pm]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****49 CFR Part 602**

[Docket No. FTA-2025-0012]

RIN 2132-AB61

Emergency Relief Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FTA proposes to reduce the regulatory burden on grant recipients by extending the baseline period to establish a waiver of certain administrative requirements related to FTA's Public Transportation Emergency Relief Program.

DATES: Comments should be filed by September 2, 2025. FTA will consider comments received after that date to the extent practicable.

ADDRESSES: You may send comments, identified by docket number FTA-2025-0012 by any of the following methods:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for sending comments.
- *Fax:* (202) 493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery/Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave. SE, Docket Operations, M-30, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program matters, contact Thomas Wilson, Office of Program Management, telephone at (202) 366-5279 or thomas.wilson@dot.gov. For legal matters, contact Diane Alexander, Attorney-Advisor, FTA, telephone at 202-366-3101 or diane.alexander@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**I. Background**

Under Section 20017 of The Moving Ahead for Progress in the 21st Century

Act (MAP-21, Pub. L. 112-141) (2012), codified at 49 U.S.C. 5324, Congress authorized FTA to establish and implement the Public Transportation Emergency Relief Program (the Program). The Program allows FTA to make grants for eligible public transportation capital and operating costs in the event of a catastrophic event, such as a natural disaster, that affects a wide area, as a result of the Governor of a State declaring an emergency and the Secretary of Transportation concurring, or the President declaring a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, 42 U.S.C. 5170). On March 29, 2013, FTA published an interim final rule implementing this statutory requirement and request for comments (78 FR 19136). On October 7, 2014, FTA published a final rule establishing procedures governing the implementation of FTA's Public Transportation Emergency Relief Program (79 FR 60349).

After more than 10 years of administering the Program, FTA proposes to reduce the regulatory burden on grant recipients to align with actual practice and extend the baseline time period for a waiver from certain administrative requirements.

II. Discussion of Major Changes

To reduce the burden for grant recipients, FTA proposes to modify section 602.15(b)(2) to establish a longer baseline time period within which grant recipients can qualify for a waiver of certain administrative requirements in order to obtain emergency relief funding. Currently, section 602.15(b)(2) establishes 45 days as the baseline time period for which FTA can determine whether certain FTA grant requirements, the requirements for E.O. 11988 floodplain analysis, and the labor protection requirements at 49 U.S.C. 5333(b) are waived. As stated in the March 29, 2013, interim final rule (78 FR 19140) and the October 7, 2014, final rule (79 FR 60355-56, 60357), FTA may waive these requirements as necessary and appropriate for emergency repairs, permanent repairs, and emergency operating expenses.

FTA proposes to modify section 602.15(b)(2) to extend the baseline time period to 90 days to align the regulatory text with existing practice and reduce the regulatory burden on grant recipients. In the October 7, 2014, final rule, FTA justified establishing the 45-day baseline time period to align with FTA's charter service rule at 49 CFR 604.2(f) (79 FR 60356). However, after

administering the program for more than 10 years, FTA has determined this is an insufficient period of time to address emergencies in practice and it has frequently extended the time period to 90 days or longer, during prior emergency events.

Based on the foregoing, and to ensure consistency with Administration priorities, including E.O. 14192 (“Unleashing Prosperity Through Deregulation”), FTA seeks to implement this deregulatory action.

III. Regulatory Analyses and Notices

A. E.O.s 12866 and 13563 (Regulatory Review)

E.O. 12866 (“Regulatory Planning and Review”), as supplemented by E.O. 13563 (“Improving Regulation and Regulatory Review”), directs Federal agencies to assess the benefits and costs of regulations, to select regulatory approaches that maximize net benefits when possible, and to consider economic, environmental, and distributional effects. This action does not meet the criteria of a “significant regulatory action.” Therefore, the Office of Management and Budget (OMB) has not reviewed this action.

The proposed rule would increase the waiver period during eligible emergencies to align with current FTA practice as FTA has consistently extended the period to 90 days or longer during prior events. Although the proposed rule would not change existing practices for recipients, it would allow recipients greater predictability in planning for emergencies by ensuring that the regulation aligns with historical FTA practice and accordingly would have minor, unquantified cost savings.

B. E.O. 14192 (Deregulatory Action)

E.O. 14192 (“Unleashing Prosperity Through Deregulation”) requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.” Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 25, 2025) defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.”

This proposed rule, if finalized, is expected to have total costs less than zero, and therefore is expected to be an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a

regulation on small entities unless the agency determines the regulation is not expected to have a significant economic impact on a substantial number of small entities. Under the Act, public-sector organizations and local governments qualify as small entities if they serve a population of less than 50,000. This proposed rule does not create an economic impact; rather, this proposed rule would reduce regulatory burden by extending the baseline time period within which the FTA Administrator can waive certain administrative requirements for grant recipients. For this reason, FTA certifies this action will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act of 1995

This final rule will not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This rule does not include a Federal mandate that may result in expenditures of \$100 million or more in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector.

E. E.O. 13132 (Federalism Assessment)

E.O. 13132 (“Federalism”) requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132 dated August 4, 1999, and FTA determined this action would not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. FTA also determined this action will not preempt any State law or regulation or affect the States’ ability to discharge traditional State governmental functions.

F. Paperwork Reduction Act

Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. FTA has analyzed this rule under the Paperwork Reduction Act and believes it does not impose additional information collection requirements for the purposes of the Act above and beyond existing

information collection clearances from OMB.

G. National Environmental Policy Act

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

H. E.O. 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) and it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

I. E.O. 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”). FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

J. Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review U.S. DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

K. Regulation Identifier Number (RIN)

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used

to cross-reference this rule with the Unified Agenda.

List of Subjects in 49 CFR Part 602

Disaster assistance, Grant programs—transportation, Mass transportation, Transportation.

For the reasons stated in the preamble, FTA proposes to amend title 49, Code of Federal Regulations, part 602, as set forth below:

PART 602—EMERGENCY RELIEF

■ 1. The authority citation for part 602 continues to read as follows:

Authority: 49 U.S.C. 5324 and 5334; 49 CFR 1.91.

■ 2. Amend Section 602.15 by revising paragraph (b)(2) to read as follows:

§ 602.15 Grant requirements.

(a) * * *

(b) * * *

(2) The FTA Administrator may determine certain requirements associated with public transportation programs are inapplicable as necessary and appropriate for emergency repairs, permanent repairs, emergency protective measures and emergency operating expenses incurred within 90 days of the emergency or major disaster, or longer as determined by FTA. If the FTA Administrator determines any requirement is inapplicable, the determination shall apply to all eligible activities undertaken with funds authorized under 49 U.S.C. 5324, as well as funds authorized under 49 U.S.C. 5307 and 5311 and used for eligible emergency relief activities.

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

[FR Doc. 2025–12248 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 633

[Docket No. FTA–2025–0010]

RIN 2132–AB59

Project Management Oversight

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FTA is proposing to modify the applicability of project management oversight by raising the total cost and Federal investment thresholds to align with the statutory thresholds for Small Starts projects under FTA's Capital Investment Grant program.

DATES: Comments should be filed by September 2, 2025. FTA will consider comments received after that date to the extent practicable.

ADDRESSES: You may send comments, identified by docket number FTA–2025–0010, by any of the following methods:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for sending comments.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, 20590–0001.
- *Hand Delivery/Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave. SE, Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program matters, contact Corey Walker, Office of Program Management (TPM), (202) 366–0826 or corey.walker@dot.gov. For legal matters, contact Mark Montgomery, Office of Chief Counsel, (202) 366–1017 or mark.montgomery@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

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- I. Executive Summary
 - A. Statutory Authority
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- II. Regulatory Analyses and Notices

I. Executive Summary

This NPRM proposes to amend the PMO regulation at 49 CFR part 633. The proposed rule would modify the applicability of project management oversight by raising the total cost threshold from \$300 million to \$400 million and the Federal investment threshold from \$100 to \$150 million, to align with the statutory thresholds for Small Starts projects under FTA's Capital Investment Grant (CIG) program. This amendment would reduce the number of projects subject to project management oversight requirements and therefore reduce regulatory burden.

A. Statutory Authority

This rulemaking is issued under the authority of 49 U.S.C. 5327, which requires the Secretary to conduct oversight of major capital projects and to promulgate a rule for that purpose that includes a definition of major capital project to delineate the types of projects governed by the rule.

B. Background

Recognizing a compelling need to strengthen the management and oversight of major capital projects, in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (Pub. L. 100–17) (April 2, 1987), Congress authorized FTA's predecessor agency, the Urban Mass Transportation Administration (UMTA), to conduct oversight of major capital projects and to promulgate a rule for that purpose. The statute, now codified at 49 U.S.C. 5327, authorizes FTA to obtain the services of project management oversight contractors (PMOCs) to assist FTA in overseeing the expenditure of Federal financial assistance for major capital projects. Further, the statute requires FTA to promulgate a regulation that includes a definition of “major capital project” to identify the types of projects governed by the rule. Accordingly, UMTA promulgated a rule for oversight of major capital projects on September 1, 1989, at 49 CFR part 633 (54 FR 36708). At that time, the average total cost of CIG projects was \$266 million (not adjusted for inflation). The UMTA regulation defined “major capital project” as any project for the construction of a new fixed guideway or extension of an existing fixed guideway or a project involving the rehabilitation or modernization of an existing fixed guideway with a total project cost of \$100 million or more. The rule limited covered projects to those receiving funds made available under sections 3, 9, or 18 of the Urban Mass

Transportation Act of 1964, as amended; 23 U.S.C. 103(e)(4); or section 14(b) of the National Capital Transportation Amendments of 1979.

By 2011, the annual dollar value of the Federal transit capital programs was nearly five times the level authorized under STURAA in 1987, and the number of active PMOC task orders was more than double the number in 1987. Furthermore, FTA funded a larger number of projects with a total cost of more than one billion dollars that presented significant oversight challenges. On September 13, 2011, FTA published a Notice of Proposed Rulemaking (NPRM) (76 FR 56378) that proposed to: (1) enable FTA to identify the necessary management capacity and capability of a sponsor of a major capital project more clearly; (2) spell out the many facets of project management that must be addressed in a project management plan; (3) tailor the level of FTA oversight to the costs, complexities, and risks of a major capital project; (4) set forth the means and objectives of risk assessments for major capital projects and; (5) articulate the roles and responsibilities of FTA's PMOCs.

After the NPRM was published, however, the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112-141) (July 6, 2012) expanded the scope of the project management oversight requirements to cover major capital projects for public transportation under any provision of Federal law. Moreover, MAP-21 shifted the initiation of project management oversight to the project development phase and removed the statutory requirement that recipients of financial assistance for projects with a total cost of \$1 billion submit an annual financial plan. Given the fundamental changes to the project management oversight requirements and scope, FTA withdrew the NPRM (78 FR 16460) to reexamine its proposed definition of major capital project and its policy and procedures for risk assessment. Subsequently, the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114-94) (December 4, 2015) further amended 49 U.S.C. 5327 to limit project management oversight to quarterly reviews, absent a finding that more frequent oversight was necessary, and mandated that the Secretary prescribe regulations outlining a process for at-risk recipients to return to quarterly reviews.

FTA has become much more knowledgeable about the risks common to major capital projects, having conducted its own risk assessments since 2005, witnessed some project sponsors' lack of management capacity

and capability and appropriate project controls for some projects, and studied the reasons for cost and schedule changes on many major capital projects. Consequently, on September 23, 2020, following a notice of proposed rulemaking (84 FR 44590) and an opportunity for comment, FTA published a final rule (85 FR 59672) that changed the applicability of the regulation by shifting the definition of a "major capital project" from one based on the type of project or total project cost to one based on both the amount of Federal financial assistance and the total project cost, which FTA views as a more appropriate benchmark than the type of project or total capital cost of a project alone.

The rule applied a project cost threshold to all fixed guideway capital projects. As a default, the rule raised the total project cost threshold to \$300 million or more and required that the project receive \$100 million or more in Federal investment to be subject to project management oversight. A key consideration for selecting these thresholds was that they reflect the thresholds Congress chose to distinguish Small Starts projects from New Starts projects in the CIG program. New Starts projects have more steps to complete in the CIG process and tend to be more complex, potentially requiring more oversight. Reducing the number of lower-risk Small Starts projects undergoing project management oversight will allow FTA to focus on higher-risk New Starts projects while yielding annual cost savings to FTA and its recipients.

Subsequently, the Infrastructure Investment and Jobs Act (Pub. L. 117-58; November 15, 2021) amended 49 U.S.C. 5309 to raise the thresholds for Small Starts projects in the CIG program to \$400 million or more in total costs and \$150 million or more in Federal investment. Accordingly, FTA proposes to amend the definition of "major capital project" under 49 CFR 633.5 to align with these statutory thresholds, consistent with the rationale in its 2020 final rule.

C. Summary of Provisions

FTA proposes to amend the definition of "major capital project" in 49 CFR 633.5 by raising the total cost and Federal investment thresholds to match those established for Small Starts projects under 49 U.S.C. 5309. The current regulation defines the term as a project to construct, expand, rehabilitate, or modernize a fixed guideway of \$300 million or more that receives \$100 million or more in Federal financial assistance. This NPRM

proposes to raise the thresholds to \$400 million and \$150 million, respectively.

II. Regulatory Analyses and Notices

Executive Order 12866 and 13563 (Regulatory Review)

E.O. 12866 ("Regulatory Planning and Review"), as supplemented by E.O. 13563 ("Improving Regulation and Regulatory Review"), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. OMB has determined the proposed rule is not significant within the meaning of E.O. 12866 and has not reviewed the rule under that order.

Project management oversight requirements apply to all major capital projects. The current definition of a "major capital project" includes all projects involving the construction, expansion, rehabilitation, or modernization of a fixed guideway with a total project cost of \$300 million or more and \$100 million or more in Federal investment. The proposed rule would increase the total project cost threshold to \$400 million and the Federal investment threshold to \$150 million.

Removing project management oversight from projects with total costs between \$300 and \$400 million and Federal investment between \$100 million and \$150 may increase the risk of materially exceeding budget or falling behind schedule for some projects; however, the potential negative impacts are not quantifiable. First, it is not the case that project management oversight eliminates the risk of cost or schedule overruns, nor that the lack of project management oversight necessarily implicates a high risk of such overruns.

Second, falling under the total cost and Federal investment thresholds does not preclude a project from receiving project management oversight. Section 633.5(e)(2) allows the Administrator to determine on a case-by-case basis that certain projects should be subject to project management oversight based on an assessment of risk, which would include an analysis of the likelihood of budget and schedule overruns. Of the 33 CIG projects currently in construction, FTA utilized this provision to designate six as major capital projects based on this risk assessment to receive additional oversight.

The proposed rule would result in cost savings for recipients and for FTA by reducing the number of capital projects subject to project management oversight. Removing the oversight requirements would reduce labor hours for oversight procedures, which include

attending meetings, preparing quarterly reports and other requested documents, and accompanying contractors at project construction sites.

Currently, there are 59 CIG and formula-funded major capital projects for public transportation subject to project management oversight. Seventeen of those projects have total costs between \$300 million and \$400 million or Federal investments between \$100 million and \$150 million. Eight of the projects between the existing and proposed thresholds have received grant agreements and are in construction. Those projects would not be impacted by the new thresholds under this proposed rule if it becomes a final rule. However, the remaining nine projects still in project development would no longer meet the definition of major capital project and not be subject to project management oversight requirements if the new thresholds become final before the project receives a grant agreement.

In 2020, FTA estimated that the oversight required approximately 1 FTE (full-time equivalent) of recipient time (2,080 hours) and 0.5 FTE of FTA staff time (1,040 hours) per project per year. Removing oversight requirements for nine projects annually would result in annual savings of 18,720 hours for recipients and 9,360 hours for FTA staff.

To estimate cost savings for project sponsors, FTA used May 2024 occupational wage data from the Bureau of Labor Statistics, the latest available as of May 2025, in the “Transit and Ground Passenger Transportation” industry (North American Industry Classification System code 485000).¹ To estimate the wages of agency staff completing the auditing requirements, FTA used the “General and Operations Managers” job category (code 11–1021). FTA used median hourly wages (\$42.45) as a basis for the estimates, multiplying the wages by 1.62 ($\$42.45 \times 1.62 = \$68.69$) to account for employer benefits.²

To estimate cost savings for FTA, FTA estimated an hourly wage of \$64.06 for oversight staff, based on the hourly wage rate for federal GS (General

Schedule) employees at step 5 of the GS–13 grade level in the Washington, DC locality pay area.³ The hourly rate was then multiplied by 1.62 to account for employer benefits ($\$64.06 \times 1.62 = \$103.65$).

The proposed rule would result in annual cost savings of \$2.3 million ($18,720 \text{ recipient hours} \times \$68.69 + 9,360 \text{ FTA hours} \times \$103.65$) in undiscounted 2024 dollars, \$1.9 million at a 3 percent discount rate (discounted to 2024), and \$1.5 million at a 7 percent discount rate over the ten year period from 2025 to 2035. Additionally, there would be cost savings for future FTA projects between \$300 million and \$400 million in total cost or \$100 million and \$150 million in Federal investment, that would have otherwise been subject to project management oversight under the current thresholds. However, because projects under the CIG and formula programs comprise a broad range of complexity, total costs, and amounts of Federal investment and vary from year to year, these cost savings are unquantifiable.

Executive Order 14192 (Deregulatory Action)

E.O. 14192 (“Unleashing Prosperity Through Deregulation”) requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.” Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 25, 2025) defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This proposed rule, if finalized, is expected to have total costs less than zero, and therefore is expected to be an E.O. 14192 deregulatory action.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

This proposed rule would not change any requirements for public transportation projects with a total cost of \$400 million or more and Federal investment of \$150 million or more, nor for projects with a total cost of less than \$300 million and Federal investment of less than \$100 million. The NPRM would narrow the applicability of project management oversight

requirements, thereby reducing burden on capital projects with total costs between \$300 million and \$400 million and Federal investments between \$100 million and \$150 million. The only small entities impacted by the proposed rule would be project sponsors of projects with total costs and amounts of Federal investment between the existing and proposed thresholds, and that impact would be a burden reduction. FTA therefore certifies that the proposed rule would not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

FTA has determined that this proposed rule does not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995). This rule does not include a Federal mandate that may result in expenditures of \$100 million or more in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector.

Executive Order 13132 (Federalism Assessment)

E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132, dated August 4, 1999, and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States’ ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), and OMB implementing regulation at 5 CFR 1320.8(d), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of

¹ Bureau of Labor Statistics. 2025. “May 2024 National Occupational Employment and Wage Estimates: United States: NAICS 485000—Transit and Ground Passenger Transportation.” <https://data.bls.gov/oes/#/industry/485000>.

² Multiplier derived using Bureau of Labor Statistics data on employer costs for employee compensation in December 2024 (<https://www.bls.gov/news.release/ecec.htm>). Employer costs for state and local government workers averaged \$63.46 an hour, with \$39.22 for wages and \$24.23 for benefit costs. To estimate full costs from wages, one would use a multiplier of $\$63.46/\$39.22$, or 1.62.

³ Office of Personnel Management. 2023. “Salary Table 2024–DCB.” https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB_h.pdf.

information they conduct, sponsor, or require through regulations. The costs and burdens associated with the information collection requirements under 49 CFR part 633 are included in the individual information collections of FTA's major capital programs. FTA has analyzed this proposed rule under the Paperwork Reduction Act and determined that it does not impose additional information collection requirements for the purposes of the Act above and beyond the existing information collection clearances from OMB. If the final rule results in a measurable reduction in burden hours or costs associated with existing information collections, FTA will revise the relevant information collection requests accordingly in compliance with the Paperwork Reduction Act.

National Environmental Policy Act

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), "[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives." This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this proposed rule under E.O. 13175, dated November 6, 2000, and it will not have substantial direct effects on one or more Indian Tribes; will not impose substantial direct compliance costs on Indian Tribal governments; and will not preempt tribal laws. Therefore, a Tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Privacy Act

Anyone can search the electronic form of all comments received into any

of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** at 65 FR 19477 (April 11, 2000).

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this proposed rule with the Unified Agenda.

List of Subjects in 49 CFR Part 633

Government contracts, Grant programs-transportation, Mass transportation, Reporting and recordkeeping requirements.

In consideration of the foregoing, and under the authority of 49 U.S.C. 5327 and 5334, and the delegation of authority at 49 CFR 1.91, the Federal Transit Administration proposes to amend title 49, Code of Federal Regulations, part 633, as set forth below:

PART 633—PROJECT MANAGEMENT OVERSIGHT

- 1. The authority citation for part 633 is revised to read as follows:

Authority: 49 U.S.C. 5327; 49 U.S.C. 5334; 49 CFR 1.91.

- 2. Revise § 633.5 to read as follows:

§ 633.5 Definitions.

* * * * *

Except as provided in § 633.19, Major capital project means a project that:

(1) * * *

(i) Has a total project cost of \$400 million or more and receives Federal funds of \$150 million or more; and

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

[FR Doc. 2025-12174 Filed 6-27-25; 4:15 pm]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 650

[Docket No. FTA-2025-0011]

RIN 2132-AB60

Private Investment Project Procedures

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In this action, the Federal Transit Administration (FTA) seeks to reduce the regulatory burden on recipients subject to FTA's private investment procedures by removing an unnecessary reporting requirement.

DATES: Comments should be filed by July 31, 2025. FTA will consider comments received after that date to the extent practicable.

ADDRESSES: You may send comments, identified by docket number FTA-2025-0011 by any of the following methods:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for sending comments.
- *Fax:* (202) 493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery/Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave. SE, Docket Operations, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Please contact Mark Montgomery, Office of Chief Counsel, FTA, telephone at

202–684–5301 or mark.montgomery@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Section 20013(b)(1) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141 (July 6, 2012), required FTA to identify any provisions of 49 U.S.C. chapter 53, and any regulations or practices thereunder, that impede greater use of public-private partnerships and private investment and to develop and implement, on a project basis, procedures and approaches that address such impediments. Section 20013(b)(1) of MAP–21 provided FTA discretion in addressing impediments to public-private partnerships.

On May 30, 2018, FTA published the final rule promulgating the Private Investment Project Procedures at 49 CFR part 650 with the primary goal of promoting the use of public-private partnerships and private investment in public transportation capital projects (83 FR 24672). Since issuing the final rule, FTA has determined that a reporting requirement, not required by MAP–21, has never been used and is inconsistent with FTA's purpose for issuing the rule.

II. Discussion of Major Changes

To reduce the burden for recipients, FTA proposes to remove subpart C (Reporting) from 49 CFR part 650. This subpart requires recipients with projects for which the Administrator has modified or waived any FTA requirement pursuant to 49 CFR 650.11, to submit to FTA a report evaluating the effects of the modification or waiver on the delivery of the project. This subpart requires the report to describe the modification or waiver applied to the project; evaluate the success or failure of the modification or waiver; evaluate the extent to which the modification or waiver addressed impediments to greater use of public-private partnerships and private investment in public transportation capital projects; and may include recommended changes with an explanation of how the changes would encourage greater use of public-private partnerships and private investment in public transportation capital projects. Under the current regulation, an initial report is due one year after completing construction of the project and, for projects that include private entity involvement in operations or maintenance, a second report is due two years after the project begins revenue operations.

Since issuing this rule, FTA has not received any reports pursuant to this section and thus determined this requirement is unnecessary and fails to promote public-private partnerships because it adds an additional burden to recipients that seek modification or waiver. Therefore, FTA proposes to promote public-private partnerships and reduce unnecessary regulatory burdens on FTA recipients by removing this subpart and reporting requirement.

To ensure consistency with the objectives of part 650, as well as Administration priorities, including Executive Order (E.O.) 14192 (“Unleashing Prosperity Through Deregulation”), FTA proposes this deregulatory action.

III. Regulatory Analyses and Notices

A. Executive Orders 12866 and 13563 (Regulatory Review)

E.O. 12866 (“Regulatory Planning and Review”), as supplemented by E.O. 13563 (“Improving Regulation and Regulatory Review”), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. This action does not meet the criteria of a “significant regulatory action.” Therefore, the Office of Management and Budget (OMB) has not reviewed this action.

The proposed rule would eliminate a reporting requirement for recipients receiving a modification or waiver pursuant to 49 CFR 650.11. To date, no recipient has submitted a report. Although recipients would not experience direct cost savings from removing the reporting requirement if they do not need to submit reports, removing the requirement could reduce the time needed for recipients to understand federal requirements.

B. Executive Order 14192 (Deregulatory Action)

E.O. 14192 (“Unleashing Prosperity Through Deregulation”) requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.” Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 25, 2025) defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This proposed rule, if finalized, is expected to have total costs less than zero, and therefore is expected to be an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires Federal

agencies to assess the impact of a regulation on small entities unless the agency determines the regulation is not expected to have a significant economic impact on a substantial number of small entities.

FTA has determined that the proposed rule would not have a significant effect on a substantial number of small entities. The proposed rule would eliminate a reporting requirement for recipients receiving a modification or waiver pursuant to 49 CFR 650.11. To date, no recipient has submitted a report.

D. Unfunded Mandates Reform Act of 1995

FTA has determined that this rule would not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule does not include a Federal mandate that may result in expenditures of \$100 million or more in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector.

E. Executive Order 13132 (Federalism Assessment)

E.O. 13132 (“Federalism”) requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132 dated August 4, 1999, and FTA determined this action does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. FTA also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

F. Paperwork Reduction Act

Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. FTA has analyzed this rule under the Paperwork Reduction Act and determined it does not impose additional information collection requirements for the purposes of the Act above and beyond existing information collection clearances from OMB.

G. National Environmental Policy Act

Federal agencies are required to adopt implementing procedures for the National Environmental Policy Act (NEPA) that establish specific criteria for, and identification of, three classes of actions: (1) Those that normally require preparation of an Environmental Impact Statement, (2) those that normally require preparation of an Environmental Assessment, and (3) those that are categorically excluded from further NEPA review. This rule qualifies for categorical exclusions under 23 CFR 771.118(c)(4) (planning and administrative activities that do not involve or lead directly to construction). FTA has evaluated whether the rule will involve unusual or extraordinary circumstances and has determined that it will not.

H. Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) and it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

I. Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”). FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

J. Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review U.S. DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

K. Regulation Identifier Number (RIN)

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the

heading of this document can be used to cross-reference this rule with the Unified Agenda.

List of Subjects in 49 CFR Part 650

Grant programs-transportation, Mass transportation, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, FTA proposes to amend title 49, Code of Federal Regulations, part 650, as set forth below:

PART 650—PRIVATE INVESTMENT PROJECT PROCEDURES

■ 1. The authority citation for part 650 continues to read as follows:

Authority: Sec. 20013(b)(5), Pub. L. 112–141, 126 Stat 405; 49 CFR 1.91.

Subpart C—Reporting [Removed and Reserved]

■ 2. Remove and reserve subpart C, consisting of § 650.21.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,
Acting Administrator.

[FR Doc. 2025–12175 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****49 CFR Part 671**

[Docket No. FTA–2025–0008]

RIN 2132–AB57

Rail Transit Roadway Worker Protection

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In this action, the Federal Transit Administration (FTA) seeks to reduce the regulatory burden on State Safety Oversight Agencies (SSOAs) in conducting oversight of the Roadway Worker Protection (RWP) programs within the jurisdiction of a State. FTA proposes to extend the time period for reporting RWP programs to FTA and to allow SSOAs to complete annual audits simultaneously with other required audits.

DATES: Comments should be filed by July 31, 2025. FTA will consider comments received after that date to the extent practicable.

ADDRESSES: You may send comments, identified by docket number FTA–

2025–0008 by any of the following methods:

- **Federal Rulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for sending comments.

- **Fax:** (202) 493–2251.

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- **Hand Delivery/Courier:** West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave. SE, Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program matters, contact Jeremy Furrer, Office of Transit Safety and Oversight, FTA, telephone at (202) 366–8929 or jeremy.furrer@dot.gov. For legal matters, contact Heather Ueyama, Attorney Advisor, FTA, telephone at 202–366–7374 or heather.ueyama@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**I. Background**

On March 25, 2024, FTA published a notice of proposed rulemaking (NPRM) proposing to promulgate a Rail Transit Roadway Worker Protection rule at 49 CFR part 671 that would require rail transit agencies (RTAs) to implement a minimum, baseline RWP program to provide a standardized and consistent approach to protecting roadway workers (89 FR 20605). On October 31, 2024, FTA published a final rule establishing the RWP regulatory framework (89 FR 87166). During the comment period for the NPRM, FTA received comments concerning § 671.25, which address the role of SSOAs in overseeing the RWP program. Based on further

consideration, FTA proposes to address some of these comments in this NPRM.

II. Section-by-Section Analysis

To reduce a regulatory burden, FTA proposes to modify 49 CFR 671.25(a)(2) to allow SSOAs to submit RWP program information to FTA with their annual report. Currently, section 671.25(a)(2) requires SSOAs to submit each RTA's RWP program to FTA within 30 calendar days of approval. In reply to FTA's NPRM published March 25, 2024, FTA received comments from SSOAs recommending FTA add the RWP program submission requirement to the annual reporting process.¹ In the final rule, FTA declined to extend the 30-day submission period responsive to the comments. However, since administering this program, FTA has recognized the 30-day submission requirement is burdensome for SSOAs. In proposing to streamline the submission process by aligning the deadline with the SSOA annual report in section 674.39, FTA seeks to reduce regulatory burden.

FTA also proposes to amend 49 CFR 671.25(c)(1) to align with industry practice. In section 671.25(c)(1), FTA currently requires SSOAs to conduct an annual audit of the RTA's compliance with its RWP program. FTA explained in the preamble to the final rule (89 FR 87192) that SSOAs are allowed to combine audits "[t]o avoid redundancy," so long as the review meets "the RWP program audit requirements specified at § 671.25(c)." See also 89 FR 87211. Furthermore, in reply to a DOT-wide Request for Information seeking public comments on reducing regulatory burden (90 FR 14593), FTA received a comment from the American Public Transportation Association asking FTA to consider modifying section 671.25(c) based on existing audit practice and address the undue burden of completing non-simultaneous audits (Docket No. DOT-OST-2025-0026). FTA proposes to modify section 671.25(c)(1) to ensure this authorization is included in the regulatory text.

Based on the foregoing, and to ensure consistency with Administration priorities, including Executive Order 14192 ("Unleashing Prosperity Through Deregulation"), FTA seeks to implement this deregulatory action to reduce the regulatory burden on RTAs and SSOAs.

¹ FTA received comments from the Texas Department of Transportation (Comment ID No. FTA-2023-0024-5680), the Pennsylvania Department of Transportation (Comment ID No. FTA-2023-0024-7147), and the Transit Safety Oversight Association (Comment ID No. FTA-2023-0024-7174).

III. Regulatory Analyses and Notices

A. Executive Orders 12866 and 13563 (Regulatory Review)

E.O. 12866 ("Regulatory Planning and Review"), as supplemented by E.O. 13563 ("Improving Regulation and Regulatory Review"), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. It also directs the Office of Management and Budget (OMB) to review significant regulatory actions, including regulations with annual economic effects of \$100 million or more. OMB has determined the proposed rule is not significant within the meaning of Executive Order 12866 and has not reviewed the rule under that order.

The proposed rule would allow SSOAs to conduct their annual audits of RTA RWP programs simultaneously with other reviews. SSOAs could conduct the audits simultaneously with annual or triennial ASP reviews, for example, if the reviews meet RWP program audit requirements. The proposed rule would also allow SSOAs to submit RWP program information with their annual reports rather than within 30 calendar days of approval.

The proposed rule would result in cost savings for SSOAs and RTAs by streamlining auditing requirements. The rule would affect 31 SSOAs and 64 RTAs in operation as of May 30, 2025. In 2024, FTA estimated that SSOAs would spend 40 hours auditing each RTA RWP program, for a total of 2,560 hours per year. FTA estimates that allowing SSOAs to conduct the audits with other reviews would reduce the time needed from 40 hours to 20 hours, or 1,280 hours total. Allowing SSOAs to submit RWP program information with annual reports could result in additional cost savings as well.

To estimate cost savings, FTA used May 2024 occupational wage data from the Bureau of Labor Statistics, the latest available as of May 2025, in the "Transit and Ground Passenger Transportation" industry (North American Industry Classification System code 485000).² To estimate the wages of agency staff completing the auditing requirements, FTA used the "General and Operations Managers" job category (code 11-1021). FTA used median hourly wages (\$42.45) as a basis for the estimates, multiplying the wages by 1.62 ($\$42.45 \times 1.62 =$

\$68.69) to account for employer benefits.³

Over the next ten years, the rule would result in annual cost savings of \$87,000 (1,280 hours $\times$ \$68.69) in undiscounted 2024 dollars, \$73,000 at a 3 percent discount rate, and \$58,000 at a 7 percent discount rate, discounted to 2024.

B. Executive Order 14192 (Deregulatory Action)

E.O. 14192 ("Unleashing Prosperity Through Deregulation") requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination." Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M-25-20, March 25, 2025) defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero."

This proposed rule, if finalized, is expected to have total costs less than zero, and therefore is expected to be an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

FTA has determined that the proposed rule would not have a significant effect on a substantial number of small entities. The proposed rule would streamline auditing and reporting requirements for SSOAs and RTAs. Under the Regulatory Flexibility Act, public-sector organizations and local governments qualify as small entities if they serve a population of less than 50,000. RTAs do not qualify as small entities because they all operate in urbanized areas with populations of more than 50,000, and SSOAs do not qualify because they are state agencies.

D. Unfunded Mandates Reform Act of 1995

FTA has determined that this rule would not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule does not include a Federal

³ Multiplier derived using Bureau of Labor Statistics data on employer costs for employee compensation in December 2024 (<https://www.bls.gov/news.release/eccec.htm>). Employer costs for state and local government workers averaged \$63.46 an hour, with \$39.22 for wages and \$24.23 for benefit costs. To estimate full costs from wages, one would use a multiplier of \$63.46/\$39.22, or 1.62.

² Bureau of Labor Statistics. 2025. "May 2024 National Occupational Employment and Wage Estimates: United States: NAICS 485000—Transit and Ground Passenger Transportation." <https://data.bls.gov/oes/#/industry/485000>.

mandate that may result in expenditures of \$100 million or more in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector.

E. Executive Order 13132 (Federalism Assessment)

E.O. 13132 (“Federalism”) requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132 and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States’ ability to discharge traditional State governmental functions.

F. Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) (PRA), and the White House Office of Management and Budget’s (OMB) implementing regulation at 5 CFR 1320.8(d), FTA will not seek a revision to an approved OMB information collection 2132–0584 as there is no change in burden or cost associated with this new regulatory action.

G. National Environmental Policy Act

Federal agencies are required to adopt implementing procedures for the National Environmental Policy Act (NEPA) that establish specific criteria for, and identification of, three classes of actions: (1) Those that normally require preparation of an Environmental Impact Statement, (2) those that normally require preparation of an Environmental Assessment, and (3) those that are categorically excluded from further NEPA review. This rule qualifies for categorical exclusions under 23 CFR 771.118(c)(4) (planning and administrative activities that do not involve or lead directly to construction). FTA has evaluated whether the rule will involve unusual or extraordinary circumstances and has determined that it will not.

H. Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 (“Consultation and Coordination

with Indian Tribal Governments”) and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

I. Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”). FTA has determined that this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

J. Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review U.S. DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

K. Regulation Identifier Number (RIN)

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this rule with the Unified Agenda.

List of Subjects in 49 CFR Part 671

Mass transportation, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons stated in the preamble, FTA proposes to amend title 49, Code of Federal Regulations, part 671, as set forth below:

PART 671—RAIL TRANSIT ROADWAY WORKER PROTECTION

■ 1. The authority citation for part 671 continues to read as follows:

Authority: 49 U.S.C. 5329, 49 CFR 1.91.

■ 2. Amend § 671.25 by revising paragraphs (a)(2) and (c)(1) to read as follows:

§ 671.25 State safety oversight agency.

(a) * * *

(2) The SSOA must submit the current approved RWP program for each RTA in its jurisdiction to FTA annually with the annual report required by 49 CFR 674.39.

* * * * *

(c) *Annual RWP program audit.*

(1) The SSOA must conduct an annual audit of the RTA’s compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA’s Public Transportation Agency Safety Plan or any other review or audit.

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

[FR Doc. 2025–12148 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 672

[Docket No. FTA–2025–0009]

RIN 2132–AB58

Public Transportation Safety Certification Training Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FTA is proposing changes to the reporting requirements for the Public Transportation Safety Certification Training Program (PTSCPTP). The proposed revisions would reduce reporting burdens for rail transit agencies and State Safety Oversight Agencies (SSOA).

DATES: Comments should be filed by September 2, 2025. FTA will consider comments received after that date to the extent practicable.

ADDRESSES: You may send comments, identified by docket number FTA–2025–0009, by any of the following methods:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for sending comments.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery/Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave. SE, Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program matters, contact Jeremy Furrer, Office of Transit Safety and Oversight (TSO), (202) 366–8929 or jeremy.furrer@dot.gov. For legal matters, contact Mark Montgomery, Office of Chief Counsel, (202) 366–1017 or mark.montgomery@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

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 - B. Background
 - C. Summary of Provisions
 - D. Benefits and Costs
- II. Regulatory Analyses and Notices

I. Executive Summary

This NPRM proposes to amend the PTSCPT regulation at 49 CFR part 672. The proposed rule maintains the existing minimum training requirements for State Safety Oversight Agency (SSOA) employees and contractors who conduct reviews, inspections, examinations, and other safety oversight activities of public transportation systems, and employees and contractors who are directly responsible for the safety oversight of a rail fixed guideway public transportation system. However, the NPRM proposes changes to reduce the burden of the semiannual reporting requirement in 49 CFR 672.21(d) by reducing the reporting frequency from semi-annual to annual.

A. Statutory Authority

Congress directed FTA to create and implement a comprehensive Public

Transportation Safety Program, one element of which is the requirement for PTSCPT, in the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141; July 6, 2012), codified at 49 U.S.C. 5329. Specifically, 49 U.S.C. 5329(c) directed FTA to establish a PTSCPT for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems and employees of public transportation agencies directly responsible for safety oversight.

B. Background

To implement the requirements of 49 U.S.C. 5329(c), FTA issued a final rule on July 19, 2018, that added part 672, “Public Transportation Safety Certification Training Program,” to title 49 of the Code of Federal Regulations (83 FR 34053). Subsequently, the Infrastructure Investment and Jobs Act (Pub. L. 117–58; November 15, 2021), added new requirements to FTA’s Public Transportation Safety Program that FTA addressed in the PTSCPT curriculum through a final rule on August 14, 2024 (89 FR 65999). To ensure compliance with safety training requirements, the 2024 final rule established a semiannual reporting requirement at 49 CFR 672.21(d) for each SSOA and RTA to submit a current list of individuals designated as required PTSCPT participants, and the course or courses that that agency has identified as required for PTSCPT recertification.

On April 3, 2025, as part of its implementation of E.O. 14219, “Ensuring Lawful Governance and Implementation of the President’s ‘Department of Government Efficiency’ Deregulatory Agenda,” issued on February 19, 2025, and E.O. 14192, “Unleashing Prosperity through Deregulation,” issued on January 31, 2025, DOT issued a request for information (RFI) seeking comments and information to assist DOT in identifying existing regulations, guidance, paperwork requirements, and other regulatory obligations to be modified or repealed, consistent with law, to achieve meaningful burden reduction while continuing to meet statutory obligations and ensure the safety of the U.S. transportation system (90 FR 14953). In response to the RFI, the American Public Transportation Association (APTA), a nonprofit group that advocates for the interests of the public transportation industry in the United States, commented that the semiannual reporting requirement in 49 U.S.C. 672.21(d) is an “undue burden” on transit agencies. APTA also noted

that some SSOAs are implementing this requirement through the program standards they must establish under 49 CFR 674.27. Responsive to APTA’s comment, and to achieve meaningful burden reduction, FTA proposes to reduce the frequency of the reporting requirement from semiannual to annual.

C. Summary of Provisions

FTA proposes to amend 49 CFR 672.21(d) to require annual, rather than semiannual, reporting of compliance with safety training requirements.

II. Regulatory Analyses and Notices

Executive Order 12866 and 13563 (Regulatory Review)

E.O. 12866 (“Regulatory Planning and Review”), as supplemented by E.O. 13563 (“Improving Regulation and Regulatory Review”), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible. This action does not meet the criteria of a “significant regulatory action.” Therefore, the Office of Management and Budget (OMB) has not reviewed this action.

The proposed rule would reduce reporting requirements for SSOAs and rail transit agencies subject to the PTSCPT. Currently, agencies must report information on designated participants and recertification courses semiannually to FTA; the proposed rule would reduce the frequency from semiannual to annual.

The reduced reporting requirements would result in cost savings for regulated entities. The requirements affect 31 SSOAs and 64 rail transit agencies in operation as of March 1, 2023, for a total of 95 agencies. In the 2024 final rule, FTA estimated that an agency would spend 4 hours per year to fulfill semi-annual reporting requirements, for a total of 380 hours per year across the 95 agencies. Reducing the frequency to annual reporting would result in a total savings of 190 hours (380 hours ÷ 2) per year.

To estimate cost savings, FTA used May 2024 occupational wage data from the Bureau of Labor Statistics, the latest available as of May 2025, in the “Transit and Ground Passenger Transportation” industry (North American Industry Classification System code 485000).¹ To estimate the wages of agency staff completing the auditing requirements, FTA used the “General and Operations

¹ Bureau of Labor Statistics. 2025. “May 2024 National Occupational Employment and Wage Estimates: United States: NAICS 485000—Transit and Ground Passenger Transportation.” <https://data.bls.gov/oes/#/industry/485000>.

Managers” job category (code 11–1021). FTA used median hourly wages (\$42.45) as a basis for the estimates, multiplying the wages by 1.62 ($\$42.45 \times 1.62 = \$68.69$) to account for employer benefits.²

Over the next ten years, the rule would result in annual cost savings of \$11,000 discounted at a 3 percent rate and \$9,000 discounted at a 7 percent rate in 2024 dollars.

Executive Order 14192 (Deregulatory Action)

E.O. 14192 (“Unleashing Prosperity Through Deregulation”) requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.” Implementation Guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 25, 2025) defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This proposed rule, if finalized, is expected to have total costs less than zero, and therefore is expected to be an E.O. 14192 deregulatory action.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

Under the Act, public-sector organizations and local governments qualify as small entities if they serve a population of less than 50,000. RTAs do not qualify as small entities because they operate in urbanized areas with populations of more than 50,000, and SSOAs do not qualify because they are state agencies. In addition, this proposed rule would reduce regulatory burdens. Therefore, FTA certifies that the proposed rule would not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

FTA has determined that this proposed rule does not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995). This rule does not include a Federal mandate

that may result in expenditures of \$100 million or more adjusted for inflation in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector.

Executive Order 13132 (Federalism Assessment)

E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132, dated August 4, 1999, and FTA determined this action would not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action would not preempt any State law or regulation or affect the States’ ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), and OMB implementing regulation at 5 CFR 1320.8(d), FTA is seeking approval from OMB for a currently approved information collection, OMB control number 2132–0578, associated with the existing regulation. FTA believes there will be a reduction in burden hours per submission resulting from this rulemaking.

National Environmental Policy Act

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary

circumstances present in connection with this rulemaking.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this proposed rule under E.O. 13175, dated November 6, 2000, and it will not have substantial direct effects on one or more Indian Tribes; will not impose substantial direct compliance costs on Indian Tribal governments; and will not preempt tribal laws. Therefore, a Tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this action under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FTA has determined this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** at 65 FR 19477 (April 11, 2000).

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this proposed rule with the Unified Agenda.

List of Subjects in 49 CFR Part 672

Mass transportation, Reporting and recordkeeping requirements, Safety.

In consideration of the foregoing, and under the authority of 49 U.S.C. 5329 and 5334, and the delegation of authority at 49 CFR 1.91, the Federal Transit Administration proposes to amend title 49, Code of Federal Regulations, part 672, as set forth below:

PART 672—PUBLIC TRANSPORTATION SAFETY CERTIFICATION

■ 1. The authority citation for part 672 continues to read as follows:

² Multiplier derived using Bureau of Labor Statistics data on employer costs for employee compensation in December 2024 (<https://www.bls.gov/news.release/ecec.htm>). Employer costs for state and local government workers averaged \$63.46 an hour, with \$39.22 for wages and \$24.23 for benefit costs. To estimate full costs from wages, one would use a multiplier of $\$63.46/\$39.22$, or 1.62.

Authority: 49 U.S.C. 5329, 5334; 49 CFR 1.91.

■ 2. Amend § 672.21 by revising paragraph (d) to read as follows:

§ 672.21 Records.

* * * * *

(d) *Annual reporting.* The identified POC must submit documentation annually to FTA, via electronic method defined by FTA, that identifies:

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

[FR Doc. 2025–12150 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 675

[Docket No. FTA–2023–0018]

RIN 2132–AB46

Transit Worker Hours of Service and Fatigue Risk Management; Withdrawal

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM); withdrawal.

SUMMARY: FTA is withdrawing the October 30, 2023, advance notice of proposed rulemaking (ANPRM) concerning minimum safety standards to address fatigue-related safety incidents. FTA has determined not to issue a notice of proposed rulemaking at this time.

DATES: The ANPRM published on October 30, 2023, at 88 FR 74107 is withdrawn as of July 1, 2025.

ADDRESSES: You may send comments, identified by docket number FTA–2023–0018, by any of the following methods:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for sending comments.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery/Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave. SE, Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program matters, contact Jeremy Furrer, Office of Transit Safety and Oversight (TSO), (202) 366–8929, or jeremy.furrer@dot.gov. For legal matters, contact Mark Montgomery, Office of Chief Counsel, (202) 366–1017, or mark.montgomery@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On October 30, 2023, FTA published an ANPRM seeking public input on minimum safety standards to provide protections for transit workers to obtain adequate rest to reduce the risk of fatigue-related safety incidents (88 FR 74107). Specifically, FTA sought public input in two areas: (1) hours of service; and (2) fatigue risk management programs. FTA received 76 relevant comments in response to the ANPRM but did not receive specific information about current hours of service and fatigue policies and regulations. The submitted comments were generally supportive of FTA action to mitigate transit worker fatigue but expressed concerns about the lack of available data needed to produce an effective rulemaking.

Subsequently, FTA issued a request for information (RFI) directly to all 797 agencies subject to the Public Transportation Agency Safety Plan (PTASP) regulation at 49 CFR part 673, including State departments of transportation and State safety oversight agencies (SSOAs). The RFI sought to collect information related to current policies and requirements mitigating the risk of fatigue-related safety incidents through hours of service policies and/or fatigue risk management programs. FTA received responses from 261

organizations, including 239 comments from PTASP agencies sharing useful information about current fatigue mitigation praxis. The comments revealed that 129 agencies already have some form of hours of service policy and 41 agencies have a fatigue risk management plan. An additional 32 agencies use fatigue management practices without having a fully formalized policy in place.

FTA's Reason for Withdrawal

FTA has determined not to proceed with an NPRM at this time because safety risks associated with transit worker fatigue are covered by the PTASP regulation at 49 CFR part 673. That regulation requires operators of public transportation systems that receive Federal funds under the FTA Urbanized Area Formula Grants (49 U.S.C. 5307), and rail transit agencies subject to the FTA State Safety Oversight (SSO) Program under 49 CFR part 674, to develop an Agency Safety Plan (ASP) that includes the processes and procedures to implement a Safety Management System (SMS). SMS is a comprehensive, collaborative, and systematic approach to managing safety. The regulation sets scalable and flexible minimum standards for ASPs, including requirements for the identification, assessment, and mitigation of risk and strategies to minimize exposure to hazards. In cases where transit agencies determine there is a risk of operator fatigue or related safety risks, the PTASP regulation requires agencies as part of their SMS processes to develop methods to identify mitigations or strategies to reduce the likelihood and severity of the potential consequences.

As an alternative to rulemaking, FTA may take other actions pursuant to its safety authorities under 49 U.S.C. 5329 to address risks associated with transit worker fatigue, including the issuance of special or general directives. Additionally, FTA must issue restrictions and prohibitions by whatever means are determined necessary and appropriate if it determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exist such that there is a substantial risk of death or personal injury. 49 U.S.C. 5329(h). This would include unsafe conditions or practices associated with operator fatigue.

Conclusion

Based on the foregoing reasons, FTA withdraws the October 30, 2023, ANPRM titled “Transit Worker Hours of Service and Fatigue Risk Management.” If FTA determines further action to be

necessary, it will consider regulatory action.

Authority: 49 U.S.C. 5329, 49 CFR 1.91

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Tariq Bokhari,

Acting Administrator.

[FR Doc. 2025–12173 Filed 6–27–25; 4:15 pm]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2025–0033;
FXES1111090FEDR–256–FF09E21000]

RIN 1018–BI18

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Barrens Darter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the Barrens darter (*Etheostoma forbesi*), a fish species from Cannon, Coffee, Grundy, and Warren Counties, Tennessee, as an endangered species under the Endangered Species Act of 1973, as amended (Act). This determination also serves as our 12-month finding on a petition to list the Barrens darter. After a review of the best scientific and commercial data available, we find that listing the species is warranted. Accordingly, we propose to list the Barrens darter as an endangered species under the Act. If we finalize this rule as proposed, it would add this species to the List of Endangered and Threatened Wildlife and extend the Act's protections to the species. We find that designating critical habitat for this species is not determinable at this time.

DATES: We will accept comments received or postmarked on or before September 2, 2025. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by August 15, 2025.

ADDRESSES: *Comment submission:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: [https://](https://www.regulations.gov)

www.regulations.gov. In the Search box, enter FWS–R4–ES–2025–0033, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–R4–ES–2025–0033, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: Supporting materials, such as the species status assessment report, are available on the Service's website at <https://www.fws.gov/office/tennessee-ecological-services>, at <https://www.regulations.gov> at Docket No. FWS–R4–ES–2025–0033, or both.

FOR FURTHER INFORMATION CONTACT: Daniel Elbert, Field Supervisor, U.S. Fish and Wildlife Service, Tennessee Ecological Services Field Office; telephone 931–431–2480; daniel_elbert@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS–R4–ES–2025–0033 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The species' biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns and the locations of any additional populations of this species;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Threats and conservation actions affecting the species, including:

(a) Factors that may be affecting the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors;

(b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species; and

(c) Existing regulations or conservation actions that may be addressing threats to this species.

(3) Additional information concerning the historical and current status of this species.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available, and section 4(b)(2) of the Act directs that the Secretary shall designate critical habitat on the basis of the best scientific data available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you

may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <https://www.regulations.gov>.

Our final determination may differ from this proposal because we will consider all comments we receive during the comment period as well as any information that may become available after this proposal. Based on the new information we receive (and, if relevant, any comments on that new information), we may conclude that the species is threatened instead of endangered, or we may conclude that the species does not warrant listing as either an endangered species or a threatened species. In our final rule, we will clearly explain our rationale and the basis for our final decision, including why we made changes, if any, that differ from this proposal.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to the **Federal Register**. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

For a detailed description of Federal actions concerning the Barrens darter that occurred prior to April 2019, please refer to the 12-month not-warranted finding we published in the **Federal Register** on April 4, 2019 (84 FR 13237).

On September 27, 2022, the Center for Biological Diversity (CBD) filed a complaint challenging the merits of our 2019 12-month not-warranted finding (*Center for Biological Diversity v. Service, et al.*, No. 1:22-cv-02922

(D.D.C.)). Subsequently, the CBD and Service entered into a stipulated settlement agreement whereby both parties agreed the Service would submit to the Office of the Federal Register for publication a new 12-month finding for the Barrens darter by June 30, 2025. By publishing this proposed rule, which constitutes our 12-month finding and proposes to list the Barrens darter as an endangered species under the Act, the Service is complying with the settlement agreement.

Peer Review

To inform the new 12-month finding stipulated by the settlement agreement, a species status assessment (SSA) team prepared, updated, and revised the Barrens darter SSA report (Service 2025, entire). The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report (version 3.0: Service 2025, entire) represents a compilation of the best scientific and commercial data available concerning the status of the species, including new scientific information that has become available since our initial SSA report (version 1.0: Service 2018, entire); the SSA report also includes the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing and recovery actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf>), we will solicit the independent scientific review of the Barrens darter SSA report (Service 2025, entire) from at least three appropriate specialists. The SSA report will be made available for peer and partner review concurrently with this proposed listing rule. We will address and incorporate the results of the peer reviews, as appropriate, into the updated SSA report and the final decision document.

I. Proposed Listing Determination Background

A thorough review of the taxonomy, life history, and ecology of the Barrens darter is presented in the SSA report (version 3.0; Service 2025, pp. 5–9).

The Barrens darter is a small fish endemic to streams in the Barrens Plateau region of middle Tennessee. It is found in the Collins River watershed,

which is a tributary to the Caney Fork of the Cumberland River drainage (see figure 1, below). The Barrens darter belongs to the *Stigmacerca* clade (lineage of species that includes a common ancestor and its descendants), with all 11 member species sharing the distinguishing characteristic of a vertical row of three black dots at the base of the tail fin. Per the formal species description that is part of a larger review of closely related species (Page et al. 1992, entire), females and non-breeding males in the clade have a pattern of brown mottling on a light tan background, 9 to 13 small blotches along the sides, and 6 to 8 dark brown saddles on the back. In breeding male Barrens darters, the second dorsal fin is black with a yellow-gold margin that is lightly speckled with black.

Barrens darters occur almost exclusively in small headwater streams with slab rock substrates and strong groundwater influence. They likely prey on larval aquatic insects and microcrustaceans, as has been observed for other species in *Stigmacerca*. Spawning occurs between mid-March and early June. During spawning, the male establishes a territory around a cavity under a slab rock and, based on its body size and quality of its nest cavity, attracts females. Males also produce sounds to court females and defend the nest cavity from other males. Once a female has chosen to spawn with a male, the pair invert under the rock and the female adheres eggs to the underside of the rock in a single layer. Multiple females will lay eggs in a single nest, with average count per nest of 457 eggs and a maximum count of 1,992 eggs observed in one study (Bergen et al. 2012, p. 235). The male cleans the eggs and guards them from predators until they hatch, in about 15.5 days on average. After hatching larvae quickly drop toward the stream bottom, remaining among the substrates near the nest rock. In the closely related spottail darter (*Etheostoma squamiceps*), the transition from the relatively non-mobile larval stage to the more mobile juvenile stage was complete at approximately 2 months (Page 1974, pp. 11–12). Time from larva to juvenile is likely similar in the Barrens darter. Barrens darters reach adulthood (sexual maturity) between one to two years post-hatching, have an approximate lifespan of 3 years, and may rarely live to 4 years of age.

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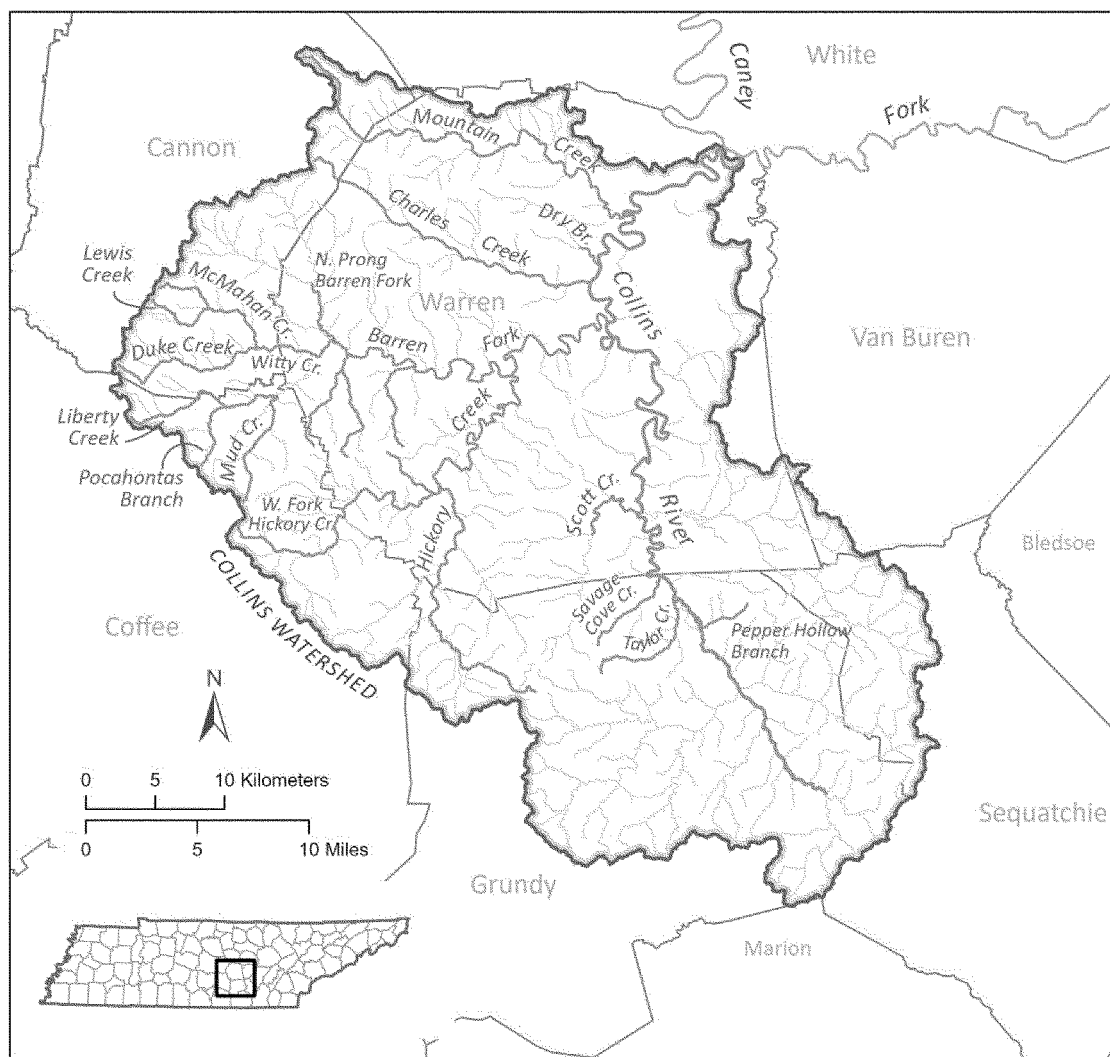


Figure 1. Map of the Collins River system in Tennessee.

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We assessed the viability of the Barrens darter in our initial SSA report (Service 2018, entire), which informed our 2019 not-warranted 12-month finding (84 FR 13237; April 4, 2019). Concurrent with development of the initial SSA report, ichthyologists had initiated a Barrens darter distribution and population genetics survey. The analysis of the survey was published in a peer-reviewed journal and mapped the expansion of native fringed darters (*Etheostoma crossotum*) upstream, in some cases into headwater streams occupied by Barrens darters where fringed darters completely replaced Barrens darters, through competition and hybridization (see Summary of Biological Status and Threats, below), over time (Harrington et al. 2020, entire). The information provided in Harrington et al. (2020) highlighted the immediacy of the threat posed by the

fringed darter, which was not well understood when we produced our 2018 SSA report. It also documented the current rangewide distribution of the Barrens darter, detecting extirpations and adding occurrence records in previously undocumented sites. As discussed in this proposed rule, we compiled and used the best scientific information currently available, including the data provided in Harrington et al. (2020) to update our SSA (Service 2025, entire) and subsequent 12-month finding and status determination.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an

endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or
 (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term "threat" to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term "threat" includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term "threat" may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an "endangered species" or a "threatened species." In determining whether a species meets either definition, we must evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an "endangered species" or a "threatened species" only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term "foreseeable future," which appears in the statutory definition of "threatened species." Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor

(M-37021, January 16, 2009; "M-Opinion," available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species' life-history characteristics, threat projection timeframes, and environmental variability.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data available regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess the viability of the Barrens darter, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years); redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events); and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogens). In general, species viability will increase with increases in resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived

at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best scientific and commercial data available to characterize viability as the ability of a species to sustain populations in the wild over time, which we then used to inform our regulatory decision.

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS–R4–ES–2025–0033 on <https://www.regulations.gov>.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

Species Needs

To maintain viability at the individual level and species level, Barrens darters need third-order (method in Strahler 1957, p. 914) or smaller headwater streams (Zuber 2014, p. 46), as they are not generally found in larger streams. Areas with intact, rather than eroded, stream banks are another important habitat feature that support Barrens darters (Zuber 2014, p. 47). Intact stream banks harbor vegetation that provides shade that moderates water temperatures, and these banks ensure rocks used for shelter and spawning are not covered by excessive sediments. Barrens darters have been observed mostly in streams with moderate pH (average 7.3, but in one case, as high 9.0), and relatively low total dissolved solids (less than 135 parts per million) (Zuber 2014, p. 45), indicating these values are reasonable parameters for viability. Observations during the March to June spawning season indicated important habitat features for individuals, including flat rocks for nesting, relatively low water depth (40 centimeters (15.7 inches) or less), and water temperatures ranging from 6 to 23 degrees Celsius (43 to 73 degrees Fahrenheit) (Bergen et al. 2012, pp. 436–437). As discussed below (see *Threats*), fringed darters are a threat to Barrens darter persistence. Therefore, Barrens darters need sites that are free of fringed darters.

At the species level, the Barrens darter needs connected populations distributed across multiple streams and watersheds. The Barrens darter also needs sufficient resources (food, space,

refugia, etc.) to sustain enough individuals so that populations can withstand normal demographic and environmental stochasticity (resiliency). In addition, dispersion of populations within multiple streams and watersheds (redundancy) reduces the likelihood of rangewide impacts from catastrophic events, such as an extreme drought or flood that kills individuals or causes them to move to unsuitable habitats, or invasion of a species that competes for spawning and feeding resources. Long-term viability will require multiple resilient populations to persist into the future; for the Barrens darter, this means good habitat (resiliency) to support multiple populations in close enough proximity and with sufficient connectivity to allow for emigration/immigration (redundancy). Sufficient connectivity will also support maintenance of genetic diversity and adaptive capacity (representation).

Threats

The greatest threat to the Barrens darter is competition and hybridization with the fringed darter, which has expanded its range in the Collins River drainage over the past several decades (Harrington et al. 2020, entire). The spatial pattern of fringed darter incursion into and near streams occupied by Barrens darters was not fully assessed and mapped until 2020 (Harrington et al. 2020, entire). Due to temporal and spatial gaps in fish surveys in the Collins River system, the intensity of the fringed darter invasion remained unclear prior to the new Barrens darter and fringed darter distribution records reported in 2020. Additionally, the taxonomic identity of several collected specimens held in museum collections was uncertain prior to 2020. This uncertainty was resolved as the museum specimens that were not confidently identified as Barrens darter, fringed darter, or hybrids were verified genetically or morphologically in the study reported in 2020. In summary and as reported in Harrington et al. (2020, entire), compiling all historical distribution data, resurveying historical sites and surveying new sites, and verifying the taxonomic identity of female specimens and hybrids using genetics and morphology provided the most comprehensive information to date on the changes in the distribution of the two species in the Collins River system. This information clearly showed the broad expansion of the fringed darter into or close to streams occupied by Barrens darters. Because fringed darters hybridize and compete with Barrens darters for nesting space (see “Fringed Darter Threat of Native Invasion”,

below), the ongoing expansion of fringed darters into Barrens darter habitat is the greatest threat to the Barrens darter. This threat was not fully understood or incorporated in the 2019 status determination (84 FR 13237), which was informed by a Species Status Assessment completed in 2018 (Service 2018, entire); however, the imminence and magnitude of this threat is now fully recognized and used to inform this determination.

Other major threats influencing the viability of the Barrens darter are habitat loss from degradation of stream banks, loss of instream cover, degradation of water quality, and habitat fragmentation and isolation. When these threats are combined with effects from the invasion of the fringed darter, they act synergistically to negatively impact Barrens darter populations. The habitat-related threats stem from agricultural activities and associated riparian clearing that alters instream habitat and hydrology needed by the Barrens darter. In addition to row crops and grazing, agriculture on the Barrens Plateau includes several plant nurseries, which require water withdrawals that may reduce flows in headwater streams and exacerbate the effects of drought.

Fringed Darter Threat of Native Invasion

The fringed darter has a large native range, occurring in the middle and lower Cumberland River system, middle and lower Tennessee River system, and two Mississippi River tributaries. Fringed darters occupy a broader range of stream sizes than Barrens darters, and based on historical records, fringed darters likely occurred in tributaries to the lower Collins River system (see figure 2, below). One fringed darter specimen voucher (University of Tennessee Etnier Ichthyological Collection, UT 91.646) was collected in the mainstem of Barren Fork, in McMinnville, in 1972. Records from 1994 show several sites with fringed darter occurrences in Mountain Creek (where Barrens darters are not known to have occurred), which is the lower-most tributary to the Collins River, and in tributaries of the Caney Fork, downstream from the mouth of the Collins River (Madison 1995, p. 78). Further, fringed darters likely are native to the lower Collins River system as indicated by the presence of a mitochondrial DNA haplotype found in the Upper Caney River and Collins River systems that is not found elsewhere in the Cumberland River system (Harrington et al. 2020, p. 6).

Over the past 40 to 50 years, fringed darters have expanded their range into the upper reaches of the Collins River

system, which may be due to a phenomenon called native invasion (Scott and Helfman 2001, pp. 9–11). This occurs when changes to the landscape make habitats in headwater streams resemble those in medium and larger streams, creating favorable conditions for invasion by species that naturally occur and once were limited to downstream habitats. Fringed darters have replaced Barrens darters in the West Fork Hickory Creek system, where Barrens darters were extirpated sometime between 1983 and 2001, and in Mud Creek (Barren Fork system), where Barrens darters were extirpated sometime between 2009 and 2018 (Harrington et al. 2020, p. 4; see figure 2, below). Both creek systems are impaired by alteration of streamside vegetation, and West Fork Hickory Creek is also impaired by *E. coli* and nutrients (Tennessee 2024 List of Impaired and Threatened Waters), suggesting native invasion as a factor in the extirpations.

Data collected to date suggest gene flow from Barrens darters into fringed darter populations, and possible bias of female Barrens darters hybridizing with male fringed darters, which is the larger of the two species (Service 2018, p. 15; Harrington et al. 2020, pp. 17–19). Of 364 Collins River system fringed darters examined, 4 specimens from the West Fork Hickory Creek system and 8 specimens from the Mud Creek and McAfee Creeks in the South Fork Barren system were found to have Barrens darter mitochondrial DNA and fringed darter nuclear DNA (Harrington et al. 2020, pp. 14–15). Mitochondrial DNA is inherited only from the mother in most species, including fishes. Therefore, the occurrence of Barrens darter DNA in fringed darters (based on morphology) may point to female Barrens darters preferentially selecting the larger male fringed darters to breed with when the species co-occur or that fringed darters are more successful in competing for spawning cavities. Because female Barrens darters must mate in spawning cavities, male fringed darters successfully competing for the spawning cavities results in female Barrens darters mating with male fringed darters rather than with male Barrens darters.

Fringed darters are a substantial threat to Barrens darters by competing for spawning space and mates, and likely for other resources including prey and cover. After fringed darters colonize a Barrens darter site, the Barrens darter population is at high risk of becoming replaced over time, as some of the Barrens darters lose their genetic identity through hybridization. The

male Barrens darters, due to competition for mates and spawning cavities or female preference for fringed darters, may fail to produce offspring at sufficient rates to sustain future generations. Because Barrens darters have a short 3-year lifespan, most males survive long enough to attempt spawning in two seasons per lifetime. Thus, if only a few male Barrens darters successfully produce annually due to competition with fringed darters, the pace of replacing generations will be insufficient, quickly driving the Barrens darter population to extirpation.

Except for the upper Collins River, fringed darters have advanced relatively rapidly into the headwater habitats that Barrens darters need for survival. Habitat degradation present in many

stream reaches of the Collins River system is a major threat to Barrens darters because, in addition to its direct effect of lost cover, it promotes invasion of fringed darters into the headwaters. Where Barrens darters and fringed darters have been observed to co-occur, Barrens darters became extirpated within 15 years. Therefore, due to competition, hybridization, and their ongoing expansion in the Collins River system, which comprises the entirety of the range of the Barrens darter, fringed darters pose the greatest threat to the viability of the Barrens darter.

Although fish survey records prior to the 1980s are sparse, it appears that the Barrens darter's decline did not start (or the decline was not noticed) until fringed darters began moving into the

Barrens darter's headwater habitat. Because Barrens darters withstood habitat and water quality disturbances for a long period prior to the fringed darter invasions, including times prior to the CWA or when the CWA regulations were first being implemented, it is more likely that the invasions together with habitat and water quality impacts, rather than habitat and water quality impacts alone, are a crucial driver of Barrens darter declines. In summary, competition and hybridization with the fringed darter is occurring in two of the three systems that comprise the Barren darter's range and is highly likely to continue.

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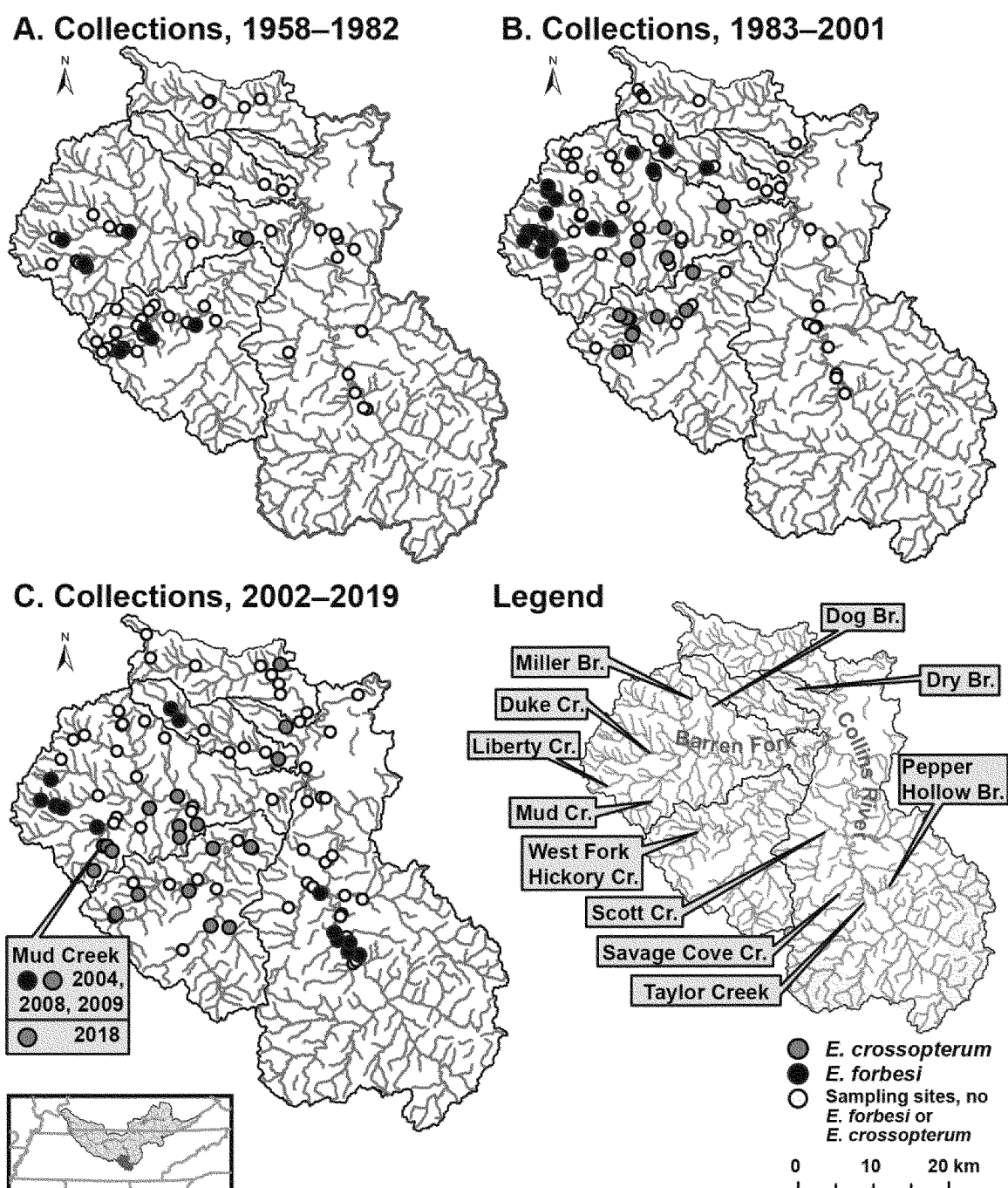


Figure 2. Records of Barrens darter and fringed darter in the Collins River system over time. Charles Creek, adjacent to the north boundary of the Barren Fork watershed, not labeled. From Harrington et al. (2020, p. 4), with permission.

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Habitat Threats From Agricultural Activities and Riparian Clearing

Land cover and land use have a strong influence on the quality and quantity of water in streams (Allan 2004, entire; Freeman and Marcinek 2006, entire). Vegetation coverage and type can affect the timing, amount, temperature, and quality of water in streams, and

livestock with free access to stream channels and streambanks can have direct and indirect effects on water quality through waste and sedimentation. The Barrens Plateau area of Tennessee is very susceptible to impacts from agriculture according to the Tennessee State Wildlife Action Plan (Tennessee Wildlife Resources Agency (TWRA) 2015, p. 23).

Many of the streams within the Barrens darter's range are used as water sources for cattle and other livestock. Reduced riparian vegetation on lands where livestock have access to streams and where vegetation is destroyed by livestock or fencing is absent or insufficiently maintained can lead to increased water temperatures due to loss of shade. Elevated temperatures may reduce Barrens darter nest success

by reducing the number of eggs produced, hatching rates, or larval survival, as was observed in a laboratory study of temperature effects on the fountain darter (*Etheostoma fonticola*) (Bonner et al 1998 p. 974). Unfettered cattle access increases bank erosion, which is negatively associated with Barrens darter occurrence (Zuber 2014, p. 95), and unfettered cattle access increases turbidity and sedimentation in streams. Sedimentation from livestock and other sources has the potential to cover cobble and other instream substrates, resulting in lower habitat quality, fewer food items, and fewer spawning cavities. In addition, influxes of large amounts of animal waste increase the amount of nutrients in streams and further reduce visibility, which can impact the spawning displays of Barrens darters. Increased bacterial levels, associated with nitrification, may increase the risk of infection to eggs, reducing egg viability (Pat Rakes, Conservation Fisheries, Inc. 2018, pers. comm.). Fungus-covered eggs in Barrens darter nests have been observed in Lewis Creek and Duke Creek in the Barren Fork system (Hansen et al. 2006, p. 66; Bergen et al. 2012, p. 438).

Several streams currently occupied by the Barrens darter have impaired water, impaired habitat quality, or both (Tennessee 2024 List of Impaired and Threatened Waters, not paginated). Charles Creek, a direct tributary to the lower Collins River, is impaired by *Escherichia coli* (*E. coli*) along its entire length, but the State reports the source of the *E. coli* is unknown. Liberty Creek, in the Barren Fork system, is impaired by alteration of stream-side vegetation and cover due to crop production and grazing in the riparian area. Two tributaries to the Upper Collins River, Savage Cove Creek and Taylor Creek, are listed by the State as impaired. Savage Cove Creek is impaired by alteration of streamside vegetative cover due to specialty crop production (nurseries) and grazing in the riparian area. Taylor Creek is impaired by alteration of streamside vegetative cover, low dissolved oxygen, and sedimentation due to nurseries and silviculture activities. In summary, all three MUs currently occupied by the Barrens darter contain streams listed by the State as impaired and 4 of the 8 streams occupied by the species are experiencing impaired water or habitat quality, or both, and that impairment is expected to continue.

Effects of Drought

Barrens darter habitat can be diminished during droughts, and some

streams in the Collins River system have occasionally dried out completely during periods of moderate drought (Harrington et al. 2020, p. 19). Flow in Duke Creek and Lewis Creek in the Barren Fork system ceased during parts of May and June 2009, coinciding with the species' spawning period, when the streams were reduced to stretches of isolated pools (Bergen et al. 2012, p. 237). As a headwater species, Barrens darters are likely adapted and resilient to occasional intermittent reduced flows or streambed drying. During moderate droughts, unless there is strong groundwater influence, the pattern of drying typically starts near the head of the stream channel and progresses downstream, and Barrens darters have adapted to this headwater flow dynamic. However, periods of drought require movement, usually downstream, to access wetted stream channels. Currently, the suitability of these downstream areas as drought refugia is diminished because they have impaired habitat quality, are occupied by fringed darters, or both (see "Fringed Darter Threat of Native Invasion," above).

Conservation Efforts and Regulatory Mechanisms

Application of best management practices (BMPs), such as fencing livestock away from streambanks and riparian areas, providing alternative watering sources, and maintaining or planting riparian buffers with native vegetation, can positively affect the viability of the Barrens darter. However, outside of the few surveys and life-history studies that informed our SSA report, there have not been any targeted conservation efforts for the Barrens darter. This species occurs in streams located entirely on private land and does not receive the benefits of public conservation land. Efforts have been made to fence livestock out of streams and provide them alternate water sources in some places where Barrens darters occur. These are very limited in scale and amount of overlap with the Barrens darter's range. Most of these efforts have been funded and organized through Partners for Fish and Wildlife agreements with landowners, but most of the agreements have expired, so it is unclear whether riparian buffer maintenance is continuing at sites where the agreements were applied.

The Barrens darter is afforded some protection via State and Federal regulatory mechanisms. It is listed as endangered by the State of Tennessee (TWRA 2024, p. 2), making it unlawful to take the Barrens darter without a State permit. Additionally, the bluemask darter (*Etheostoma akatulo*) is

federally listed as an endangered species under the Act, and the Barrens darter currently benefits from the Act's protections where these species' ranges overlap along approximately 2.3 mi (3.7 km) of the upper Collins River. The Clean Water Act of 1977 (CWA; 33 U.S.C. 1251 *et seq.*), as amended, which is implemented by Tennessee Department of Environmental Conservation through Tennessee's Water Quality Control Act of 1977 and its implementing State regulations, provides a level of protection to Barrens darter habitat and water quality. While the protections afforded by these regulatory mechanisms have not fully prevented the degradation of some habitats used by the Barrens darter, as some streams occupied by the Barrens darter are recognized as having impaired water and habitat quality, the species has benefited from improvements in water quality and habitat conditions stemming from these mechanisms. For example, CWA section 319 grants for States to address nonpoint source runoff or CWA section 402 permits to reduce pollutants in point source discharges to levels that are protective of aquatic life have served to reduce impacts to Tennessee streams from effluents, runoff, and landscape disturbance.

Cumulative Effects

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report (Service 2025, entire), we have analyzed the cumulative effects of identified threats and conservation actions on the species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative-effects analysis.

Current Condition

Historically, the Barrens darter occurred in four watersheds in the Collins River system: Charles Creek, Barren Fork, West Fork Hickory Creek, and the upper Collins River. West Fork Hickory Creek feeds Hickory Creek, which feeds the lower Barren Fork upstream from the Barren Fork confluence with the Collins River (see figure 2, above). Charles Creek and Barren Fork feed the lower Collins River directly. The Barrens darter is extirpated

from the West Fork Hickory Creek system, where it was last collected in 1982.

Each of the three watersheds where the Barrens darter is extant and the watershed where it is extirpated is treated as a management unit (MU) in our SSA report (version 3.0: Service 2025, entire). To assess the current resiliency of the MUs, we selected seven metrics that included two habitat factors and five population factors (see table 1, below). For habitat factors, the physical habitat metric was determined using the Tennessee Department of Environment and Conservation (TDEC) stream habitat assessment protocol for moderate to high gradient streams (TDEC 2017, p. I.I-D-1-24). This protocol scores habitat quality based on factors such as sediment deposition, substrate availability, channel alteration, riparian vegetation, etc. Water quality was rated based on designations from the U.S. Environmental Protection Agency (USEPA) and TDEC, such as the List of

Impaired and Threatened Waters (covered by CWA section 303(d)) (see Habitat Threats from Agricultural Activities and Riparian Clearing section, above) as well as observations from field surveys.

We obtained population factor data from surveys and other records for the Barrens darter from 2009 through 2019 (Harrington et al. 2020, entire; Mattingly and Johansen 2017, entire; and Zuber 2014, entire). These survey efforts were standardized and used methods to specifically target darters across all size classes. Age structure criteria (high, moderate, or low categories) were based on the number of age classes present and whether juveniles were collected in the most recent survey. Due to population variability through time and across sites, as well as differential collection techniques between surveys, we characterized approximate abundance as the average number of Barrens darters collected at all the sites in a management unit. Occurrence

extent was measured as the distance between the upstream-most and downstream-most occurrence record in a MU stream network, which approximated the size of the Barrens darter's range within each MU. Occurrence complexity describes the dispersion of the Barrens darter in each MU as the number of occupied tributaries feeding the mainstem. Presence of fringed darters characterizes the degree of threat they pose to Barrens darters via competition, hybridization, and likely replacement of Barrens darters once the two species come into contact. Within each MU, the fringed darter presence metric was measured as the ratio of streams occupied by the fringed darter to streams occupied by the Barrens darter. If fringed darters are present in a MU, the overall current resiliency is rated as low, given the scope and magnitude of this threat to the species, which outweigh all other threats combined.

TABLE 1—FACTORS AND CRITERIA FOR ASSESSING POPULATION (MU) RESILIENCY

Factor	Type	High	Moderate	Low	Unsuitable
Physical Habitat Score.	Habitat	151–200	101–150	0–100	Does not support survival.
Water Quality ...	Habitat	Minimal issues	Issues recognized, e.g., CWA 303(d) streams.	Issues known to impact populations ...	Does not support survival.
Age Structure ...	Population ...	Two to three age classes, including juveniles.	One adult age class and juveniles	One age class	Extirpated.
Approximate Abundance.	Population ...	Greater than 15 fish per 100 meters (m) (328 feet (ft)).	5 to 15 fish per 100 m (328 ft)	Fewer than 5 fish per 100 m (328 ft) ..	Extirpated.
Occurrence Extent.	Population ...	Range greater than 10 stream mi (16.1 km).	Range 5 to 10 stream mi (8.0 to 16.1 km).	Range less than 5 stream mi (8.0 km)	Extirpated.
Occurrence Complexity.	Population ...	Occupies main channel and multiple tributaries.	Occupies main channel and one tributary.	Occupies main channel only	Extirpated.
Fringed Darter Occurrence.	Population ...	None in MU	Ratio of tributaries occupied by fringed darter to those occupied by Barrens darter less than 50 percent.	Ratio of tributaries occupied by fringed darter to those occupied by Barrens darter greater than 50 percent.	Extirpated.

Currently, the Barren Fork and Charles Creek MUs have low resiliency, the Upper Collins River MU has moderate to high resiliency, and the Barrens darter is extirpated from the Hickory Creek MU (table 2). Although occurrence extent is classified as “high” in the Upper Collins River and Barren

Fork MUs, the stream lengths that approximate the range in these units are small, measuring 10.4 mi (16.7 km) and 14.7 mi (23.7 km), respectively. The Barren Fork system's overall moderate habitat and water quality (table 2) derives from averaging the classifications for those two metrics in

all streams currently and historically occupied by Barrens darters, although both metrics are low in some occupied streams (discussed below). Occurrence extent is only 1 mi (1.6 km) in the Charles Creek unit, in a single reach of the mainstem (low occurrence complexity).

TABLE 2—CLASSIFICATION OF RESILIENCY FACTORS AND CURRENT RESILIENCY OF BARRENS DARTER MANAGEMENT UNITS (MUS)

MU	Physical habitat	Water quality	Age structure	Approximate abundance	Occurrence extent	Occurrence complexity	Fringed darter presence*	Resiliency
Charles Creek	Moderate	Moderate	Low	Low	Low	Low	Low	Low.
Barren Fork	Moderate	Moderate	High	High	High	Moderate	Low	Low.
Hickory Creek	Moderate	Low	Extirpated	Extirpated	Extirpated	Extirpated	Extirpated	None (Extirpated).
Upper Collins River	Moderate-Low	Low	High	Mod	High	High	High	Moderate-High.

* Low resiliency rating is assigned for MUs with high levels of fringed darter presence.

Considering the strong negative influence that fringed darters have on Barrens darters, coupled with the

impacts of habitat and water quality impairment in some of its tributaries, the Barren Fork MU has low resiliency.

Within the Barren Fork system since 2002, records of Barrens darters are from only Duke (includes McMahan Creek

and its tributary, Lewis Creek), Mud, and Liberty Creeks. In Mud Creek, fringed darters replaced Barrens darters between 2009 and 2018 (Harrington et al. 2020, p. 17). Mud and Liberty Creeks have poor habitat quality and are listed as impaired by the State. By stream miles, Liberty Creek comprises just over one-third of the stream systems within the Barren Fork where the Barrens darter remains extant. The Barrens darter is extirpated from the North Prong Barren Fork system and Dog Branch, a direct tributary to mainstem Barren Fork. North Prong Barren Fork is listed as impaired by the State, and fringed darters currently occur in the lower end of Dog Branch. The mouth of Mud Creek is just below the current record of Barrens darter in Liberty Creek. Therefore, the Liberty Creek Barrens darters are at very high risk of fringed darter invasion, owing both to poor habitat and fringed darter proximity. The Duke Creek system is farther upstream (about 6 mi (9.7 km)) from fringed darter records, but fringed darters have been encroaching closer over the past 40 years. Water quality and habitat in Duke Creek is moderate, and one of its tributary systems, McMahan Creek (including Lewis Creek), has high habitat quality (Service 2018, p. 24). As noted above (see *Threats*), Duke Creek and Lewis Creek, as well as other headwater streams in the Collins River system, have gone dry during moderate drought, which has the potential to put Barrens darters in contact with fringed darters as they move downstream to find watered stream channels.

The ability of Barrens darters to disperse and recolonize tributaries where they once occurred is likely precluded by the occurrence of fringed darters along several pathways in the stream network comprising the Barren Fork MU. This MU has moderate complexity because there are three tributaries occupied by the Barrens darter but Barrens darters are absent from the mainstem. Because fringed darters are in the mainstem and have colonized several tributary systems in the Barren Fork MU, including the North Prong Barren Fork, Dog Branch, and Mud Creek systems (Harrington et al. 2020, pp. 17–19) where Barrens darters are extirpated, opportunities for Barrens darters to recolonize historically occupied tributaries are extremely reduced. Together, the occurrence of fringed darters in multiple tributaries, several stream reaches with poor habitat quality, and the threat of occasional moderate droughts contribute to the low

resiliency of the Barrens darter in the Barren Fork MU.

In addition to population (MU) resiliency, we assessed species redundancy, which is low. The Barrens darter is confined to three of its four historically occupied MUs, and two of those MUs, Charles Creek and Barren Fork, have low resiliency. Only the Upper Collins River MU has moderate to high resiliency. There is likely no connectivity allowing for dispersal from the Upper Collins River MU to colonize and “rescue” the two low resiliency MUs because fringed darters are in the intervening stream reaches. With only one moderate to high resiliency MU, no connectivity between the three occupied MUs, and the close spatial arrangement of the three occupied MUs, which makes all of the occupied MUs vulnerable to incurring the same harmful effect of a catastrophic event, such as an extreme flood that passively pushes the species downstream or a drought that prompts dispersal downstream to sites occupied by fringed darters or that are unsuitable habitat, Barrens darter redundancy is low.

Species representation is also low. The range of the Barrens darter is naturally narrow, consisting of headwater streams in the Collins River subbasin of the Caney Fork that drains four counties situated on the Barrens Plateau within a single physiographic province, the Eastern Highland Rim. There are no areas within the species’ natural range that contain unique habitat features that might promote development of different adaptive traits. Genetic data show very little variation between the Charles Creek and Barren Fork populations. However, the Collins River population harbors a unique mitochondrial DNA (mtDNA) haplotype, and the frequency of (mtDNA) haplotypes in the Collins population is measurably different from Barren Fork and Charles Creek populations (Harrington et al. 2020, pp. 16–17). Although this spatial structuring of genetic variation is based on haplotypes from a single region of mtDNA (locus) and should be interpreted with caution until more loci can be assessed, it suggests there has been little recent gene flow between the Upper Collins River MU and the other MUs (Harrington et al. 2020, p. 16) and indicates there is potentially greater adaptive capacity within the upper Collins system. Nevertheless, Barrens darter representation is likely to erode over time because the unique alleles (gene variants) in the Upper Collins River MU that may bolster adaptive capacity cannot be shared with the rest of the basin where there is little allelic

diversity due to a lack of connectivity among MUs. Overall, the Barrens darter’s habitat diversity and genetic diversity are low, indicating the species’ capacity to adapt to environmental changes, such as channel widening that can result from streambank alteration or novel exposure to a species such as the fringed darter, are limited. Therefore, the Barrens darter’s representation is low.

Future Condition

Considering the accumulation of the best scientific information to date on the severity of threats currently affecting the viability of the Barrens darter, which includes new data that clearly shows the imminence and high magnitude of the threat posed by the ongoing fringed darter expansion into or near streams occupied by the Barrens darter, we determined that the current condition of the Barrens darter is consistent with an endangered species (see Determination of Barrens Darter Status, below) and did not conduct a new future condition analysis for the SSA report (version 3.0: Service 2025, entire). As part of our initial SSA report (version 1.0: Service 2018, entire), we developed three future-condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Barrens darter. Our scenarios considered three main elements of change: land development, conservation levels, and changes in precipitation and drought. The scenarios differ by considering variations that were forecast in each of the three elements of change and capture the range of outcomes the Barrens darter was expected to exhibit in the MUs by 2050. Effects of storms and drought were expected to worsen regardless of scenario, whereas projected development and conservation effects vary depending on scenario but were generally expected to remain similar to current levels or worsen. Please refer to the initial SSA report (Service 2018, pp. 25–39) for the full analysis of future scenarios.

Determination of Barrens Darter Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an “endangered species” as a species in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The

Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Status Throughout All of Its Range

The Barrens darter has a small range, which has been reduced from its historical size. Barrens darters currently occur in three of four stream systems that we defined as management units (MUs) in our SSA report (Service 2025, entire): Charles Creek, Barren Fork, and the upper Collins River. The species is extirpated from the Hickory Creek system. In Charles Creek, the Barrens darter's known range consists of a single, linear, 1-mi (1.6 km) reach in the creek's mainstem. In Barren Fork and the upper Collins River, the extent of the Barrens darter's range (upstream to downstream-most occurrence) is 14.7 and 10.4 mi (23.7 and 16.7 km), respectively.

Some streams within each MU are listed by the State of Tennessee as having impaired water and habitat quality along their entire length. Degraded habitat likely provides conditions favorable for invasion by fringed darters, and Barrens darters have been completely replaced in all streams colonized by fringed darters, including in the entire Hickory Creek MU. Species replacement has been rapid, with Barrens darters disappearing within 15 years after contact between the two species.

Overall, the resiliency, redundancy, and representation of the Barrens darter are low. Population resiliency in Charles Creek is low, given the 1-mi (1.6-km), single occupied stream segment, and fringed darter occupation of the downstream reach. Resiliency in the Barren Fork also is low due the ongoing colonization of upstream reaches by the fringed darter, and poor habitat conditions in some stream reaches that favor the fringed darter and directly impact Barrens darter populations via sedimentation and reduced cover. Resiliency in the Upper Collins River MU is moderate to high, but there is no connectivity between the Upper Collins River MU and the other MUs. Barrens darter redundancy is low. Among the three extant MUs, Charles

Creek and the Barren Fork contribute little to redundancy, due to their low resiliency. In addition, the close spatial arrangement of the MUs leaves the species vulnerable to the effects of a single catastrophic event. For example, an extreme or prolonged drought would likely affect the entire range of the species, with individuals that survive desiccation by moving downstream encountering fringed darters. An extreme flooding event would likely affect the entire range of the species by scouring or smothering nesting habitat and washing individuals downstream and into contact with fringed darters. Representation is low because the breadth of occupied habitat types and number of physiographic regions occupied by Barrens darters is naturally low, and genetic diversity is low rangewide, except for a unique genetic marker in the Upper Collins River MU that cannot be shared with the other MU populations because of the lost connectivity.

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we find that the primary threats influencing the viability of the Barrens darter are habitat loss; degradation of stream banks, instream cover, and water quality; and habitat fragmentation and isolation (Factor A); and the invasion of Barrens darter-occupied streams by the fringed darter (Factor E). The scope, magnitude, and imminency of these threats have reduced the resiliency, redundancy, and representation of the Barrens darter such that the species is in danger of extinction throughout its range. We did not identify threats to the continued existence of the Barrens darter due to overutilization for commercial, recreational, scientific, or educational purposes (Factor B); or disease or predation (Factor C). After evaluating the threats to the species, we found that past and ongoing changes in habitat, together with the current number of Barrens darter sites colonized by fringed darters, result in conditions that present a high risk of extinction for the Barrens darter. Thus, after assessing the best scientific and commercial data available, we determine that the Barrens darter is in danger of extinction throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a

significant portion of its range. We have determined that the Barrens darter is in danger of extinction throughout all of its range and accordingly did not undertake an analysis of any significant portion of its range. Because the Barrens darter warrants listing as endangered throughout all of its range, our determination does not conflict with the decision in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020), because that decision related to significant portion of the range analyses for species that warrant listing as threatened, not endangered, throughout all of their ranges.

Determination of Status

Based on the best scientific and commercial data available, we determine that the Barrens darter meets the Act's definition of an endangered species. Therefore, we propose to list the Barrens darter as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies, foreign governments, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies, including the Service, and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Section 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

The recovery planning process begins with development of a recovery outline made available to the public soon after a final listing determination. The recovery outline guides the immediate implementation of urgent recovery actions while a recovery plan is being developed. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) may be established to develop and implement recovery plans. The recovery planning process involves the identification of actions that are necessary to halt and reverse the species' decline by addressing the threats to its survival and recovery. The recovery plan identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened ("downlisting") or removal from protected status ("delisting"), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery outline, draft recovery plan, final recovery plan, and any revisions will be available on our website as they are completed (<https://www.fws.gov/program/endangered-species>) or from our Tennessee Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (e.g., restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

If this species is listed, funding for recovery actions may be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of Tennessee would be eligible for Federal funds to implement management actions that promote the

protection or recovery of the Barrens darter. Information on our grant programs that are available to aid species recovery can be found at: <https://www.fws.gov/service/financial-assistance>.

Although the Barrens darter is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7 of the Act is titled, "Interagency Cooperation," and it mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Each Federal agency shall review its action at the earliest possible time to determine whether it may affect listed species or critical habitat. If a determination is made that the action may affect listed species or critical habitat, formal consultation is required (50 CFR 402.14(a)), unless the Service concurs in writing that the action is not likely to adversely affect listed species or critical habitat. At the end of a formal consultation, the Service issues a biological opinion, containing its determination of whether the Federal action is likely to result in jeopardy or adverse modification.

In contrast, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. Although the conference procedures are required only when an action is likely to result in jeopardy or adverse modification, action agencies may voluntarily confer with the Service on actions that may affect species proposed for listing or critical habitat proposed to be designated. In the event that the subject

species is listed or the relevant critical habitat is designated, a conference opinion may be adopted as a biological opinion and serve as compliance with section 7(a)(2) of the Act.

Examples of discretionary actions for the Barrens darter that may be subject to conference and consultation procedures under section 7 are actions that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the CWA (33 U.S.C. 1251 *et seq.*)) or actions funded by Federal agencies such as the Federal Highway Administration, the U.S. Department of Agriculture's Natural Resources Conservation Service, or the Federal Emergency Management Agency. Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation. Federal agencies should coordinate with the Tennessee Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**) with any specific questions on section 7 consultation and conference requirements.

The Act and its implementing regulations set forth a series of prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, and the Service's implementing regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. Certain exceptions to these prohibitions apply to employees or agents of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations

governing permits for endangered wildlife are codified at 50 CFR 17.22, and general Service permitting regulations are codified at 50 CFR part 13. With regard to endangered wildlife, a permit may be issued: for scientific purposes, for enhancing the propagation or survival of the species, or for take incidental to otherwise lawful activities. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

II. Critical Habitat

Background

Section 4(a)(3) of the Act requires that, to the maximum extent prudent and determinable, we designate a species' critical habitat concurrently with listing the species. Critical habitat is defined in section 3(5)(A) of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features.

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.*, range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.*, migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3(3) of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the

extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that each Federal action agency ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Rather, designation requires that, where a landowner requests Federal agency funding or authorization for an action that may affect an area designated as critical habitat, the Federal agency consult with the Service under section 7(a)(2) of the Act. If the action may affect the listed species itself (such as for occupied critical habitat), the Federal agency would have already been required to consult with the Service even absent the designation because of the requirement to ensure that the action is not likely to jeopardize the continued existence of the listed species. Even if the Service were to conclude after consultation that the proposed activity is likely to result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement "reasonable and prudent alternatives" to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(b)(2) of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information compiled in the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to:

(1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best scientific data available at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Critical Habitat Determinability

Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist:

(i) Data sufficient to perform required analyses are lacking, or

(ii) The biological needs of the species are not sufficiently well known to identify any area that meets the definition of “critical habitat.”

We reviewed the available information pertaining to the biological needs of the Barrens darter and habitat characteristics where the species is located. A careful assessment of the economic impacts is pending, and we will begin working to acquire the complex information needed to perform that assessment. Therefore, due to the current lack of data sufficient to perform required analyses, we conclude that the designation of critical habitat for the Barrens darter is not determinable at this time. The Act allows the Service an additional year to publish a critical habitat designation that is not determinable at the time of listing (16 U.S.C. 1533(b)(6)(C)(ii)).

Required Determinations

Clarity of the Proposed Rule

We are required by Executive Orders (E.O.s) 12866 and 12988 and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Government-to-Government Relationship With Tribes

In accordance with the President’s memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951, May 4, 1994), E.O. 13175 (Consultation and Coordination with Indian Tribal Governments), the President’s memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation; 87 FR 74479, December 5, 2022), and the Department of the Interior’s manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations on a government-to-government basis. In accordance with Secretary’s Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to

Indian culture, and to make information available to Tribes. We have determined that no Tribal lands fall within the boundaries of the proposed critical habitat for the Barrens darter, so no Tribal lands would be affected by the proposed designation.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> and upon request from the Tennessee Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Signing Authority

Paul Souza, Regional Director, Region 8, Exercising the Delegated Authority of the Director of the U.S. Fish and Wildlife Service, approved this action on June 6, 2025, for publication. On June 25, 2025, Paul Souza authorized the undersigned to sign the document electronically and submit it to the Office of the Federal Register for publication as an official document of the U.S. Fish and Wildlife Service.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

- 1. The authority citation for part 17 continues to read as follows:
- Authority:** 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.
- 2. In § 17.11, in paragraph (h), amend the List of Endangered and Threatened Wildlife by adding an entry for “Darter, Barrens” in alphabetical order under FISHES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
FISHES				

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules		
*	*	*	*	*	*	*
Darter, Barrens	<i>Etheostoma forbesi</i>	Wherever found	E	[Federal Register citation when published as a final rule].		
*	*	*	*	*	*	*

Madonna Baucum,

*Regulations and Policy Chief, Division of
Policy, Economics, Risk Management, and
Analytics of the Joint Administrative
Operations, U.S. Fish and Wildlife Service.*

[FR Doc. 2025–12009 Filed 6–30–25; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 90, No. 124

Tuesday, July 1, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 31, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Federal-State Supplemental Nutrition Programs Agreement (Form FNS–339).

OMB Control Number: 0584–0332.

Summary of Collection: The Federal-State Supplemental Nutrition Programs Agreement (form FNS–339) is an annual contract between the U.S. Department of Agriculture (USDA) and each State, Territory, and Indian Tribal Government agency seeking to operate one or more of the following programs: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the WIC Farmers' Market Nutrition Program (FMNP), and the Seniors Farmers' Market Nutrition Program (SFMNP). The Food and Nutrition Service (FNS), of the USDA, is authorized to administer the WIC and the FMNP Programs under the following authority: Section 17 of the Child Nutrition Act (CNA) of 1966, as amended, and the SFMNP under 7 U.S.C. 3007 as amended. Federal regulations at 7 Code of Federal Regulations (CFR) 246.3(c), 248.3(c), and 249.3(c) require that each State agency desiring to administer WIC, FMNP, and/or SFMNP must enter into a written agreement (using FNS–339) with the Department for administration of the program(s) in the jurisdiction of the State agency.

Need and Use of the Information: The FNS–339 requires the signature of the Chief State agency official and includes a certification/assurance regarding drug free workplace, a certification regarding lobbying, and a disclosure of lobbying activities. The signed agreement thereby authorizes USDA/FNS to make funds available to State agencies for the administration of the WIC, FMNP, and/or SFMNP Programs within the State, Indian Tribal Organizations, District of Columbia, and Territories, and in accordance with 7 Code of Federal Regulations (CFR) parts 246, 248, and 249. The State agency agrees to accept Federal funds for expenditure in accordance with applicable statutes and regulations and to comply with all the provisions of such statutes and regulations, and amendments thereto.

Description of Respondents: State, Local, or Tribal government.

Number of Respondents: 132.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 33.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–12270 Filed 6–30–25; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Montana Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Montana Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public business meeting every second Thursday of the month (August 2025 through December 2025) via Zoom at 3:00 p.m. MT. The purpose of these meetings is to discuss civil rights concerns in the state.

DATES: Thursday, August 14, 2025, from 3:00 p.m. to 4:30 p.m. Mountain Time; Thursday, September 11, 2025, from 3:00 p.m. to 4:30 p.m. Mountain Time; Thursday, October 9, 2025, from 3:00 p.m. to 4:30 p.m. Mountain Time; Thursday, November 13, 2025, from 3:00 p.m. to 4:30 p.m. Mountain Time; Thursday, December 11, 2025, from 3:00 p.m. to 4:30 p.m. Mountain Time.

ADDRESSES: The meetings will be held via Zoom Webinar. Members of the public only need to register once.

Registration Link (Audio/Visual) for All Meetings: <https://www.zoomgov.com/webinar/register/WN/SWk0SO7gTFSyPCGZ87Ls1w>.

Join by Phone (Audio Only) for All Meetings: (833) 435–1820 USA Toll-Free; Meeting ID: 160 910 9573.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer, at afortes@usccr.gov or (202) 681–0857.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided

to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any charges incurred. Callers will incur no charge for calls initiated over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Ana Victoria Fortes at afortes@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 681-0857.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via this file sharing website. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

- I. Welcome & Roll Call
- II. Discussion: Civil Rights in Montana
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: June 27, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-12282 Filed 6-30-25; 8:45 am]

BILLING CODE 6335-01-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction to meeting time.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal**

Register on Friday, May 2, 2025, concerning a meeting of the Florida Advisory Committee. The meeting time has since changed from 4:00 p.m.–5:00 p.m. ET to 4:00 p.m.–5:30 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov or (202) 770-1856.

SUPPLEMENTARY INFORMATION:

Correction: In the **Federal Register** on Friday, May 2, 2025, in FR Document Number 2025-07618 on page 18833, first column, correct the meeting time to: 4:00 p.m.–5:30 p.m. ET.

Dated: June 26, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-12207 Filed 6-30-25; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction to meeting time.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** on Friday, May 2, 2025, concerning a meeting of the Florida Advisory Committee. The meeting time has since changed from 3:00 p.m.–4:00 p.m. ET to 3:00 p.m.–4:30 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov or (202) 770-1856.

SUPPLEMENTARY INFORMATION:

Correction: In the **Federal Register** on Friday, May 2, 2025, in FR Document Number 2025-07619 on page 18831, second column, correct the meeting time to: 3:00 p.m.–4:30 p.m. ET.

Dated: June 26, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-12206 Filed 6-30-25; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction to meeting time.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** on Friday, May 2, 2025, concerning a meeting of the Florida

Advisory Committee. The meeting time has since changed from 3:00 p.m.–4:00 p.m. ET to 3:00 p.m.–4:30 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov or (202) 770-1856.

SUPPLEMENTARY INFORMATION:

Correction: In the **Federal Register** on Friday, May 2, 2025, in FR Document Number 2025-07620 on page 18832, first column, correct the meeting time to: 3:00 p.m.–4:30 p.m. ET.

Dated: June 26, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-12208 Filed 6-30-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 250627-0115]

XRIN: 0605-XR011

Procedures for Considering Environmental Impacts

AGENCY: Office of the Secretary (OS), Department of Commerce (DOC).

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Commerce (DOC or Department) is updating DOC Administrative Order 216-6, "Implementing the National Environmental Policy Act," which outlines the Department's responsibilities for complying with the National Environmental Policy Act (NEPA) and identifies procedures specific to sub-components of DOC that implement NEPA. The updated Order and procedures promote collaboration and efficiencies in the implementation of NEPA and modernize the processes and procedures for environmental review. DOC is not soliciting comments on the updated Order or sub-component NEPA procedures. The National Oceanic and Atmospheric Administration (NOAA) is soliciting comments on its proposal to establish new, and amend its existing, categorical exclusions (CEs) in its agency NEPA implementing procedures.

DATES: All documents identified in this notice are effective July 1, 2025. To ensure consideration, comments on NOAA's proposal to establish new, and amend its existing, CEs must be submitted by July 31, 2025.

ADDRESSES: Please submit your comments by only one of the following means, identifying your submission by

docket number. All electronic submissions must be made to <http://www.regulations.gov>.

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

- **Mail:** NOAA NEPA Coordinator, 1315 East-West Highway, Room 15877, Silver Spring, MD 20910.

Instructions: All comment submissions must include the agency name, docket name, and docket number (NOAA-HQ-2025-0207). Note that all comments received will be posted without change to www.regulations.gov, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Peter Viola, Attorney Advisor, Office of the Assistant General Counsel for Transactions and Program Management, pviola@doc.gov, (202) 482-4669.

SUPPLEMENTARY INFORMATION:

I. Background

NEPA requires all Federal agencies to assess the environmental impact of their actions. 42 U.S.C. 4332(2)(C). The statute establishes a national environmental policy of the Federal government to use all practicable means and measures to foster and promote the general welfare, create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. 42 U.S.C. 4331(a). NEPA Section 102(2) establishes the procedural requirements to carry out the policy stated in Section 101 of NEPA. It requires Federal agencies to consider the environmental effects of proposed actions in their decisionmaking and prepare detailed environmental statements on major Federal actions significantly affecting the quality of the human environment. 42 U.S.C. 4332(2)(C).

The Fiscal Responsibility Act of 2023 (FRA) was signed into law on June 3, 2023. The FRA amended NEPA, including limiting the definition of “major federal action” to include an action that an agency determines is subject to substantial Federal control and responsibility, limiting the scope of an environmental impact statement (EIS) review to reasonably foreseeable environmental effects of the proposed agency action, and limiting the alternatives in an EIS to a reasonable range of alternatives that are technically and economically feasible. In addition, the FRA established page and time limits for environmental assessments (EAs) and EISs, outlined specific roles

for lead agencies, and directed a lead agency to prescribe procedures to allow a project sponsor to prepare an EA or EIS under the supervision of the agency. Further, the FRA provided guidelines for the use of analysis from a prior programmatic environmental review document in a subsequent document for a specified time period, and a streamlined process for adopting another agency’s categorical exclusions (CEs).

CEQ previously issued regulations at 40 CFR parts 1500–1508 (CEQ regulations) implementing NEPA that were binding on Federal agencies. On February 25, 2025, CEQ issued an interim final rule to remove the existing CEQ regulations, in response to Executive Order (E.O.) 14154, “Unleashing American Energy.” The Department has accordingly revised DAO 216–6 and bureau-level procedures in consultation with CEQ. The revisions to DAO 216–6 and DOC bureau-level procedures are effective immediately. As part of revising its NEPA procedures, NOAA has made changes to its CEs and is requesting public comment on those changes. CEs are categories of actions that an agency has determined normally do not have a significant effect on the human environment, individually or in the aggregate. CEs are a form of review that agencies use to comply with NEPA for proposed actions that normally have no or minimal environmental effects.

II. Revision of DOC Bureau-Level NEPA Procedures

DAO 216–6 has been revised to identify the bureaus within the Department that undertake NEPA reviews and provide general direction regarding complying with the statute. The Department’s bureaus that undertake NEPA reviews include NOAA, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, the Economic Development Administration, and the First Responder Network Authority. DAO 216–6 provides links to the NEPA procedures for each of these bureaus, thus providing a single source for applicants or other individuals seeking information on bureau-level NEPA procedures. The revised DAO 216–6 and bureau-level procedures update terminology for consistency with modern NEPA practice, including the definition of “major Federal action”, and remove references to the rescinded CEQ regulations; allow reliance on previously prepared EISs, EAs, and CEs; and set forth procedures for using

applicant-prepared and programmatic environmental documents.

III. Proposed Revisions to NOAA Categorical Exclusions; Request for Comments

In 2017, NOAA finalized its most recent revision to its NEPA procedures, including a wholesale overhaul of NOAA’s CEs, covering categories of actions that normally do not have a significant effect on the human environment, individually or in the aggregate, and therefore do not require preparation of an EA or EIS. 42 U.S.C. 4336(b)(2), 4336c, 4336e(1); 82 FR 4306. As part of the review of its agency NEPA procedures, NOAA has also reviewed and is proposing revisions to its categorical exclusions. This proposal is based on NOAA’s experience implementing these CEs, on a review of NOAA’s operational activities, based on input from the NOAA NEPA Working Group, legal and mission changes, and in order to prioritize efficient environmental review in tandem with NOAA’s revised NEPA procedures.

This section lists each proposed revision to NOAA’s CEs and summarizes NOAA’s rationale for each proposed revision. For a detailed discussion of and substantiation for each proposed revision to NOAA’s CEs, please refer to the substantiation record available at www.regulations.gov and www.noaa.gov/nepa.

Proposed New Categorical Exclusions

B13: Licensing of Private Remote Sensing Space Systems

NOAA is proposing a new CE to cover remote sensing licensing actions in response to regulatory and program changes under the Land Remote Sensing Policy Act (LRSPA), 51 U.S.C. 60101–60162, and its implementing regulations at 15 CFR part 960 following the update to NOAA’s NEPA procedures in 2017. The proposed new CE would cover the issuance of licenses under the LRSPA by the Commercial Remote Sensing Regulatory Affairs (CRSRA) division of NOAA’s Office of Space Commerce for private entities to operate space-based private remote sensing space systems. The CE will also cover associated actions related to the license such as the imposition of license conditions, shutter control directives issued in the interests of national security; the modification of such licenses, and disposal of the system “in a manner satisfactory to the President.”

Proposed CE text: “B13: Issuance of licenses, conditions, license modifications, and associated actions under the Land Remote Sensing Policy

Act, 51 U.S.C. 60101–60162, for the operation of private remote sensing space system activities.”

E5: Shellfish Outplanting

This proposed CE will cover the limited collection of shellfish from healthy, abundant wild populations using minimally invasive procedures and resulting in collection of few animals relative to the overall wild population. The farms and lease sites covered by proposed CE are those that employ recommended protocols that prevent the introduction of disease, chemicals, toxins, and non-native species, safeguard genetic integrity of native populations, and conduct their operations in compliance with established Federal and state regulatory guidelines and best management practices. The CE will cover small-scale, limited research that does not involve the introduction or use of new or modified gear, use of new or non-approved chemical compounds or chemicals, introduction of a species not previously present within the waterbody, an increase in the operational footprint of an existing farm or lease site, or the creation of a new commercial aquaculture farm or research lease site.

Proposed CE text: “E5: Research involving the limited collection and placement of native, naturalized, or shellfish species already found in the watershed (“outplanting”). This CE covers a limited collection of shellfish from healthy, abundant wild populations using minimally invasive procedures and resulting in collection of few animals relative to the overall wild population. This CE covers outplanting on existing commercial aquaculture farms or aquaculture research lease sites or in an established Floating Upweller System (FLUPSY) for experimental purposes. The farms and lease sites covered by this CE are those that employ recommended protocols that prevent the introduction of disease, chemicals, toxins, and non-native species, safeguard genetic integrity of native populations, and conduct their operations in compliance with established Federal and state regulatory guidelines and best management practices. This CE covers small-scale, limited research that does not involve the introduction or use of new or modified gear, use of new or non-approved chemical compounds or chemicals, a species not previously present within the waterbody, an increase in the operational footprint of an existing farm or lease site, or the creation of a new commercial aquaculture farm or research lease site.”

F8: Release Response and Cleanup

NOAA is proposing to add a new CE to cover environmental assessment, response, and cleanup for real property management purposes at sites and facilities that NOAA is responsible for managing. This CE will ensure increased effective response and management across NOAA properties while bringing NOAA’s program into alignment with similar management regimes at sister agencies.

Proposed CE text: “F8: Activities related to release response and cleanup from releases for which NOAA is responsible. This includes, but is not limited to, release response activities, site characterization studies, and environmental monitoring (including sampling, analytical testing, waste disposal, siting, construction, operation, surveying, as well as installation and decommissioning of characterization and monitoring devices).”

G10, G11, & G12: Aircraft Operations

NOAA’s Office of Marine and Aviation Operations (OMAO) manages and operates NOAA’s fleet of fifteen research and survey ships and ten specialized environmental data-collecting aircraft. NOAA aircraft operate throughout the world providing a wide range of capabilities including hurricane reconnaissance and research, marine mammal and fisheries assessment, and coastal mapping. NOAA aircraft carry scientists and specialized instrument packages to conduct research for NOAA’s missions.

These proposed CEs incorporate and adopt similar language and parameters established by other agencies that operate and maintain aircraft fleets, such as the U.S. Air Force and U.S. Navy. NOAA is proposing these CEs in order to ensure NEPA coverage for routine use of aircraft in NOAA’s missions. NOAA’s existing CEs are limited to the use of systems to collect data and the repositioning of assets, not fully covering the broad scope of NOAA’s aviation missions. These CEs fill this gap by extending CE coverage to OMAO’s training operations, special use airspace requests, airfield procedures, and routine use of aircraft for both operational and support purposes. In addition to bringing NOAA’s CE use into alignment with other operational agencies, these CEs will help ensure mission readiness across NOAA’s aircraft fleet.

Proposed CE texts: “G10: Aircraft operation trainings conducted on or over nonmilitary land or water areas, where such training is consistent with

the type and tempo of existing non-military airspace, land and water use.”

“G11: Formal requests to the Federal Aviation Administration, or host-nation equivalent agency, to establish or modify special use airspace.”

“G12: Adopting airfield approach, departure, and en route procedures that are less than 3,000 feet above ground level and that also do not route air traffic over noise-sensitive areas, including residential neighborhoods or cultural, historical, and outdoor recreational areas.”

Proposed Technical and Editorial Changes

NOAA is proposing technical and editorial corrections to the following twenty-two CEs. NOAA has determined these proposed changes do not substantively affect the scope or change the meaning of the CE. NOAA is making these revisions to correct grammatical errors, eliminate duplicative text, provide clarification for practitioners, ensure consistency, update examples, and use plain language.

The revised text of these CEs is as follows:

“A1: A fishery management action, including those that change regulations, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.

A2: Preparation of a recovery plan pursuant to the Endangered Species Act § 4(f)(1), 16 U.S.C. 1533(f)(1). Such plans are advisory documents that provide consultative and technical assistance in recovery planning and do not implement site-specific or species-specific management actions. However, implementation of specific tasks identified in a recovery plan may require additional NEPA analysis depending on the nature of the action.

A3: Temporary fishery closures or extensions of closures under the Magnuson-Stevens Fishery Conservation and Management Act, § 305(c)(3)(C), 16 U.S.C. 1855(c)(3)(C), to ensure public health and safety.

A4: Minor updates to existing national marine sanctuary management plans. This CE does not apply to sanctuary designations, expansions, changes in terms of designation, or new sanctuary management plans.

A6: Review and approval of changes to state coastal management programs under the Coastal Zone Management Act § 306(e), 16 U.S.C. 1455(e), and NOAA’s regulations at 15 CFR pt. 923.

B1: Issuance of permits or permit modifications under Endangered Species Act (ESA) § 10(a)(1)(A), 16 U.S.C. 1539(a)(1)(A), for take, import, or

export of endangered species for scientific purposes or to enhance the propagation or survival of the affected species, or in accordance with the requirements of an ESA Section 4(d) regulation for threatened species.

B2: Issuance of permits or permit amendments under the Marine Mammal Protection Act § 104, 16 U.S.C. 1374, for take or import of marine mammals for scientific research, enhancement, commercial or educational photography or public display purposes; and issuance of Letters of Confirmation under the General Authorization for scientific research involving only Level B harassment.

B3: Issuance of, and amendments to, “low effect” Incidental Take Permits and their supporting “low effect” Habitat Conservation Plans under the Endangered Species Act § 10(a)(1)(B), 16 U.S.C. 1539(a)(1)(B).

B4: Issuance of incidental harassment authorizations under the Marine Mammal Protection Act § 101(a)(5)(A), (D), 16 U.S.C. 1371(a)(5)(A), (D), for the incidental, but not intentional, take by harassment of marine mammals during specified activities and for which no serious injury or mortality is anticipated.

B5: Issuance of, or amendments to, general permits for activities that are included in the established permit categories at 15 CFR 922.30–922.37, that meet the regulatory review criteria at 15 CFR 922.30–922.37, and any applicable site-specific regulations.

B6: Issuance of, or amendments to, special use permits for activities in a national marine sanctuary that are necessary to establish conditions of access to and use of any sanctuary resource or promote public use and understanding of a sanctuary resource and must be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources in accordance with the National Marine Sanctuaries Act § 310, 16 U.S.C. 1441.

B7: Issuance of, or amendments to, authorizations for activities allowed by a valid federal, regional, state, local or tribal government approval (e.g., leases, permits, and licenses) issued after the effective date of designation or expansion, so long as such authorizations are based upon a consideration of the regulatory review criteria at 15 CFR 922.30–922.37.

B8: Issuance of, or amendments to, certifications for pre-existing activities authorized by a valid federal, regional, state, local, or tribal government approval (e.g., leases, permits, and licenses) or rights of subsistence use or access in existence on the effective date of the final regulations for a designation

or revised terms of designation of any national marine sanctuary where the Office of National Marine Sanctuaries issues terms and conditions that are either ministerial or prescribe avoidance, minimization, or mitigation measures.

B9: Issuance of, or amendments to Papahānaumokuākea Marine National Monument (as originally established by Proclamation No. 8031, 71 FR 36,443 (June 26, 2006) and named Papahānaumokuākea by Proclamation No. 8112, 72 FR 10031 (March 6, 2007)) permits for activities that are included in established permit categories (50 CFR pt. 404) and that meet the regulatory review criteria (50 CFR 404.11), that limit any potential impacts so that the proposed activity will be conducted in a manner compatible with the monument’s primary objective of resource protection.

B10: Issuance of, or amendments to, Papahānaumokuākea Marine National Monument special ocean use permits for activities or use of the monument that are engaged in to generate revenue or profits for one or more of the persons associated with the activity or use, and do not destroy, cause the loss of, or injure monument resources.

B11: Issuance of, or amendments to permits or authorizations for activities that are conducted within Marine National Monuments other than Papahānaumokuākea that are limited in scope so that the potential impacts of the proposed activities will be conducted in a manner compatible with a monument’s primary objective of resource protection, and do not destroy, cause the loss of, or injure monument resources.

B12: Issuance of Exempted Fishing Permits, Scientific Research Permits, and other permits for research that may impact species regulated under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801–1884, and the Atlantic Tunas Convention Act, 16 U.S.C. 971–971k. This CE is limited to permits that authorize activities that are limited in size, magnitude, or duration.

C1: Habitat restoration actions, provided that such action: (1) Transplants only organisms currently or formerly present at the site or in its immediate vicinity (if transplant is a component of the action); (2) Does not require substantial placement of fill or dredging; (3) Does not involve any removal of debris, excavation, or conditioning of soils unless such removal of debris, excavation, or conditioning of soils is geographically limited to the impact area such that site conditions will not impede or

negatively alter natural processes, is in compliance with all permit and disposal requirements, and will not impact aquifers or recharge areas; and (4) Does not involve an added risk of human or environmental exposure to toxic or hazardous substances, pathogens, or radioactive materials.

Note on the application of C1: If applicable, limitations and mitigation measures identified in the NOAA Restoration Center Programmatic Environmental Impact Statement for Habitat Restoration Actions must be followed. This CE includes, but is not limited to, response or restoration actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9628, the Oil Pollution Act (OPA), 33 U.S.C. 2701–2761, or the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1431–1445a, if such actions help to restore an ecosystem, habitat, biotic community, or population of living resources to a determinable pre-impact condition prior to the incident leading to the response or restoration. The decision maker should consider the scope and scale of response and restoration actions proposed under CERCLA, OPA, or NMSA, which may preclude the use of this CE.

D2: Provision of a grant, a contract or other financial assistance to a State, Fishery Management Council, or Marine Fisheries Commission under the Magnuson-Stevens Fishery Conservation and Management Act § 402(d), 16 U.S.C. 1881a(d).

E6: Research that involves the development and testing of new and modified fishing gear and technology in order to reduce adverse effects from fishing gear on non-target species, and is limited in size, magnitude, or duration.

G2: Routine movement of mobile assets, such as vessels and aircraft, for homeport reassignments or repair/overhaul, where no new support facilities are required.

G5: Enforcement operations conducted under statutory mandate. This does not include bringing judicial or administrative civil or criminal enforcement actions which are outside the scope of NEPA.”

Proposed Substantive Changes

NOAA’s review of its CEs determined that certain existing CEs would benefit from revisions that clarified the scope and applicability of the CE. Internal discussions also resulted in many instances in the addition or revision of examples provided for the CEs for the benefit of NOAA NEPA practitioners.

This section explains the substantive revisions NOAA made to its proposed CEs and the rationale for those revisions.

A5: Updates to National Estuarine Research Reserve Actions

NOAA is proposing to amend A5 to allow for National Estuarine Research Reserve (NERR) boundary changes so long as certain conditions are met. Additionally, the CE is limited in that it does not apply to new NERR management plans, the addition of a new component to the NERR, or to the execution of any specific action subsequently funded to support the updated NERR management plan. The proposed changes and revisions do not result in a substantial change in scope or applicability from the listed 2017 CEs.

The revised text is as follows: “A4: Updates to existing National Estuarine Research Reserve (NERR) management plans and boundary changes, as long as these changes do not significantly change allowable uses, uses requiring a permit, or restrictions on uses. This CE includes changes to the NERR boundary where the following conditions are met: (1) The boundary change meets site selection and feasibility criteria. 15 CFR 921.11; (2) The proposed management of the properties is consistent with the NERRS regulations. 15 CFR 921.1, 921.13; and (3) The state has adequate state control over the parcels. 15 CFR 921.30(a). This CE does not apply to management plans for newly designated NERRs, the addition of a new component to a multiple-site NERR, or to the execution of any specific action subsequently funded by NOAA to support the updated NERR management plan.”

E1* & E3

NOAA is proposing to create a streamlined and combined E-series CE E3 that combines a portion of the 2017 E1 CE with the 2017 E3, E4, and E5 CEs in an effort to consolidate research-related activities together. This consolidation will increase certainty and efficiency in practice and align NOAA's NEPA procedures more closely to other agencies' NEPA procedures, which often only have a single research related CE. This change is not intended to change the scope of actions covered under the E-series CEs. The past several years implementing the 2017 CEs has revealed practical inefficiencies and confusion around selecting the appropriate research-related CE—between E1, which largely focused on laboratory-based activities; E3, which

largely focused on nondestructive data collection techniques; E4, which largely focused on the observation of living resources, without physical contact; and E5, which largely focused on physical interaction with living resources. It was not uncommon for a proposed action to involve activities that fell within the gambit of more than one of these research-related CEs. Because the activities under each of these CEs have already been determined by NOAA in its existing NEPA Procedures to not have individual or cumulative significant impacts on the human environment and the research activities considered are at times a single proposed action, NOAA determined it is appropriate to combine E1 (in part), E3, E4, and E5 into a single research-related CE. The consolidation of E1 (in part), E3, E4, and E5 will rectify the unnecessary administrative burden present in the current NOAA NEPA Procedures and reduce uncertainty, increase efficiency, and ensure compliance with NEPA when applying CEs. Although this change is not intended to change the scope of actions covered under the 2017 E-series CEs, NOAA is proposing to clarify the bounds of the proposed revised E3 by identifying two prerequisites for its use. Specifically, the activities must: (1) use scientifically accepted best management practices (BMPs) or peer-reviewed scientifically accepted methods that minimize impacts, as applicable, and (2) avoid locations or times that would normally result in long-term adverse ecosystem impacts. These changes, along with a new definition of “long-term adverse ecosystem impacts” and examples of best management practices in the substantiation record, are intended to elucidate the types of “methodologies and locations to ensure that there are no long-term adverse impacts to ecosystems” that were considered in the 2017 version of E5.

The revised text is as follows: “E1*: Computational and dry laboratory activities including data input and analysis; database and software development and maintenance; virtual simulations and modeling; and bench-scale fabrication, development, calibration, and testing of prototypes.”

“E3: Scientific research activities that involve: field observation, measurements, or surveys; collecting, analyzing, processing, or archiving samples or data; capturing, handling, marking, or tagging living specimens; or any combination thereof.

This CE applies so long as the activities: (1) use scientifically accepted best management practices (BMPs) or

peer-reviewed scientifically accepted methods that minimize impacts, as applicable, and (2) avoid locations or times that would normally result in long-term adverse ecosystem impacts. Long-term adverse ecosystem impacts means an impact that persists after the project has concluded that alters or disrupts ecosystem functioning, such as modifying species behavioral patterns or altering habitat functions. The Administrative Record to this CE presents a nonexhaustive list of available resources on BMPs and peer-reviewed scientifically accepted methods that apply to many of the activities encompassed by this CE.”

E4: Aquaculture Research

The proposed edits to the 2017 aquaculture research CE, E8, will reduce unnecessary administrative burden for aquaculture activities with no potential for significant impacts to the human environment, reduce uncertainty, increase efficiency, and ensure compliance with NEPA. This CE is limited to research activities conducted at land-based facilities and does not extend to operations of the facility that are independent of research activities. The scope of this CE does not extend to aquaculture farms or aquaculture research sites operating in marine or coastal waters.

The revised text is as follows: “E4: Biological, chemical, food production, ecological, or toxicological research conducted in an established, land-based mesocosm or aquaculture facility (e.g., recirculating aquaculture system, biofloc system, hatchery) that employs recommended protocols providing for containment and disposal of waste, chemicals, toxins, non-native species, etc., in compliance with established Federal and state regulatory guidelines, and best management practices.”

NOAA requests comments from the public on its proposed revisions to existing CEs and new CEs. NOAA also invites comment on the substantiation record and supporting materials it has prepared to substantiate this proposal. The agency will consider input from the public and consult with CEQ for a conformity determination before finalizing its proposal.

Dated: June 27, 2025.

David Langdon,

Deputy Director, Office of Policy and Strategic Planning, Department of Commerce.

[FR Doc. 2025–12272 Filed 6–30–25; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board****[B-34-2025]****Foreign-Trade Zone (FTZ) 116, Notification of Proposed Production Activity; The Premcor Refining Group, Inc.; (Sustainable Aviation Fuel); Port Arthur, Texas**

Valero Energy Corporation submitted a notification of proposed production activity on behalf of its affiliate The Premcor Refining Group, Inc. (Premcor) to the FTZ Board (the Board) for Premcor's facilities in Port Arthur, Texas within Subzone 116C. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on June 26, 2025.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific finished product described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz. The proposed finished product would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is sustainable aviation fuel (duty rate 52.5 cents/barrel).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is August 11, 2025.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Juanita Chen at juanita.chen@trade.gov.

Dated: June 27, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025-12253 Filed 6-30-25; 8:45 am]

BILLING CODE 3510-DS-P

DATES: Applicable July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

SUPPLEMENTARY INFORMATION:**Background**

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping and countervailing duty order(s) and suspended investigation(s):

DEPARTMENT OF COMMERCE**International Trade Administration****Initiation of Five-Year (Sunset) Reviews**

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) and suspended investigation(s) listed below. The U.S. International Trade Commission (ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s) and suspended investigation(s).

DOC Case No.	ITC Case No.	Country	Product	Commerce contact
A-351-832	731-TA-953 ..	Brazil	Carbon and Certain Alloy Steel Wire Rod (4th Review).	Thomas Martin, (202) 482-3938.
A-122-867	731-TA-1458	Canada	Utility Scale Wind Towers (1st Review)	Thomas Martin, (202) 482-3938.
A-570-880	731-TA-1020	China	Barium Carbonate (4th Review)	Thomas Martin, (202) 482-3938.
A-570-873	731-TA-986 ..	China	Ferrovanadium (4th Review)	Mary Kolberg, (202) 482-1785.
A-570-914	731-TA-1118	China	Light-Walled Rectangular Pipe and Tube (3rd Review).	Thomas Martin, (202) 482-3938.
A-570-939	731-TA-1153	China	Tow-Behind Lawn Groomers and Parts Thereof (3rd Review).	Thomas Martin, (202) 482-3938.
A-533-857	731-TA-1215	India	Oil Country Tubular Goods (2nd Review)	Thomas Martin, (202) 482-3938.
A-560-815	731-TA-957 ..	Indonesia	Carbon and Certain Alloy Steel Wire Rod (4th Review).	Thomas Martin, (202) 482-3938.
A-560-833	731-TA-1459	Indonesia	Utility Scale Wind Towers (1st Review)	Thomas Martin, (202) 482-3938.
A-201-830	731-TA-958 ..	Mexico	Carbon and Certain Alloy Steel Wire Rod (4th Review).	Thomas Martin, (202) 482-3938.
A-201-836	731-TA-1120	Mexico	Light-Walled Rectangular Pipe and Tube (3rd Review).	Thomas Martin, (202) 482-3938.
A-841-805	731-TA-959 ..	Moldova	Carbon and Certain Alloy Steel Wire Rod (4th Review).	Thomas Martin, (202) 482-3938.
A-580-859	731-TA-1119	Republic of Korea	Light-Walled Rectangular Pipe and Tube (3rd Review).	Thomas Martin, (202) 482-3938.
A-580-870	731-TA-1216	Republic of Korea	Oil Country Tubular Goods (2nd Review)	Thomas Martin, (202) 482-3938.
A-580-902	731-TA-1460	Republic of Korea	Utility Scale Wind Towers (1st Review)	Thomas Martin, (202) 482-3938.
A-791-815	731-TA-987 ..	South Africa	Ferrovanadium (4th Review)	Mary Kolberg, (202) 482-1785.
A-274-804	731-TA-961 ..	Trinidad and Tobago	Carbon and Certain Alloy Steel Wire Rod (4th Review).	Thomas Martin, (202) 482-3938.

DOC Case No.	ITC Case No.	Country	Product	Commerce contact
A-489-815	731-TA-1121	Türkiye	Light-Walled Rectangular Pipe and Tube (3rd Review).	Thomas Martin, (202) 482-3938.
A-489-816	731-TA-1221	Türkiye	Oil Country Tubular Goods (2nd Review)	Thomas Martin, (202) 482-3938.
A-823-815	731-TA-1222	Ukraine	Oil Country Tubular Goods (2nd Review)	Thomas Martin, (202) 482-3938.
A-552-817	731-TA-1223	Vietnam	Oil Country Tubular Goods (2nd Review)	Thomas Martin, (202) 482-3938.
A-552-825	731-TA-1461	Vietnam	Utility Scale Wind Towers (1st Review)	Thomas Martin, (202) 482-3938.
Countervailing Duty Proceedings				Department contact
C-351-833	701-TA-417 ..	Brazil	Carbon and Certain Alloy Steel Wire Rod (4th Review).	Thomas Martin, (202) 482-3938.
C-122-868	701-TA-627 ..	Canada	Utility Scale Wind Towers (1st Review)	Thomas Martin, (202) 482-3938.
C-570-915	701-TA-449 ..	China	Light-Walled Rectangular Pipe and Tube (3rd Review).	Mary Kolberg, (202) 482-1785.
C-533-858	701-TA-499 ..	India	Oil Country Tubular Goods (2nd Review)	Thomas Martin, (202) 482-3938.
C-489-817	701-TA-500 ..	Türkiye	Oil Country Tubular Goods (2nd Review)	Mary Kolberg, (202) 482-1785.
C-552-826	701-TA-629 ..	Vietnam	Utility Scale Wind Towers (1st Review)	Thomas Martin, (202) 482-3938.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: <https://enforcement.trade.gov/sunset/>. All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304-306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.²

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive

responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).³ An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in

¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 41363 (July 10, 2020).

² See 19 CFR 351.218(d)(1)(iii).

³ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: June 18, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–12052 Filed 6–30–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Minnesota et al.; Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before July 21, 2025. Address written comments to Statutory Import Programs Staff, Room 40005, U.S. Department of Commerce, Washington, DC 20230. Please also email a copy of those comments to Eva.Kim@trade.gov.

Docket Number: 25–016. **Applicant:** University of Minnesota, 115 Union St. SE, PAN 241, Minneapolis, MN 55455. **Instrument:** High Temperature Laser Crystal Growth Furnace. **Manufacturer:** Scientific Instruments GmbH, Germany. **Intended Use:** The instrument is intended to synthesize single crystals of transition-metal-based oxide to discover new high high-temperature superconducting materials. **Justification for Duty-Free Entry:** According to the applicant, there are no instruments of the same general category manufactured in the United States. **Application accepted by Commissioner of Customs:** April 25, 2025.

Docket Number: 25–017. **Applicant:** California Institute of Technology, 1200 E. California Blvd., M/C 18–34, Pasadena, CA 91125. **Instrument:** Nd: Yag Laser System. **Manufacturer:** Laser Zentrum Hannover, Germany. **Intended Use:** The instrument is intended to detect gravitational waves. **Justification for Duty-Free Entry:** According to the

applicant, there are no instruments of the same general category manufactured in the United States. **Application accepted by Commissioner of Customs:** July 30, 2007.

Docket Number: 25–018. **Applicant:** Utah State University, 4415 Old Main Hill, Logan, UT 84322. **Instrument:** SLM–200 Spatial Light Modulator. **Manufacturer:** Santec USA Corporation, Japan. **Intended Use:** The instrument is intended to generate holography and vortex optical beams to provide hands-on training on holographic optics, diffraction options, and Fourier optics. **Justification for Duty-Free Entry:** According to the applicant, there are no instruments of the same general category manufactured in the United States. **Application accepted by Commissioner of Customs:** April 30, 2025.

Dated: June 27, 2025.

Tyler J. O'Daniel,

Acting Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2025–12267 Filed 6–30–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE997]

Marine Mammals; File No. 23554

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that Colleen Reichmuth, Ph.D., Long Marine Laboratory, University of California at Santa Cruz, 115 McAllister Way, Santa Cruz, CA 95060, has been issued a minor amendment to Scientific Research Permit No. 23554.

ADDRESSES: The amendment and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Sara Young or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et*

seq.), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The original permit (No. 23554), issued on February 16, 2021 (86 FR 13700, March 10, 2021) authorized the permit holder to conduct comparative psychological and physiological studies with captive California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), spotted seals (*Phoca largha*), ringed seals (*Pusa hispida*), bearded seals (*Erignathus barbatus*), and Hawaiian monk seals (*Neomonachus schauinslandi*) at Long Marine Laboratory (Santa Cruz, CA) and the Alaska SeaLife Center (Seward, AK). Up to four individuals per species may be studied at both facilities at any given time over the duration of the permit, with the exception of the Hawaiian monk seal, for which a max of one seal will be studied at a time. This minor amendment extends the duration of the permit through January 31, 2027, but does not change any other terms or conditions of the permit.

Dated: June 26, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–12284 Filed 6–30–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U. S. Integrated Ocean Observing System (IOOS®) Advisory Committee Public Meeting

AGENCY: U.S. Integrated Ocean Observing System (IOOS®), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting; opportunity for public comment.

SUMMARY: Notice is hereby given of a virtual meeting of the U. S. Integrated Ocean Observing System (IOOS®) Advisory Committee (Committee). The meeting is open to the public and an opportunity for oral and written comments will be provided.

DATES: The meeting will be held virtually on July 21, 2025 from 1 p.m. to 3 p.m. Eastern Daylight Time (EDT) and July 23, 2025 from 3 p.m. to 5 p.m. (EDT). Registration is required to attend; please register online at <https://forms.gle/9yMK7MgQCgbTmJNJ7> or email Laura.Gewain@noaa.gov.

ADDRESSES: The meeting will be held virtually. To register for the meeting and/or submit public comments, use this link <https://forms.gle/9yMK7MgQCgbTmJNJ7> or email Laura.Gewain@noaa.gov. Registration is required. See **SUPPLEMENTARY INFORMATION** for instructions and other information about public participation.

FOR FURTHER INFORMATION CONTACT: Krisa Arzayus, Designated Federal Official, U.S. IOOS Advisory Committee, U.S. IOOS Program, 240–533–9455, krisa.arzayus@noaa.gov or visit the U.S. IOOS Advisory Committee website at <http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/>.

SUPPLEMENTARY INFORMATION:

I. Background

The Committee was established by the NOAA Administrator as directed by section 12304(d) of the Integrated Coastal and Ocean Observation System Act (the Act) as amended by Section 103 of the Coordinated Ocean Observations and Research Act of 2020 (COORA) (Public Law 116–271, Title I). 33 U.S.C. 3603(d). The Committee advises the NOAA Administrator and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in the Act and other appropriate matters as the Administrator, the Ocean Policy Committee described at 33 U.S.C. 3603(c)(1), and IOOC may refer to the Committee for review and advice. The charter and summaries of prior meetings can be found online at <https://ioos.noaa.gov/community/u-s-ioos-advisory-committee/>.

II. Matters to Be Considered

The meeting will focus on: (1) working sessions on proposed work plan topics and (2) updates from NOAA and key partners. The latest version of the agenda will be posted at <http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/>. The times and the agenda topics described here are subject to change.

III. Public Comment Instructions

The meeting will be open to public participation (check agenda on website to confirm time). The Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by the Designated Federal Official by July 11, 2025 11:59 p.m. EDT, to provide sufficient time for

Committee review. Written comments received after July 11, 2025 11:50 p.m. EDT, will be distributed to the Committee, but may not be reviewed prior to the meeting date. To submit written comments, please fill out the brief form at <https://forms.gle/9yMK7MgQCgbTmJNJ7> or email your comments and the organization/company affiliation you represent to Laura.Gewain@noaa.gov. All comments received are a part of the public record. All personally identifiable information (name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter will be publicly accessible. The written comment is considered the official comment and should include discussion of all points you wish to make. The Federal agencies will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Comments that are not responsive or contain profanity, vulgarity, threats, or other inappropriate language will not be considered. This NOAA public meeting will be recorded for use in preparation of minutes. If you have a public comment, you acknowledge that you will be recorded and are aware you can opt out of the meeting. Participation in the meeting constitutes consent to the recording.

IV. Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Krisa Arzayus, Designated Federal Official by phone (240–533–9455) or email (Krisa.Arzayus@noaa.gov) or to Laura Gewain (Laura.Gewain@noaa.gov) by July 7, 2025 11:59 p.m.

Authority: Integrated Coastal and Ocean Observation System Act, part of the Omnibus Public Land Management Act of 2009 (Public Law 111–11), and the Coordinated Ocean Observations and Research Act of 2020 (Public Law No: 116–271)

Jeffrey L. Payne,

Acting Director, U.S. IOOS Program, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2025–12268 Filed 6–30–25; 8:45 am]

BILLING CODE 3510–NE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE964]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Terminal 4 Expansion and Redevelopment Project at the Port of Grays Harbor, Washington

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

ACTION: Notice; request for comments on proposed renewal incidental harassment authorization.

SUMMARY: NMFS received a request from the Port of Grays Harbor (Port) for the renewal of a currently active incidental harassment authorization (IHA) to take marine mammals incidental to construction activities associated with the Terminal 4 (T4) Expansion and Redevelopment Project (Project) at the Port of Grays Harbor in Grays Harbor County, Washington. The Port's activities will not be completed prior to the IHA's expiration. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the currently active IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period.

DATES: Comments and information must be received no later than July 16, 2025.

ADDRESSES: Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, and should be submitted via email to ITP.Pauline@noaa.gov. Electronic copies of the original application, renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-ag-processing-incs-port-grays-harbor-terminal-4-expansion-and>. In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definition of all applicable MMPA statutory used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and the NMFS’s implementing regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and
- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of a renewal IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

History of Request

On June 7, 2024, NMFS issued an IHA to Ag Processing Inc. (AGP) to take marine mammals incidental to construction activities associated with the Terminal 4 (T4) Expansion and Redevelopment Project (Project) at the Port of Grays Harbor (Port) in both the City of Aberdeen and City of Hoquiam, Grays Harbor County, Washington (89 FR 48565), effective from July 16, 2024 through July 15, 2025. Note that this

Project is a joint effort between the Port and AGP. The initial IHA was issued to AGP but the Port is requesting to be the holder of the proposed renewal authorization. On April 16, 2025, NMFS received an application for the renewal of that initial IHA from the Port. As described in the application for renewal IHA, the activities for which incidental take is requested are consistent with activities that are covered by the initial authorization but will not be completed prior to its expiration. As required, AGP also provided a preliminary monitoring report which confirms that it implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

Description of the Specified Activities and Anticipated Impacts

The purpose of the project is to construct a new export facility at Terminal 4 (T4). The activity includes removal of existing piles and the installation of both temporary and permanent piles of various sizes. Takes of marine mammals by Level A and Level B harassment are expected to

occur as a result of noise produced by both impact and vibratory pile driving and vibratory removal. The initial IHA authorized take incidental to in-water construction activities associated with the installation of a new fendering system at Terminal 4A and the installation of a new commodity export facility at Terminal 4B. AGP has completed the in-water construction activities for the new commodity export facility at Terminal 4B. However, a one-year renewal of the initial IHA is needed to complete the in-water construction activities associated with the new fendering system at Terminal 4A.

Detailed Description of the Activity

A detailed description of the demolition and construction activities for which take is proposed here may be found in the Notices of the Proposed (89 FR 24436, April 8, 2024) and Final (89 FR 48565, June 7, 2024) IHAs for the initial authorization. The location, timing, and nature of the activities, including the types of equipment planned for use, are similar to those described in the previous notices. The proposed renewal would be effective for a period not exceeding 1 year from the date of expiration of the initial IHA.

The existing IHA authorizes take incidental to the in-water pile driving/removal activities shown in tables 1 and 2. The activities in table 1 are proposed to be completed under this renewal IHA and the activities in table 2 were completed under the initial IHA. The previously planned impact proofing of 24-inch (60.96 centimeter (cm)) steel pipe piles was not required at Terminal 4B. Since the impact proofing of 24-inch (60.96 cm) steel pipe piles planned for the Terminal 4B commodity export facility portion of the Project was not required, the Port intends to conduct similar impact proofing for the fendering system construction at Terminal 4A under the proposed renewal IHA. With the exception of impact proofing for the new fendering system, the Port did not propose any new activities or modifications from the originally proposed actions. Pile removal and installation activities are anticipated to occur during the in-water work window (July 16 through February 15). The most conservative estimate of time required to complete pile installation and removal activities under this renewal is 36 days of intermittent vibratory pile driving/removal and an additional 8 days of impact proofing.

TABLE 1—IN-WATER PILE REMOVAL AND INSTALLATION ACTIVITIES PROPOSED FOR THE RENEWAL IHA FOR THE TERMINAL 4A NEW FENDERING SYSTEM

Pile type and size	Activity	Removal/installation method	Number of piles	Total days of operation	Piles per day	Hours vibratory per day	Impact strikes per day
18-inch (45.72 cm) timber piles ..	Removal	Vibratory hammer, direct pull	Up to 50	Up to 12	Up to 10	Up to 5.0 .....	.....
18-inch (45.72 cm) steel pipe pile	Installation	Vibratory hammer	Up to 15	Up to 6	Up to 6	Up to 3.0 .....	.....
24-to-30-inch (60.96–76.2 cm) steel pipe pile.	Installation	Vibratory hammer	Up to 24	Up to 18	Up to 6	Up to 6.0 .....	.....
24-inch (60.96 cm) steel pipe pile	Installation	Impact proof	Up to 24	Up to 8	Up to 4 .....	.....	2,000

TABLE 2—IN-WATER PILE REMOVAL AND INSTALLATION COMPLETED FOR NEW AGP COMMODITY EXPORT FACILITY AT TERMINAL 4B UNDER INITIAL IHA

Pile type and size	Activity	Installation/removal method	Number of piles	Total days of operation	Piles per day	Hours vibratory per day	Impact strikes per day
12-inch (30.48 cm) steel H sections.	Removal	Vibratory hammer or direct pull	Up to 6	Up to 3	Up to 3	Up to 1.5.	Up to 2,400. Up to 2,000.
16.5-inch (41.91 cm) concrete octagonal pile.	Removal	Vibratory hammer, direct pull	Up to 27	Up to 9	Up to 8	Up to 8.	
36-inch (91.44 cm) steel pipe pile.	Installation	Vibratory	Up to 50	Up to 24	Up to 4	Up to 8	
24-inch (60.96 cm) steel pipe pile.	Installation	* Impact proof	Up to 24	Up to 6	Up to 4	Up to 6	
12-inch (30.48 cm) steel H-piles	Installation	Vibratory and impact hammer ...	Up to 24	Up to 10	Up to 4	Up to 6	
24-inch (60.96 cm) steel pipe pile.	Installation	* Impact proof	Up to 24	Up to 2	Up to 3	Up to 1.5.	
24-inch (60.96 cm) steel pipe pile.	Installation	Vibratory hammer	Up to 6	Up to 3	Up to 3	Up to 4.	Up to 2,400. Up to 2,000.
24-inch (60.96 cm) steel pipe pile.	Installation	Vibratory hammer	Up to 24	Up to 6	Up to 8	Up to 4.	
24-inch (60.96 cm) steel pipe pile.	Removal	Vibratory hammer	Up to 24	Up to 6	Up to 8	Up to 4.	

* The planned impact proofing of 36-in and 24-in steel pipe pile was not required. Impact proofing of 24-inch steel piles has been added to work under the proposed renewal and has been applied to pile installation activities in table 1.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which

authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the Notices of the Proposed

IHA for the initial authorization (89 FR 24436, April 8, 2024). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock

Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA (89 FR 24436, April 8, 2024). Note that the abundance estimate for the Oregon/Washington coastal stock of harbor seal has been updated to 22,549 from 24,731 animals based on more recent best available information (Pearson *et al.* 2024), but this does not impact estimated take numbers under the proposed renewal or influence the findings made in support of the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an authorization of incidental take is proposed here may be found in the notices of the proposed IHA for the initial authorization (89 FR 24436, April 8, 2024). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on

relevant Unusual Mortality Events, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods used to estimate take for the specified activity are found in the notices of the proposed and final IHAs for the initial authorization (89 FR 24436, April 8, 2024; 89 FR 48565, June 7, 2024). Specifically, the action area and marine mammal density and occurrence data applicable to this authorization remain unchanged from the initial and modified IHA. Similarly, source levels, type of activity, methods of take, and types of take remain unchanged from the initial IHA. However, there are changes to the estimated Level A harassment zones based on the 2024 Updated Technical Guidance, further discussed below. The estimated number of takes proposed for authorization is based on the subset of activities to be completed under this renewal IHA, and therefore represents a proportion of the initial authorized takes. These takes reflect the estimated remaining number of days of work and number of piles to be driven. Estimated take by Level A and Level B harassment for the

proposed renewal was calculated using the same methodology as in the initial proposed and final IHAs (89 FR 24436, April 8, 2024; 89 FR 48565, June 7, 2024).

On October 24, 2024 NMFS published (89 FR 84872) its final Updated Technical Guidance (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>) which includes updated thresholds and weighting functions to inform auditory injury estimates and is replacing the 2018 Technical Guidance referenced in the notices of the proposed and final IHAs for the initial authorization (89 FR 24436, April 8, 2024; 89 FR 48565, June 7, 2024). In consideration of the best available science, NMFS conducted calculations using the Updated Technical Guidance and NMFS optional user spreadsheet, using the source levels and spreadsheet inputs provided in the notices for the proposed and final IHAs (89 FR 24436, April 8, 2024; 89 FR 48565, June 7, 2024), for the purpose of understanding how Level A harassment (auditory injury) zones might change from the initial IHA. The updated marine mammal hearing groups and updated thresholds can be found in tables 3 and 4.

TABLE 3—MARINE MAMMAL HEARING GROUPS
[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65-dB threshold from composite audiogram, previous analysis in NMFS, 2018, and/or data from Southall *et al.*, 2007; Southall *et al.*, 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range. Hz = Hertz. kHz = kilohertz.

TABLE 4—ONSET OF AUDITORY INJURY (AUD INJ)
[NMFS, 2024]

Hearing group	AUD INJ onset thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{p,0-pk,flat}$: 222 dB; $L_{E,p,LF,24h}$: 183 dB	Cell 2: $L_{E,p,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,HF,24h}$: 193 dB	Cell 4: $L_{E,p,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{p,0-pk,flat}$: 202 dB; $L_{E,p,VHF,24h}$: 159 dB	Cell 6: $L_{E,p,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{p,0-pk,flat}$: 223 dB; $L_{E,p,PW,24h}$: 183 dB	Cell 8: $L_{E,p,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,OW,24h}$: 185 dB	Cell 10: $L_{E,p,OW,24h}$: 199 dB.

* Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, thresholds are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals (i.e., 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level thresholds could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these thresholds will be exceeded.

The inputs contained in the 2018 Technical Guidance user spreadsheet for the initial IHA are identical to those utilized in the 2024 Technical Guidance user spreadsheet. However, the estimated Level A harassment isopleths

have increased in some cases when the updated 2024 Technical Guidance is used as shown in table 5. The Port proposes to change the shutdown zones accordingly and consistent with the intent of the measures prescribed

through the initial IHA, as discussed in *Description of Proposed Mitigation, Monitoring and Reporting Measures* section.

TABLE 5—LEVEL A HARASSMENT ISOPLETHS USING 2024 UPDATED TECHNICAL GUIDANCE AND 2018 TECHNICAL GUIDANCE
[Meters]

Pile type and size	Activity	Removal/installation method	Harbor seal		Sea lion		Harbor porpoise	
			2024	2018	2024	2018	2024	2018
Up to 18-inch (45.72 cm) timber piles	Removal	Vibratory hammer	41	15	14	1	26	35
Up to 18-inch (45.72 cm) steel pipe pile.	Installation	Vibratory hammer	16	6	5	1	10	13
24-to-30-inch (60.96–76.2 cm) steel pipe pile.	Installation	Vibratory hammer	29	10	10	1	18	25
Up to 24-inch (60.96 cm) steel pipe pile.	Installation	Impact Proof	259	157	97	12	452	349

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the Notices of the Proposed and/or Final IHAs (89 FR 24436, April 8, 2024; 89 FR 48565, June 7, 2024) for the initial authorization. Specifically, the source levels, days of operation, and marine mammal density/occurrence data

applicable to this authorization remain unchanged from the previously issued IHA. The sizes of the estimated Level A harassment zones have changed in some cases as shown in table 5 and these are reflected in tables 6–11. The stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA. The estimated number of

takes for the proposed renewal were calculated by adding the individual takes associated with each of the activities listed in table 5. Tables 6–11 show calculated take numbers by Level A (where authorized) and Level B harassment.

TABLE 6—CALCULATED TAKE OF HARBOR PORPOISE BY LEVEL B HARASSMENT

Pile type	Harbor porpoise density per km ²	Days of pile driving	Level B area (km ²)	Shutdown area (km ²)	Level B take estimate
24-to-30-inch (60.96–76.2 cm) steel pipe piles-vibratory (installation)	0.467	18	4.95	0.023	41.42
24-inch (60.96 cm) steel piles, permanent—impact (installation)	0.467	8	0.46	0.05	1.53
18-inch (45.72 cm) steel pipe piles (installation) vibratory ..	0.467	6	4.3	0.014	12.01
18-inch (45.72 cm) creosote timber piles—Vibratory (removal)	0.467	12	7.4	0.034	41.28
Total .....	.....	.....	.....	.....	96.2

TABLE 7—CALCULATED TAKE OF HARBOR PORPOISE BY LEVEL A HARASSMENT

Pile type	Harbor porpoise density per km ²	Days of pile driving	Level A area (km ²)	Shutdown area (km ²)	Level A take estimate
24-to-30-inch (60.96–76.2 cm) steel pipe piles-vibratory (installation)	0.467	18	0.008	0.023	0.00
24-inch (60.96 cm) steel piles, permanent—impact (installation)	0.467	8	0.44	0.047	1.47
18-inch (45.72 cm) steel pipe piles (installation) vibratory ..	0.467	6	0.009	0.014	0.00

TABLE 7—CALCULATED TAKE OF HARBOR PORPOISE BY LEVEL A HARASSMENT—Continued

Pile type	Harbor porpoise density per km ²	Days of pile driving	Level A area (km ²)	Shutdown area (km ²)	Level A take estimate
18-inch (45.72 cm) creosote timber piles—Vibratory (removal)	0.467	12	0.025	0.034	0.00
Total .....	.....	.....	.....	.....	1.5

The Port requested and NMFS is proposing to authorize 2 Level A harassment and 94 Level B harassment takes of harbor porpoise.

TABLE 8—CALCULATED TAKE OF STELLER SEA LION BY LEVEL B HARASSMENT

Pile type	Stellar sea lion density per km ²	Days of pile driving	Level B area (km ²)	Shutdown area (km ²)	Level B take estimate
24-to-30-inch (60.96–76.2 cm) steel pipe piles-vibratory (installation)	0.1993	18	4.95	0.009	17.73
24-inch (60.96 cm) steel piles, permanent—impact (installation)	0.1993	8	0.46	0.047	0.66
18-inch (45.72 cm) steel pipe piles (installation) vibratory ..	0.1993	6	4.3	0.009	5.13
18-inch (45.72 cm) creosote timber piles—Vibratory (removal)	0.1993	12	7.4	0.009	17.68
Total .....	.....	.....	.....	.....	41.2

The Port requested and NMFS is proposing to authorize 42 takes of Steller sea lion by Level B harassment. No take by Level A harassment is anticipated or proposed for authorization.

TABLE 9—CALCULATED TAKE OF CALIFORNIA SEA LION BY LEVEL B HARASSMENT

Pile type	California sea lion density per km ²	Days of pile driving	Level B area (km ²)	Shutdown area (km ²)	Level B take estimate
24-to-30-inch (60.96–76.2 cm) steel pipe piles-vibratory (installation)	0.6493	18	4.95	0.009	57.75
24-inch (60.96 cm) steel piles, permanent—impact (installation)	0.6493	8	0.46	0.047	2.15
18-inch (45.72 cm) steel pipe piles (installation) vibratory ..	0.6493	6	4.3	0.009	16.72
18-inch (45.72 cm) creosote timber piles—Vibratory (removal)	0.6493	12	7.4	0.009	57.59
Total .....	.....	.....	.....	.....	134.2

The Port requested and NMFS is proposing to authorize 134 takes of California sea lion by Level B harassment. No take by Level A harassment is anticipated or proposed for authorization.

TABLE 10—CALCULATED TAKE OF HARBOR SEAL BY LEVEL B HARASSMENT

Pile type	Harbor seal density per km ²	Days of pile driving	Level B area (km ²)	Shutdown area (km ²)	Level B take estimate
24-to-30-inch (60.96–76.2 cm) steel pipe piles-vibratory (installation)	30.8	18	4.95	0.009	2,739.29
24-inch (60.96 cm) steel piles, permanent—impact (installation)	30.85	8	0.46	0.05	101.19
18-inch (45.72 cm) steel pipe piles (installation) vibratory ..	30.85	6	4.3	0.009	794.26
18-inch (45.72 cm) creosote timber piles—Vibratory (removal)	30.85	12	7.4	0.014	2,734.30
Total .....	.....	.....	.....	.....	6,369.0

TABLE 11—CALCULATED TAKE OF HARBOR SEAL BY LEVEL A HARASSMENT

Pile type	Harbor seal density per km ²	Days of pile driving	Level A area (km ²)	Shutdown area (km ²)	Level A take estimate
24-to-30-inch (60.96–76.2 cm) steel pipe piles-vibratory (installation)	30.85	18	0.013	0.009	2.22
24-inch (60.96 cm) steel piles, permanent—impact (installation)	30.85	8	0.174	0.05	30.60
18-inch (45.72 cm) steel pipe piles (installation) vibratory ..	30.85	6	0.015	0.009	1.11
18-inch (45.72 cm) creosote timber piles—Vibratory (removal)	30.85	12	0.041	0.014	10.00
Total					43.9

The Port requested and NMFS is proposing to authorize 44 Level A harassment takes and 6,325 Level B harassment takes of harbor seal.

The total number of takes proposed for authorization under the renewal for all species by Level A and Level B

harassment as well as the percentage of each stock are shown in table 12.

TABLE 12—SUMMARY OF PROPOSED MARINE MAMMAL TAKES BY SPECIES AND PERCENTAGE OF STOCK TAKEN

Common name	Scientific name	Stock	Proposed Level A harassment	Proposed Level B harassment	Stock abundance	Percent of stock (%)
Harbor porpoise	<i>Phocoena phocoena</i> ...	Northern Oregon/ Washington Coast.	2	94	22,074	<0.01
Steller sea lion	<i>Eumetopias jubatus</i>	Eastern U.S.		42	36,308	<0.01
California sea lion	<i>Zalophus californianus</i>	U.S.		135	257,606	<0.01
Harbor seal	<i>Phoca vitulina</i>	OR/WA coast stock	44	6,325	* 22,549	28.2

* This is unlikely an underestimate of total abundance since it only includes data for the Washington portion of the Oregon-Washington Coastal Stock (Pearson *et al.*, 2024).

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this renewal authorization are similar to those included in the **Federal Register** notice announcing the issuance of the initial IHA (89 FR 48565, June 7, 2024), and the discussion of the least practicable adverse impact included in that document and the Notice of the Proposed IHA (89 FR 24436, April 8, 2024) remain accurate. The following measures are proposed for this renewal:

- The Port must employ NMFS-approved protected Species Observers (PSOs) and establish monitoring locations to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions;
- Monitoring must take place from 30 minutes prior to initiation of pile driving activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post-completion of pile driving activity;
- Pre-start clearance monitoring must be conducted during periods of

visibility sufficient for the lead PSO to determine that the shutdown zones are clear of marine mammals;

- If a marine mammal is observed entering or within the shutdown zones pile driving activity must be delayed or halted;
- If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown;
- Soft start techniques must be used when impact pile driving;
- A bubble curtain must be used during impact pile driving;
- Pile driving activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone;
- The Port must shut down construction operations if a marine mammal comes within 10 m of construction activity to avoid direct

physical interaction with marine mammals;

- The Port must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities or 60 calendar days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report; and

- All injured or dead marine mammals must be reported to the Office of Protected Resources and to the West Coast regional stranding network.

Consistent with the mitigation required through the initial IHA, shutdown zones proposed for the renewal IHA will be based on the largest Level A harassment zone for each pile size/type and driving method, as updated using the draft 2024 Technical Guidance rather than the 2018 Technical Guidance. Proposed zones are shown in table 13.

TABLE 13—PROPOSED SHUTDOWN AND MONITORING ZONES
[Meters]

Pile type	Shutdown zone			Monitoring zone
	Very high-frequency cetaceans *	Phocid pinnipeds	Otariid pinnipeds	
Impact				
24-inch (60.96 cm) steel piles, permanent (installation)	100	100	** 100 (10)	465
Vibratory				
24-to-30-inch (60.96–76.2 cm) steel pipe piles (installation)	25	10	10	3,985
18-inch (45.72 cm) steel pipe piles (installation)	15	10	10	3,415
18-inch (45.72 cm) creosote timber piles (removal)	35	15	** 15 (10)	6,310

* In the 2018 guidance and initial IHA, VHF cetaceans were referred to as HF (high-frequency) cetaceans.

** Represents change from Initial 2024–2025 IHA. Initial zones in parentheses.

The monitoring zones in the proposed renewal are identical to those found in the initial proposed and final IHAs (89 FR 24436, April 8, 2024; 89 FR 48565, June 7, 2024). Most of the Level A harassment zones remain unchanged from the initial proposed and final IHAs. However, the Level A harassment zone for Otariids during impact installation of 24-inch (60.96 cm) steel piles increased from 12 m to 97 m so the shutdown zone was increased to 100 m. Vibratory removal of 18-in creosote timber piles for Otariids increased from 1 m to 14 m so the shutdown zone was increased to 15 m from the previous 10 m minimum.

Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (89 FR 24436; May 8, 2024) and solicited public comments on both our proposal to issue the initial IHA for construction activities associated with the Project and on the potential for a renewal IHA, should certain requirements be met.

All public comments were addressed in the notice announcing the issuance of the initial IHA (89 FR 48565; June 7, 2024) and none of the comments specifically pertained to the renewal of the 2024 IHA.

Preliminary Determinations

The Port's action will require completing a subset of pile driving activities that were not completed under the initial IHA. Work at Terminal 4B has been completed while work at Terminal 4A has yet to begin. The method of taking and effects of the work on Terminal 4A were analyzed in the initial IHA along with Terminal B. Work on both terminals was expected to take 105 days under the initial IHA. The Port estimates that only 44 days of work remain. The take estimate for the

renewal IHA is based on the activities proposed to occur during these remaining days. The proposed renewal take numbers represent a subset of the total take authorized under the initial IHA. In analyzing the effects of the activities for the initial IHA, NMFS determined that the Port's activities would have a negligible impact on the affected species or stocks and that authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.*, less than one-third the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are substantially similar to those required through the initial IHA, although some shutdown zones for Otariids have undergone slight revisions due to the Updated 2024 Technical Guidance. The abundance of a single species (OR/WA coast stock of harbor seals) has also changed since the initial IHA, but none of this new information affects NMFS' determinations supporting issuance of the initial IHA. The piles to be driven in the proposed subset of work and any minor changes described above do not affect the least practicable adverse impact determinations.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small

numbers of marine mammals relative to the affected stock abundances; (4) the Port's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this proposed action.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to the Port for conducting construction activities as part of the T4 Expansion and Redevelopment Project at the Port of Grays Harbor in both the City of Aberdeen and City of Hoquiam, Grays Harbor County, Washington from July 16, 2025 through July 15, 2026, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial IHA can

be found at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-ag-processing-incs-port-grays-harbor-terminal-4-expansion-and>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for this renewal IHA.

Dated: June 25, 2025.

Shannon Bettridge,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2025–12228 Filed 6–27–25; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE923]

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of a permit.

SUMMARY: Notice is hereby given that a permit has been issued to the following entity under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).

ADDRESSES: The permits and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov.

FOR FURTHER INFORMATION CONTACT:

Amy Hapeman at (301) 427–8401.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on the date listed below that a request for a permit had been submitted by the below-named applicant. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to <https://www.federalregister.gov> and search on the file number provided in table 1 below.

TABLE 1—ISSUED PERMITS

File No.	RTID	Applicant	Previous Federal Register notice	Issuance date
27543	0648–XE303 ..	Marine Ecology and Telemetry Research, 2468 Camp McKenzie Trail NW, Seabeck WA 98380 (Responsible Party: Greg Schorr).	89 FR 77103, September 20, 2024.	December 20, 2024.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Authority: The requested permit has been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Dated: June 24, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–12223 Filed 6–30–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[PRS266]

Notice of Intent To Grant an Exclusive Patent License

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant an exclusive patent license to ColdQuanta, Inc., a Delaware corporation dba Infleqion, having a place of business at 3030 Sterling Cir., Boulder, CO 80301–2338.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to Sara Telano, AFRL/RDOX, Technology Transfer Office, 3550 Aberdeen Avenue, Kirtland AFB, New Mexico 87117–5776; Telephone: 850–331–8635; Email: sara.telano@us.af.mil. Include Docket No. PRS266 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

Melissa Ortiz, AFRL/RDOX, Technology Transfer Office, 3550 Aberdeen Avenue, Kirtland AFB, New Mexico 87117–5776;

Telephone: 505–288–0475; Email: melissa.ortiz.1.ctr@us.af.mil.

SUPPLEMENTARY INFORMATION: The Department of the Air Force intends to grant the exclusive patent license agreement for the invention described in:

BURKE et al., U.S. Patent No. 10,684,591, issued on 16 June 2020 and entitled “Optical Rubidium Atomic Frequency Standard.”

Abstract of Patent Application

An optical atomic clock includes a fiber-coupled electro-optic modulator to phase modulate and suppress residual amplitude modulation of a frequency-doubled laser; a rubidium-enriched vapor cell configured to perform a two-photon transition of rubidium atoms to generate a fluorescence signal from the laser; and a differential lock mechanism to stabilize a frequency of the fluorescence signal to a resonance frequency of the two-photon transition of the rubidium atoms.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be

considered as an alternative to the proposed license.

Authority: 35 U.S.C. 209; 37 CFR part 404.

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2025–12288 Filed 6–30–25; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB).

DATES: Comments regarding this proposed information collection must be received on or before September 2, 2025. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent to Oluwatosin Fadarey, Attorney-Adviser (Labor), GC–63, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585 or by email at oluwatosin.fadarey@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Oluwatosin Fadarey, Attorney-Adviser (Labor), GC–63, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, oluwatosin.fadarey@hq.doe.gov (240) 751–3745.

SUPPLEMENTARY INFORMATION:

Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

- (1) *OMB No.:* 1910–5143;
 - (2) *Information Collection Request Title:* Labor Relations Report;
 - (3) *Type of Review:* Review;
 - (4) *Purpose:* The proposed collection will request information from the Department of Energy M&O and Facilities Management Contractors for contract administration, management oversight, and cost control. This information is used to ensure that Department contractors maintain good labor relations and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by contract. The respondents are Department M&O and Facility Management Contractors;
 - (5) *Annual Estimated Number of Respondents:* 35;
 - (6) *Annual Estimated Number of Total Responses:* 35;
 - (7) *Annual Estimated Number of Burden Hours:* 1.84 for total of 64.4 per year;
 - (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$3,160.11.
- Statutory Authority:* 42 U.S.C. 7254, 7256.

Signing Authority

This document of the Department of Energy was signed on June 26, 2025, by Jeffrey Novak, Acting General Counsel, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 26, 2025.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–12199 Filed 6–30–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25–360–000.

Applicants: Vertus Energy Storage LLC.

Description: Vertus Energy Storage LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/26/25.

Accession Number: 20250626–5034.

Comment Date: 5 p.m. ET 7/17/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1338–005.

Applicants: Southern Indiana Gas and Electric Company, Inc.

Description: Amendment to 04/30/2025, Triennial Market Power Analysis for Central Region of Southern Indiana Gas and Electric Company, Inc.

Filed Date: 6/23/25.

Accession Number: 20250623–5457.

Comment Date: 5 p.m. ET 8/22/25.

Docket Numbers: ER10–2126–011.

Applicants: Idaho Power Company. *Description:* Updated Triennial Market Power Analysis for Northwest Region of Idaho Power Company.

Filed Date: 6/26/25.

Accession Number: 20250626–5110.

Comment Date: 5 p.m. ET 8/25/25.

Docket Numbers: ER15–1905–021.

Applicants: AZ721 LLC.

Description: Triennial Market Power Analysis for Southwest Region of Amazon Energy LLC.

Filed Date: 6/25/25.

Accession Number: 20250625–5176.

Comment Date: 5 p.m. ET 8/25/25.

Docket Numbers: ER15–2267–004.

Applicants: Chevron Power Holdings Inc.

Description: Updated Triennial Market Power Analysis for Southwest Region of Chevron Power Holdings Inc.

Filed Date: 6/24/25.

Accession Number: 20250624–5920.

Comment Date: 5 p.m. ET 8/25/25.

Docket Numbers: ER23–652–001; ER23–2802–001.

Applicants: Oxbow Solar Farm 1, LLC, Happy Solar 1, LLC.

Description: Supplement to 07/01/2024, Triennial Market Power Analysis for Central Region of Happy Solar 1, LLC et al.

Filed Date: 6/25/25.

Accession Number: 20250625–5201.

Comment Date: 5 p.m. ET 7/16/25.

Docket Numbers: ER25–2308–001.

Applicants: Magnolia Power LLC.

Description: Tariff Amendment:

Amendment to Market-Based Rate

Application to be effective 7/4/2025.

Filed Date: 6/25/25.

Accession Number: 20250625–5141.

Comment Date: 5 p.m. ET 7/16/25.

Docket Numbers: ER25–2626–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 434, E&P w/ 301AK 8ME, LLC to be effective 5/28/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5001.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2628–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1276R37 Evergy Metro NITSA NOA to be effective 6/1/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5028.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2629–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Surplus LGIA & Energy Displacement Agreement (SA No. 1165) to be effective 6/27/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5037.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2630–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1636R32 Kansas Electric Power Cooperative NITSA and Doniphan NITSA Cancellation to be effective 6/1/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5040.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2631–000.

Applicants: Talen Energy Marketing, LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 6/27/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5042.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2632–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of NSA, Service Agreement No. 7328; Queue No. AE2–029 to be effective 8/26/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5056.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2633–000.

Applicants: Golden Spread Electric Cooperative, Inc.

Description: § 205(d) Rate Filing: OATT Attachment R Amendment to be effective 9/1/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5059.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2634–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: 2nd Amended LGIA, Catalina Solar, TOT455, SA No. 114 to be effective 8/26/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5061.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2635–000.

Applicants: Geronimo Power Marketing, LLC.

Description: Compliance filing: Notice of Succession and Revised Market-Based Rate Tariff to be effective 6/27/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5080.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2636–000.

Applicants: Central Hudson Gas & Electric Corporation, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): Central Hudson 205: Revisions to Rate Schedule 12 FRT re: Hurley Ave to be effective 6/1/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5084.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2637–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2025–06–26 Tariff Amendment—Enhance Congestion Revenue Allocation for EDAM to be effective 12/31/9998.

Filed Date: 6/26/25.

Accession Number: 20250626–5088.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2638–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.

Description: § 205(d) Rate Filing: Ameren Transmission Company of Illinois submits tariff filing per 35.13(a)(2)(iii): 2025–06–26 SA 4509 ATXI–AEC–MEC–Sikeston TIA to be effective 12/31/9998.

Filed Date: 6/26/25.

Accession Number: 20250626–5092.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2639–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2198R39 Kansas Power Pool NITSA NOA to be effective 9/1/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5095.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2640–000.

Applicants: Duke Energy Florida, LLC, Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.

Description: Compliance filing: Duke Energy Carolinas, LLC submits tariff filing per 35: Compliance Filing Regarding Order No. 676–K to be effective 2/27/2026.

Filed Date: 6/26/25.

Accession Number: 20250626–5100.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2641–000.

Applicants: Consolidated Edison Company of New York, Inc.

Description: § 205(d) Rate Filing: 98 Hydroelectric Facility Compensation June 2025 to be effective 7/1/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5104.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2642–000.

Applicants: Fremont Solar, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/27/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5124.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2643–000.

Applicants: Serrano Solar, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/27/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5126.

Comment Date: 5 p.m. ET 7/17/25.

Docket Numbers: ER25–2644–000.

Applicants: Sun Pond, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/27/2025.

Filed Date: 6/26/25.

Accession Number: 20250626–5130.

Comment Date: 5 p.m. ET 7/17/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in

Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: June 26, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-12257 Filed 6-30-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17-470-004]

Freeport LNG Development, L.P., FLNG Liquefaction 4, LLC; Notice of Request for Extension of Time

Take notice that on June 18, 2025, Freeport LNG Development, L.P. (Freeport LNG) and FLNG Liquefaction 4, LLC (FLIQ4) (together Applicants or Freeport) requested that the Commission grant a 40-month extension of time, until December 1, 2031, to construct and place into service its Train 4 Project (Project) to support additional liquefaction and export operations at Freeport LNG's existing liquefied natural gas (LNG) export terminal located in Brazoria County, Texas (the Terminal), as authorized in the May 17, 2019 Order (Order).¹ The Order required Freeport to complete construction of the Project and make it available for service within four years of the date of the Order, or by May 17, 2023.

On September 10, 2020, the Commission granted Freeport an extension of time until May 17, 2026, to complete construction of the Train 4 Project and make it available for service.² The Commission has subsequently granted one additional extension of time, making the current date for the Project facilities to be constructed and placed into service August 1, 2028.³

Freeport affirms that on June 8, 2022, less than a month after submitting the

Second Extension Request, an explosion occurred at the Terminal, which resulted in the entire Terminal being taken offline (June 8 Incident).⁴ The Applicants affirm that Freeport LNG has prioritized restoration efforts and the return of the existing facilities at the Terminal to service since the issuance of the Second Extension Order. Moreover, the new facilities approved for the Train 4 Project require use of the Terminal facilities.

In its latest extension of time request, Freeport states that restoration is complete, the Terminal has returned to full service, and normal operations have resumed. Freeport affirms that it is actively marketing the Train 4 Project and engaging in discussions with a number of potential off-takers, including those in more recently emerging markets and in markets with renewed strategic emphasis on securing long-term U.S. LNG supply.

The Applicants assert that due to the upfront, long-term commercial commitments required to be made by LNG customers, and the unique nature of financing LNG projects, certainty regarding Freeport's ability to complete Project construction by the in-service deadline is essential to commercialization of the Project. No changes to the Project are proposed in connection with the requested extension of time.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Freeport's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension

requests that are contested,⁵ the Commission will aim to issue an order acting on the request within 45 days.⁶ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁷ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).⁸ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.⁹ The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments in lieu of paper using the "eFile" link at <http://>

⁵ Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

⁶ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁷ *Id.* at P 40.

⁸ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

⁹ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

¹ *Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, 167 FERC ¶ 61,155 (2019).

² *Freeport LNG Development, LP & FLNG Liquefaction 4, LLC*, Letter Order Granting Extension of Time (September 10, 2020).

³ *Freeport LNG Development, LP & FLNG Liquefaction 4, LLC*, 181 FERC ¶ 61,023 (2022).

⁴ See *Freeport LNG Development, L.P.*, Letter Discussing LNG Terminal Operation, Docket Nos. CP03-75-000, *et al.* (June 30, 2022) (June 30 Letter); see also *Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, 182 FERC ¶ 61,112 (2023) (noting that "the explosion that took the facility offline occurred on June 8, 2022", the day after comments on the Second Extension Request were due).

www.ferc.gov. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on July 11, 2025.

Dated: June 26, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-12259 Filed 6-30-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR25-59-000.

Applicants: Columbia Gas of Maryland, Inc.

Description: § 284.123 Rate Filing: CMD Rates effective 4-22-2025 to be effective 4/22/2025.

Filed Date: 6/25/25.

Accession Number: 20250625-5062.

Comment Date: 5 p.m. ET 7/16/25.

Docket Numbers: RP25-970-000.

Applicants: Double E Pipeline, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate & Non-Conforming Agreements—COPCO (FTS011) to be effective 7/1/2025.

Filed Date: 6/25/25.

Accession Number: 20250625-5114.

Comment Date: 5 p.m. ET 7/7/25.

Any person desiring to intervene, to protest, or to answer a complaint in any

of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

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Dated: June 26, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-12258 Filed 6-30-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2212-059]

Domtar Paper Company, LLC; Notice of Intent To Prepare an Environmental Assessment

On August 27, 2024, and supplemented on February 28, 2025 and March 14, 2025, Domtar Paper Company, LLC (licensee) filed an application for a non-capacity amendment for the Rothschild Hydroelectric Project No. 2212. The project is located on the Wisconsin River in Marathon County, Wisconsin. The project does not occupy any federal lands.

The licensee requests a non-capacity amendment of its license to replace the existing timber crib spillway section with two hydraulically actuated

overhead hinged crest gates mounted on a reinforced concrete crest structure with reinforced concrete piers. Additionally, a reinforced concrete labyrinth crest structure and reinforced concrete stilling basins would be constructed for both spillways. The new spillway is expected to have similar hydraulic capacity to the timber crib spillway. The licensee does not intend to draw down the reservoir during construction, which is expected to take approximately three and a half years to complete.

On April 28, 2025, the Commission issued a public notice for the proposed amendment. The public comment period closed on May 28, 2025. On May 28, 2025, the Wisconsin Department of Natural Resources filed a motion to intervene and provided a list of permits that have been issued or are in the review process for the proposed amendment.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) for the project.¹ Commission staff plans to issue an EA by February 23, 2026. Revisions to the schedule may be made as appropriate. The EA will be issued for a 30-day comment period. All comments filed on the EA will be reviewed by staff and considered in the Commission's final decision on the proceeding.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others to access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Any questions regarding this notice may be directed to Aneela Mousam at (202) 502-8357 or aneela.mousam@ferc.gov.

Dated: June 26, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-12263 Filed 6-30-25; 8:45 am]

BILLING CODE 6717-01-P

¹ The unique identification number for documents relating to this environmental review is EAXX-019-20-000-1750232650.

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[P-15249-002]

**Lewis Ridge Pumped Storage, LLC;
Notice of Application Tendered for
Filing With the Commission and
Soliciting Additional Study Request
and Establishing Procedural Schedule
for Licensing and a Deadline for
Submission of Final Amendments**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application*: Original Major License.

b. *Project No.*: 15249-002.

c. *Date Filed*: June 13, 2025.

d. *Applicant*: Lewis Ridge Pumped Storage, LLC.

e. *Name of Project*: Lewis Ridge Pumped Storage Project.

f. *Location*: The proposed project would be located near the towns of Blackmont, Tejay, Balkan, and Callaway, in Bell County, Kentucky.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact*: Sandy Slayton, Rye Development, 1455 SW Broadway Street, Suite 290, Portland, Oregon 97201; (503) 341-1425; email: sandy@ryedevelopment.com.

i. *FERC Contact*: Monte TerHaar at (202) 502-6035, or monte.terhaar@ferc.gov.

j. *Cooperating agencies*: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and

serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: on or before 5:00 p.m. Eastern Standard Time on August 12, 2025.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Lewis Ridge Pumped Storage Project (P-15249-002).

m. This application is not ready for environmental analysis at this time.

n. *Project Description*: The proposed Lewis Ridge Pumped Storage Project would consist of the following: (1) a 48.2-acre upper reservoir created by a 8,241-foot-long, 50-foot-high rocky earth-fill dam with an integrated emergency overflow spillway; (2) a 4,174-foot-long aboveground penstock; (3) a powerhouse located 267 feet below ground, containing two 154 MW reversible pump-turbines with a total rated capacity of 308 MW; (4) a 51.6-acre lower reservoir created by a 1,120-foot-long, 138-foot-high earth-fill dam, with an integrated emergency overflow spillway; (5) a permanent screened intake and pump station on the Cumberland River, connecting to a 4,724-foot-long, 24-inch diameter buried pipeline that passes flows to a stilling basin connected to the lower reservoir; (6) a 2.5-mile-long, 161-kilovolt transmission line with two switching stations, connecting the project to the existing Pineville-Harlan #1 transmission line; and (7) appurtenant facilities.

o. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in

the proceeding (e.g., license application) via the internet through the Commission's Home Page (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document (P-14796). For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595, or OPP@ferc.gov.

q. *Procedural schedule and final amendments*: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deficiency letter (if necessary).	September 2025.
Additional Information Request (if necessary).	November 2025.
Issue Scoping Document 1 for comments.	February 2026.
Issue Scoping Document 2 (if necessary).	April 2026.
Notice of Acceptance/Notice of Ready for Environmental Analysis.	June 2026.

r. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: June 26, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-12264 Filed 6-30-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. IC25–11–000]****Commission Information Collection Activities (Ferc–725k); Comment Request; Extension****AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725K (Mandatory Reliability Standards for the SERC Region). There are no changes to the reporting requirements with this information collection. No comments were received on the 60-day notice that ended on June 24, 2025.

DATES: Comments on the collection of information are due July 31, 2025.

ADDRESSES: Send written comments on FERC–725K to OMB through https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202505-1902-002. You can also visit <https://www.reginfo.gov/public/do/PRAMain> and use the drop-down under “Currently under Review” to select the “Federal Energy Regulatory Commission” where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to DataClearance@FERC.gov. You must specify the Docket No. (IC25–11–000) and the FERC Information Collection number (FERC–725K) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- Mail via U.S. Postal Service Only: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- All other delivery methods: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit <https://elibrary.ferc.gov/eLibrary/search>. Once there, you can also sign-up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT:

Kayla Williams, (202) 502–6468.
DataClearance@FERC.gov.

SUPPLEMENTARY INFORMATION:

Title: FERC–725K (Mandatory Reliability Standards for the SERC Region).

OMB Control No.: 1902–0260.

Type of Request: Three-year extension of the FERC–725K information collection requirements with no changes to the current reporting requirements.

Abstract: Section 215 of the Federal Power Act (FPA) requires a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by NERC, subject to Commission oversight, or by the Commission independently.

Reliability Standards that NERC proposes to the Commission may include Reliability Standards that are proposed by a Regional Entity to be effective in that region. In Order No. 672, the Commission noted that:

As a general matter, we will accept the following two types of regional differences, provided they are otherwise just, reasonable, not unduly discriminatory or preferential and in the public interest, as required under the statute: (1) a regional difference that is more stringent than the continent-wide Reliability Standard, including a regional difference that addresses matters that the continent-wide Reliability Standard does not; and (2) a regional Reliability Standard that is necessitated by a physical difference in the Bulk-Power System.

When NERC reviews a regional Reliability Standard that would be applicable on an interconnection-wide basis and that has been proposed by a Regional Entity organized on an interconnection-wide basis, NERC must rebuttably presume that the regional Reliability Standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. In turn, the Commission must give “due weight” to the technical expertise of NERC and of a Regional Entity

organized on an interconnection-wide basis.

On April 19, 2007, the Commission accepted delegation agreements between NERC and each of the eight Regional Entities. In the order, the Commission accepted SERC as a Regional Entity organized on less than an interconnection-wide basis. As a Regional Entity, SERC oversees Bulk-Power System reliability within the SERC Region, which covers a geographic area of approximately 560,000 square miles in a sixteen-state area in the southeastern and central United States (all of Missouri, Alabama, Tennessee, North Carolina, South Carolina, Georgia, Mississippi, and portions of Iowa, Illinois, Kentucky, Virginia, Oklahoma, Arkansas, Louisiana, Texas and Florida). The SERC Region is currently geographically divided into five subregions that are identified as Southeastern, Central, VACAR, Delta, and Gateway.

For this renewal, there is only one SERC region Reliability Standard, PRC–006–SERC–3 (Automatic Underfrequency Load Shedding Requirements). PRC–006–SERC–3 is applicable to these SERC entities, 27 planning coordinators (PC), 212 generator owners (GO), and UFLS entities made up 70 transmission owners (TO) and 95 distribution providers.

Type of Respondents: Entities registered with the North American Electric Reliability Corporation (within the SERC region).

*Estimate of Annual Burden:*¹ The Commission estimates the annual reporting burden and cost for the information collection as:

¹ “Burden” is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

² These values were derived from the NERC Compliance data of February 12, 2025, using only SERC unique United States registered entities.

³ The estimated hourly cost (salary plus benefits) is a combination based on the Bureau of Labor Statistics (BLS), as of 2024, for 75% of the average of an Electrical Engineer (17–2071) \$79.31/hr., $79.31 \times .75 = 59.4825$ (\$59.48-rounded) (\$59.48/hour) and 25% of an Information and Record Clerk (43–4199) \$44.74/hr., $44.74 \times .25 = 11.185$ (\$11.19 rounded) (\$11.19/hour), for a total (\$59.48+\$11.19 = \$70.67/hour).

FERC-725K—MANDATORY RELIABILITY STANDARD FOR THE SERC REGION

	Number of respondents ²	Annual number of responses per respondent	Total number of responses	Average burden & cost per response ³	Total annual burden hours & total annual cost	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Annual Review and Record Retention.	27 (PC)	1	27	24 hrs. \$1,696.08	648 hrs. \$45,794.16	\$1,696.08
	212 (GO)	1	212	20 hrs. 1,413.40	4,240 hrs. 299,640.80	1,413.40
	70 (TO)	1	70	12 hrs. 848.04	840 hrs. 59,362.80	848.04
	95 (DP)	1	95	12 hrs. 848.04	1,140 hrs. 80,563.80	848.04
Total .....	.....	.....	404	.....	6,868 hrs. 485,361.56	4,805.56

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 26, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-12261 Filed 6-30-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-233-000]

Magnum Gas Storage, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the 2025 Amendment Project

On April 21, 2025, Magnum Gas Storage, LLC (Magnum) filed an application in Docket No. CP25-233-000 requesting to amend its Certificate of Public Convenience and Necessity (Certificate) issued pursuant to Section 7(c) of the Natural Gas Act for the Magnum Gas Storage Project. The proposed project is known as the 2025 Amendment Project (Project) and includes modification of previously approved facilities, and construction and operation of additional facilities in Millard, Juab, and Utah Counties, Utah for a total of 20.8 billion cubic feet (Bcf) of working natural gas storage capacity.

On April 30, 2025, the Federal Energy Regulatory Commission (Commission or

FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.¹ The EA will be issued for a 30-day comment period.

Schedule for Environmental Review

Issuance of EA November 13, 2025 90-day Federal Authorization Decision Deadline² February 11, 2026

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The proposed Project is an amendment to the FERC Certificate issued on March 17, 2011, and amended on November 17, 2016, and April 23, 2020, (Docket Nos. PF09-3-000, CP10-22-000, CP16-18-000, and CP20-77-000). The proposed modifications consist primarily of changes to the locations of previously approved facilities and utilities within areas previously analyzed for environmental impacts. Magnum requests authorization to redesign the two

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1750685312.

² The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

authorized caverns for 5.2 Bcf of working gas each and to construct and operate two additional storage caverns with 5.2 Bcf of working gas capacity each, one additional brine disposal pond and related facilities, and two new pipeline interconnections.

Background

On June 17, 2025, the Commission issued a Notice of Scoping Period Requesting Comments on *Environmental Issues for the Proposed 2025 Amendment Project*. (Notice of Scoping). The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. Prior to the issuance of the Notice of Scoping, the Commission received comments from two landowners. The concerns raised were impacts to adjacent land use, property rights, and lack of adequate project information. All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the

public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (www.ferc.gov). Using the “eLibrary” link, select “General Search” from the eLibrary menu, enter the selected date range and “Docket Number” excluding the last three digits (*i.e.*, CP25–233), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: June 26, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025–12260 Filed 6–30–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM20–12–000]

Potential Enhancements to the Critical Infrastructure Protection Reliability Standards

AGENCY: Federal Energy Regulatory Commission.

ACTION: Withdrawal of notice of inquiry and termination of rulemaking proceeding.

SUMMARY: The Commission withdraws a notice of inquiry, which sought comment on whether the then-effective Critical Infrastructure Protection (CIP) Reliability Standards adequately addressed: cybersecurity risks pertaining to data security, detection of anomalies and events, and mitigation of cybersecurity events. The Commission also sought comment on the potential risk of a coordinated cyberattack on geographically distributed targets and whether Commission action, including potential modifications to the CIP Reliability Standards, would be appropriate to address such risk.

DATES: This withdrawal will become effective July 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Leigh Anne Faugust, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6396, leigh.faugust@ferc.gov.

SUPPLEMENTARY INFORMATION: 1. On June 18, 2020, the Commission issued a notice of inquiry in this proceeding. The notice of inquiry sought comment on potential enhancements to the Critical Infrastructure Protection (CIP) Reliability Standards corresponding to certain aspects of the National Institute of Standards and Technology (NIST) Cybersecurity Framework (NIST Framework) and the risk of coordinated cyberattack to the security and reliability of the Bulk-Power System.¹

2. As set forth below, we exercise our discretion to withdraw the notice of inquiry and terminate this rulemaking proceeding.

I. Background

3. In the notice of inquiry, the Commission sought comment on whether the then-effective CIP Reliability Standards adequately addressed the following topics: (i) cybersecurity risks pertaining to data security, (ii) detection of anomalies and events, and (iii) mitigation of cybersecurity events. Commission staff identified these topics after reviewing the NIST Framework and comparing its content to that of the CIP Reliability Standards. The Commission also sought comment on the potential risk of a coordinated cyberattack on geographically distributed targets and whether Commission action, including potential modifications to the CIP Reliability Standards, would be proper to address such risk. In issuing the notice of inquiry, the Commission explained that as “new cyber threats continue to evolve, the Reliability Standards should keep pace to support a robust, defense in depth approach to electric grid cybersecurity.”²

A. Comments

4. The Commission received 24 comments in response to the questions posed in the notice of inquiry.³ Most

¹ *Potential Enhancements to the Critical Infrastructure Prot. Reliability Standards*, Notice of Inquiry, 171 FERC ¶ 61,215 (June 18, 2020) (Notice of Inquiry); NIST, *Framework for Improving Critical Infrastructure Cybersecurity*, (Apr. 16, 2018), <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf>.

² Notice of Inquiry, 171 FERC ¶ 62,215 at P 2.

³ Comments were received from: jointly, American Public Power Association (APPA) and Large Public Power Council (LPPC); Jonathan Appelbaum (Appelbaum); Canadian Electricity Association; Cogentrix Energy Power Management, LLC; Jason Christopher and Tim Conway (Christopher and Conway); George R. Cotter; Jointly, Edison Electric Institute (EEI) and Electric Power Supply Association (EPSA); Forescout Technologies, Inc. (Forescout); Independent System Operators and Regional Transmission Organizations Council (IRC); National Rural Electric Cooperative Association; New Jersey Board of Public Utilities (NJ PUC); North American Electric Reliability

commenters responded that the then-effective Reliability Standards, together with Reliability Standards pending implementation and Reliability Standards under development by NERC at that time, adequately addressed the NIST Framework categories identified in the notice of inquiry.⁴ Other commenters acknowledged that the Reliability Standards may not address some aspects of the NIST Framework but asserted that the NIST Framework and CIP Reliability Standards serve fundamentally different purposes and, as a result, cautioned against an apples-to-apples comparison of the two regimes.⁵ Some commenters did identify potential areas for improvement.⁶

5. Regarding coordinated cyberattacks, the comments identified Reliability Standards, NERC programs, and voluntary actions that industry was taking to address the potential risk.⁷ Other commenters suggested that there should be additional protections for low impact bulk electric system (BES) Cyber Systems.⁸

II. Discussion

6. We appreciate the feedback that the Commission received in response to the notice of inquiry. After careful consideration of the record, including later actions by NERC and the Commission to address issues core to the notice of inquiry, we exercise our discretion to withdraw the notice of inquiry and terminate this proceeding.⁹

Corporation (NERC); MISO Transmission Owners (MISO TO); Reliable Energy Analytics, LLC (REA); Siemens Energy, Inc.; Solar Energy Industries Association (SEIA); Southern Company Services, Inc. for Southern Power Co., Mississippi Power Co., Georgia Power Co., and Alabama Power Co.; Southwestern Power Administration; Transmission Access Policy Study Group; United States Army Corps of Engineers; United States Bureau of Reclamation; Western Area Power Administration; Wolverine Power Supply Cooperative, Inc.; and XTec, Inc.

⁴ See *e.g.*, NERC Comments at 7; EEI and EPSA Comments at 8–10; MISO TOs Comments at 5–6; IRC Comments at 2–3.

⁵ See *e.g.*, EEI/EPSA Comments at 4; APPA and LPPC Comments at 1–2; Christopher and Conway Comments at 6. Other comments support the use of the NIST Framework as a reference. See *e.g.*, NJ PUC Comments at 3.

⁶ See *e.g.*, REA Comments at 3–4; Appelbaum Comments at 9, 16.

⁷ See NERC Comments at 16 (explaining it could mitigate the risks of coordinated cyberattacks through: (1) assessments, reports, and studies; (2) alerts and lessons learned issuances; (3) collaboration on risk prioritization with stakeholders; (4) information sharing; and (5) simulated training exercises); see also SEIA Comments at 6; EEI and EPSA Comments at 14–15; MISO TO Comments at 8–9.

⁸ See *e.g.*, Applebaum Comments at 25; Forescout Comments at 1–2.

⁹ See *e.g.*, *Revised Pub. Util. Filing Requirements for Elec. Quarterly Repts.*, 169 FERC ¶ 61,236 (2019)

Continued

7. After the issuance of the notice of inquiry, NERC and the Commission took multiple actions to address emerging issues and to improve the cybersecurity posture of the BES. For example, the Commission addressed control center communication by approving Reliability Standard CIP-012-1 (Communications Between Control Centers) in 2020 in Order No. 866 and directing NERC to develop modifications to the CIP Reliability Standards to require protections regarding the availability of communication links and data communicated (specifically the confidentiality and integrity of Real-time Assessment and Real-time monitoring data) between control centers.¹⁰ NERC developed responsive modifications and the Commission then approved the revised Standard on May 23, 2024.¹¹

8. The Commission also took steps to improve the detection of anomalies and detection and mitigation of cybersecurity events. Specifically, on January 19, 2023, the Commission issued Order No. 887 directing NERC to develop requirements for internal network security monitoring, which NERC submitted on June 24, 2024. Concurrently with this proceeding, we are approving Reliability Standard CIP-015-1 (Internal Network Security Monitoring) and directing further improvements to the Standard.¹²

9. Regarding the potential risk of a coordinated cyberattack on geographically distributed targets, on March 16, 2023, the Commission approved Reliability Standard CIP-003-9 (Security Management Controls).¹³ The Standard requires entities with BES facilities whose assets are designated low impact to have methods for determining and disabling vendor remote access. NERC also performed an in-depth analysis of the risk presented by low impact cyber facilities and reported on whether those criteria should be modified to address

coordinated cyberattacks.¹⁴ Based on those findings, NERC revised Reliability Standard CIP-003 and, on December 20, 2024, NERC filed proposed Reliability Standard CIP-003-11 (Security Management Controls) for Commission approval.¹⁵ The proposed Standard would, among other things, require entities to “mitigate the risks posed by a coordinated attack using distributed low impact bulk electric system Cyber Systems by adding controls to authenticate remote users; protecting the authentication information in transit; and detecting malicious communications to or between assets containing low impact BES Cyber Systems with external routable connectivity.”¹⁶

The Commission Orders

The notice of inquiry is hereby withdrawn and Docket No. RM20-12-000 is hereby terminated.

By the Commission. Commissioner Chang is not participating.

Issued: June 26, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-12265 Filed 6-30-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2188-295]

NorthWestern Corporation; Notice of Application for Non-Capacity Amendment of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Non-capacity Amendment of License.
- b. *Project No:* 2188-295.
- c. *Date Filed:* April 14, 2025.
- d. *Applicant:* NorthWestern Corporation.

¹⁴ Minutes: Board of Trustees, 7 (Feb. 4, 2021), <https://www.nerc.com/gov/bot/Agenda%20highlights%20and%20Minutes%202013/Minutes%20-%20BOT%20Open%20-%20Feb%204%202021.pdf>.

¹⁵ N. Am. Elec. Reliability Corp., Petition for Approval of Proposed Reliability Standard CIP-003-11, Docket No. RM25-8-000 (filed Dec. 20, 2024) (currently pending before the Commission). Withdrawing the notice of inquiry and terminating this docket does not pre-judge the Commission's action in the pending docket (e.g., whether or not the Commission will approve the proposed Reliability Standard).

¹⁶ *Id.* at 1-2.

e. *Name of Project:* Missouri-Madison Hydroelectric Project.

f. *Location:* The project consists of nine hydroelectric developments located on the Madison and Missouri Rivers in Gallatin, Madison, Lewis and Clark, and Cascade counties, in southwestern Montana. The project occupies federal lands managed by the U.S. Forest Service, and lands administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Carrie Harris, Manager Hydro Engineering, 11 East Park Street, Butte, Montana 59701, (406) 497-3429, carrie.harris@northwestern.com or John Tabaracci, Senior Corporate Counsel, 208 North Montana Avenue, Suite 200, Helena, Montana 59601, (406) 443-8983, john.tabaracci@northwestern.com.

i. *FERC Contact:* Jeremy Jessup, (202) 502-6779, Jeremy.Jessup@ferc.gov.

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* July 28, 2025.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins

(order withdrawing notice of proposed rulemaking and terminating rulemaking proceeding); see also, e.g., *Fast-Start Pricing in Mkts. Operated by Reg'l Transmission Org. & Indep. Sys. Operators*, 161 FERC ¶ 61,293 (2017) (order withdrawing notice of proposed rulemaking and terminating rulemaking proceeding).

¹⁰ *Critical Infrastructure Prot. Reliability Standard CIP-012-1—Cyber Sec.—Communic's between Control Ctrs.*, Order No. 866, 85 FR 7197 (Feb. 7, 2020), 170 FERC ¶ 61,031, at P 36 (2020).

¹¹ N. Am. Elec. Reliability Corp., 187 FERC ¶ 61,086 (2024).

¹² *Critical Infrastructure Prot. Reliability Standard CIP-015-1—Cyber Sec.—Internal Network Sec. Monitoring*, 191 FERC ¶ 61,224 (2025).

¹³ N. Am. Elec. Reliability Corp., 182 FERC ¶ 61,155 (2023).

Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–2188–295. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee proposes to replace the Hauser Development's Units 3 and 6 S. Morgan Smith horizontal Francis turbines with new Mavel vertical Z Kaplan turbines. The licensee would also replace the generators for Units 3 and 6. The proposed upgrade would result in a 0.96 MW increase in the authorized installed capacity of the development, to 20.28 MW, and would result in a decrease to the hydraulic capacity of the development of 5.92%, from 4,560 cubic feet per second (cfs) to 4,290 cfs. The total authorized installed capacity for the entire project would increase from 319.05 MW to 320.01 MW. The licensee states that the upgrades would not cause any change in the operation of the project or have quantifiable environmental effects, and only a minor effect on hydraulic flows. All construction would occur within the footprint of the powerhouse and there would be no land disturbance.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the

requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: June 26, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–12262 Filed 6–30–25; 8:45 am]

BILLING CODE 6717–01-P

FEDERAL MARITIME COMMISSION

[Docket No. 25–1]

Phillip Marciano LLC, Complainant v. US Cargo Services Inc., Respondent; Notice of Filing of Complaint and Assignment

Served: June 26, 2025.

Notice is given that a complaint has been filed with the Federal Maritime Commission (the "Commission") by

Phillip Marciano LLC (the "Complainant") against US Cargo Services Inc. (the "Respondent"). Complainant states that the Commission has subject-matter jurisdiction over the complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 40101 *et seq.*, and personal jurisdiction over Respondent as a common carrier, as this term is defined in 46 U.S.C. 40102.

Complainant Phillip Marciano LLC is a limited liability company existing under the laws of the State of New York with its principal place of business located in New York, New York.

Complainant identifies Respondent US Cargo Services Inc. as a corporation with its principal place of business located in Richmond, Texas.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c) and (d) and 46 CFR 545.5. Complainant alleges these violations arose from a failure to deliver containers as required under the bills of lading, pending payment of charges unrelated to the shipments, and other acts or omissions by Respondent.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/25-11/>. This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by June 26, 2026, and the final decision of the Commission shall be issued by January 11, 2027.

David Eng,

Secretary.

[FR Doc. 2025–12246 Filed 6–30–25; 8:45 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

[FMC–2024–0018; FMC–2024–0019; FMC–2024–0020; FMC–2024–0021]

Renewal of Agency Information Collection Activities: Submission for OMB Review; Comment Requested; Marine Terminal Operators; Service Contracts, Non-Vessel Operating Common Carriers

AGENCY: Federal Maritime Commission.

ACTION: Notice and request for comment.

SUMMARY: The Federal Maritime Commission (Commission) is giving public notice that the agency has submitted the continuing information collections listed below in this notice to the Office of Management and Budget (OMB) for approval of revisions of

existing information collections related to marine terminal operator schedules, service contracts, non-vessel-operating common carrier (NVOCC) service arrangements and negotiated rate agreements. The public is invited to comment on these information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 31, 2025.

ADDRESSES: Comments should be submitted to: (1) the Commission through the Federal eRulemaking Portal at www.regulations.gov (dockets FMC–2024–0018; FMC–2024–0019; FMC–2024–0020; FMC–2024–0021) and (2) also sent to the Office of Management and Budget's Office of Information and Regulatory Affairs through the portal at <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection at Reginfo.gov by selecting "Currently under Review—Open for Public Comments" or by using the search function. If your material cannot be submitted to the addresses above, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Amy Strauss, (202) 523–5793, TradeAnalysis@fmc.gov.

SUPPLEMENTARY INFORMATION:

The Commission invites the general public and other Federal agencies to comment on any aspect of the continuing information collections listed in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We are particularly interested in receiving comments on: (1) the necessity and utility of the proposed information collections for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Comments submitted in response to this notice will be included or summarized in our request for OMB approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

Previous Request for Comments

On November 20, 2024, the Commission published a notice and request for comment in the **Federal**

Register (89 FR 91749) regarding the agency's request for approval from OMB for information collections as required by the Paperwork Reduction Act of 1995. During the 60-day period, the Commission received no comments.

Information Collection Open for Comment

I.

Title: 46 CFR Part 525—Marine Terminal Operator Schedules and Related Form FMC–1.

OMB Approval Number: 3072–0061 (Expires July 31, 2025).

Abstract: Section 40501(f) of Title 46 of the United States Code provides marine terminal operators (MTOs) with the option of making their schedules of rates, regulations, and practices available to the public subject to 46 U.S.C. 41102(c). MTOs must maintain a complete set of all of their terminal schedules and shall promptly make them available to the Commission upon request. Each MTO is required to file Form FMC–1 with the Bureau of Trade Analysis providing its organization name, organization number, home office address, name and telephone number of the firm's representative, the location of its terminal schedule(s), and the publisher, if any, used to maintain its terminal schedule. The Commission publishes a list on its website of the location of any terminal schedule made available to the public.

Type of Review: Revision of a currently approved collection.

Needs and Uses: The Commission uses the information filed by these parties to monitor the activities of these entities and to meet its responsibilities with regard to identifying and preventing unreasonable preference or prejudice and unjust discrimination pursuant to 46 U.S.C. 41102. Additionally, the Commission uses the information filed by these parties to monitor the activities of these entities and to meet its responsibilities with regard to identifying and preventing unreasonable discrimination, preference or advantage (or disadvantage) or unreasonable refusal to deal pursuant to 46 U.S.C. 41106.

Frequency: Submission of new FMC–1 forms or updates to existing forms are not assigned a specific time frame by the Commission; they are submitted as circumstances warrant. However, it is unlikely that any single entity would need to provide information more than once in a calendar year.

Type of Respondents: Marine Terminal Operators.

Number of Annual Respondents: There are currently 202 MTOs registered

with the Commission. One hundred and forty-six (146) of those entities make their schedules available to the public. Based on previous years, the Commission estimates that approximately 20 MTOs will file a new FMC–1 or update an existing FMC–1. MTOs are not required to inform the Commission when they update a marine terminal schedule outside of publishing its location; however, the Commission estimates that 10 MTOs would update their schedules in a given year.

Estimated Time per Response: The time per response for completing Form FMC–1 averages 0.5 person hours, and approximately 5 person-hours for updating an existing MTO schedule.

Total Annual Burden: The Commission estimates the total person-hour burden at 60 person-hours per year.

II.

Title: 46 CFR Part 530—Service Contracts.

OMB Approval Number: 3072–0065 (Expires July 31, 2025).

Abstract: Section 40502 of Title 46 of the United States Code requires ocean common carriers and agreements between or among such carriers to file their service contracts confidentially with the Commission. The Commission's rules governing the filing of service contracts are set forth at 46 CFR part 530.

Type of Review: Revision of a currently approved collection.

Needs and Uses: The Commission monitors service contract filings to ensure compliance with 46 U.S.C. subtitle IV.

Frequency: Frequency of filings is determined by the ocean common carrier and its customers. When parties enter into a service contract or amend the contract, the service contract or amendment must be filed with the Commission.

Type of Respondents: Ocean common carriers or their duly appointed agents are required to file service contracts and amendments with the Commission.

Number of Annual Respondents: The Commission estimates an annual respondent universe of 84 ocean common carriers. During 2024, ocean common carriers filed 370,918 original service contracts, and 835,092 service contract amendments.

Estimated Time per Response: The Commission estimates that the time per response ranges from 0.0166 to 0.1 person-hours for reporting and recordkeeping requirements contained in the regulations, averaging 119 hours per response for audit requirements, and

0.1 person-hours for completing Form FMC–83.

Total Annual Burden: The Commission estimates the total annual person-hour burden at 34,285.48 person-hours.

III.

Title: 46 CFR Part 531—NVOCC Service Arrangements.

OMB Approval Number: 3072–0070 (Expires July 31, 2025).

Abstract: 46 CFR part 531 allows NVOCCs and shippers' associations with NVOCC members to act as shipper parties in NVOCC Service Arrangements (NSAs), and to be exempt from certain tariff publication requirements of 46 U.S.C. subtitle IV provided the NVOCC posts a prominent notice in its rules tariff invoking the NSA exemption and provides electronic access to its rules tariff to the public free of charge. This information collection corresponds to the requirements to include the NSA exemption in the tariff, recordkeeping requirements, and the requirement to make the tariff publicly available free of charge.

Type of Review: Revision of a currently approved collection.

Needs and Uses: The Commission uses NSAs and associated data for monitoring and investigatory purposes and, in its proceedings, to adjudicate related issues raised by private parties.

Frequency: NVOCCs that opt to enter into an NSA in lieu of publishing tariff rate(s) must post a notice in its rules tariff invoking the NSA exemption.

Type of Respondents: Parties that enter into NSAs are NVOCCs and shippers' associations with NVOCC members.

Number of Annual Respondents: Of the total respondent universe of approximately 8,700 active NVOCCs, the Commission estimates that 325 NVOCCs per year will need to add a prominent notice to their electronically published rules tariff indicating the intention to invoke the NSA exemption. The Commission estimates that approximately 1,500 NVOCCs in total have invoked this exemption and would therefore be subject to the recordkeeping requirements.

Estimated Time per Response: The time per response is estimated to be 15 minutes to add a tariff rule invoking the NSA exemption, and 15 minutes for recordkeeping requirements.

Total Annual Burden: Total annual burden is estimated to be 456 person-hours.

IV.

Title: 46 CFR Part 532—NVOCC Negotiated Rate Arrangements.

OMB Approval Number: 3072–0071 (Expires July 31, 2025).

Abstract: Section 40103 of Title 46 of the United States Code authorizes the Commission to exempt by order or regulation “any class of agreements between persons subject to [46 U.S.C. subtitle IV, Part A] or any specified activity of those persons from any requirement of [46 U.S.C. subtitle IV, Part A] if the Commission finds that the exemption will not result in substantial reduction in competition or be detrimental to commerce.” The Commission may attach conditions to any exemption and may, by order, revoke an exemption. In 46 CFR part 532, the Commission exempted NVOCCs from the tariff rate publication requirements of Part 520 and allowed an NVOCC to enter into an NVOCC Negotiated Rate Arrangement (NRA) in lieu of publishing its tariff rate(s), provided the NVOCC posts a prominent notice in its rules tariff invoking the NRA exemption and provides electronic access to its rules tariff to the public free of charge. This information collection corresponds to the rules tariff prominent notice and the requirement to make its rules tariff publicly available free of charge.

Type of Review: Revision of a currently approved collection.

Needs and Uses: The Commission uses the information filed by an NVOCC in its rules tariff to determine whether the NVOCC has invoked the exemption for a particular shipment or shipments. The Commission has used and will continue to use the information required to be maintained by NVOCCs for monitoring and investigatory purposes, and, in its proceedings, to adjudicate related issues raised by private parties.

Type of Respondents: Parties that enter into NRAs are NVOCCs and shippers' associations with NVOCC members.

Number of Annual Respondents: Of the total respondent universe of approximately 8,700 active NVOCCs, an average of 500 annually over the last three years have added a prominent notice to its electronically published rules tariff indicating the intention to invoke the NRA exemption. The Commission estimates that a total of 3,800 NVOCCs now utilize the NRA exemption and would then need approximately one hour per year for recordkeeping requirements.

Estimated Time per Response: The time per response is estimated to be 15 minutes to add a tariff rule invoking the NRA exemption, and one hour for recordkeeping requirements.

Total Annual Burden: Total annual burden is estimated to be 3,925 person-hours.

David Eng,
Secretary.

[FR Doc. 2025–12287 Filed 6–30–25; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at Secretary@fmc.gov, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (www.fmc.gov) or by contacting the Office of Agreements at (202) 523–5793 or tradeanalysis@fmc.gov.

Agreement No.: 201451–001.

Agreement Name: APL/MLL MECL–EX1 Slot Exchange Agreement.

Parties: American Presidents Lines, LLC; and Maersk Line, Limited.

Filing Party: Wayne Rohde, Cozen O'Connor.

Synopsis: The Amendment deletes Spain, Oman, and the United Arab Emirates from the scope of the Agreement.

Proposed Effective Date: 6/25/2025.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/88603>.

Dated: June 27, 2025.

Alanna Beck,

Federal Register Alternate Liaison Officer.

[FR Doc. 2025–12274 Filed 6–30–25; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank

holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than July 31, 2025.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001. Comments can also be sent electronically to KCApplicationComments@kc.frb.org:

1. *Reisher Family Foundation*; to acquire voting shares of FirstBank Holding Company, and thereby indirectly acquire voting shares of FirstBank, all of Lakewood, Colorado.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025-12252 Filed 6-30-25; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than July 16, 2025.

A. Federal Reserve Bank of Cleveland (Jenni M. Frazer, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566. Comments can also be sent electronically to Comments.applications@clev.frb.org:

1. *Brenda Sue Greer, acting as Trustee of Trust "B" U/T/A Randall Greer Revocable Trust dated September 22, 2016, both of London, Kentucky*; to become a member of the Greer Family Control Group, a group acting in concert, to retain voting shares of Cumberland Valley Financial Corporation, and thereby indirectly retain voting shares of the Cumberland Valley National Bank and Trust, both of London, Kentucky.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025-12251 Filed 6-30-25; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 241 0111]

ACT and Giant Eagle; Analysis of Agreement Containing Consent Orders to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair methods of competition. The attached Analysis of Agreement Containing Consent Orders to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: "ACT and Giant Eagle; File No. 241 0111" on your comment and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H-144 (Annex F), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Megan Henry (202-326-3378), Mergers III Division, Bureau of Competition, Federal Trade Commission, 400 7th Street SW, Washington, DC 20024.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule § 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis of Agreement Containing Consent Orders to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An

electronic copy of the full text of the consent agreement package can be obtained from the FTC website at this web address: <https://www.ftc.gov/news-events/commission-actions>.

The public is invited to submit comments on this document. For the Commission to consider your comment, we must receive it on or before July 31, 2025. Write "ACT and Giant Eagle; File No. 241 0111" on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Because of the agency's heightened security screening, postal mail addressed to the Commission will be delayed. We strongly encourage you to submit your comments online through the <https://www.regulations.gov> website. If you prefer to file your comment on paper, write "ACT and Giant Eagle; File No. 241 0111" on your comment and on the envelope, and mail your comment by overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H-144 (Annex F), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule § 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule § 4.9(c). In particular, the written

request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule § 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on <https://www.regulations.gov>—as legally required by FTC Rule § 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule § 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <https://www.ftc.gov> to read this document and the news release describing this matter. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before July 31, 2025. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Analysis of Agreement Containing Consent Orders To Aid Public Comment

I. Introduction

The Federal Trade Commission ("Commission") has accepted for public comment, subject to final approval, an Agreement Containing Consent Orders ("Consent Agreement") from Alimentation Couche-Tard, Inc. ("ACT") and Giant Eagle, Inc. ("Giant Eagle") (collectively, the "Respondents"). The Consent Agreement is designed to remedy the anticompetitive effects that likely would result from ACT's proposed acquisition of retail fuel assets from Giant Eagle.

Under the terms of the proposed Decision and Order ("Order") contained in the Consent Agreement, Respondent ACT must divest certain assets as ongoing retail fuel businesses in 35 local markets in Indiana, Ohio, and Pennsylvania. Respondent ACT must complete the divestiture to Majors Management ("Majors") within 20 days after the closing of the acquisition. The Commission and Respondent ACT have agreed to an Order to Maintain Assets that requires ACT to operate and maintain each divestiture outlet in the normal course of business through the date Majors acquires the divested assets.

The Commission has placed the Consent Agreement on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the comments received and decide whether it should withdraw, modify, or make final the proposed Order.

II. The Respondents

Respondent ACT is a publicly traded company headquartered in Laval, Quebec, Canada. ACT operates more than 16,800 stores in 31 countries, and almost 13,100 of these locations sell fuel. In the United States, ACT operates over 7,100 convenience stores, almost entirely under the Circle K brand.

Respondent Giant Eagle is a privately-owned grocery store chain headquartered in Cranberry Township, Pennsylvania. Giant Eagle operates more than 270 retail fuel outlets in Indiana, Maryland, Ohio, Pennsylvania, and West Virginia under the brand name GetGo.

III. The Proposed Acquisition

On August 16, 2024, ACT entered into an agreement to acquire certain retail and wholesale fuel assets from Giant Eagle (the "Acquisition"). The Commission's Complaint alleges that the Acquisition, if consummated, would violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and that the Acquisition agreement constitutes a violation of section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition for the retail sale of gasoline in 35 local markets in Indiana, Ohio, and Pennsylvania, and by substantially lessening competition for the retail sale of diesel fuel in 19 local markets in Indiana, Ohio, and Pennsylvania.

IV. The Retail Sale of Gasoline and Diesel Fuel

The Commission alleges the relevant product markets in which to analyze the Acquisition are the retail sale of gasoline and the retail sale of diesel fuel. Consumers require either gasoline or diesel fuel for their vehicles and can only purchase gasoline or diesel at retail fuel outlets. The retail sale of gasoline and the retail sale of diesel fuel constitute separate relevant markets because the two are not interchangeable. Vehicles that run on gasoline cannot run on diesel fuel, and vehicles that run on diesel fuel cannot run on gasoline.

The Commission alleges the relevant geographic markets in which to assess the competitive effects of the

Acquisition with respect to the retail sale of gasoline are 35 local markets in Indiana, Ohio, and Pennsylvania. The relevant geographic markets in which to assess the competitive effects of the Acquisition with respect to the retail sale of diesel fuel are 19 local markets in Indiana, Ohio, and Pennsylvania.

The geographic markets for retail gasoline and retail diesel fuel are highly localized, based on the unique circumstances of each area. Each relevant market is distinct and fact-dependent, reflecting many considerations, including commuting patterns, traffic flows, driving distance, and outlet characteristics. Consumers typically choose between nearby retail fuel outlets with similar characteristics along their planned routes. The geographic markets for the retail sale of diesel fuel are similar to the corresponding geographic markets for retail gasoline, as many diesel fuel consumers exhibit preferences and behaviors similar to those of gasoline consumers.

The Acquisition would substantially lessen competition in each of these local markets, resulting in 35 highly concentrated markets for the retail sale of gasoline and 19 highly concentrated markets for the retail sale of diesel fuel. Retail fuel outlets compete on price, store format, product offerings, and location, and pay close attention to competitors in close proximity, on similar traffic routes, and with similar store characteristics. In each of the local gasoline and diesel fuel retail markets, the Acquisition would reduce the number of competitively constraining independent market participants to five or fewer. The combined entity would be able to raise prices unilaterally in markets where ACT and Giant Eagle are close competitors today. Absent the Acquisition, ACT and Giant Eagle would continue to compete head-to-head in these local markets.

Moreover, the Acquisition would enhance the incentives for interdependent behavior in local markets where five or fewer constraining independent market participants would remain. Two key aspects of the retail fuel industry make it vulnerable to such coordination. First, retail fuel prices are transparent and easily monitored from street signs, the internet, or smartphone applications. Second, retail fuel outlets track their competitors' fuel prices on a daily basis and change their own prices in response. These repeated interactions give retail fuel outlets considerable familiarity with the pricing strategies of their competitors price and may

encourage coordination in concentrated local markets.

Entry into each relevant market would not be timely, likely, or sufficient to deter or counteract the anticompetitive effects arising from the Acquisition. Significant entry barriers include the availability of attractive real estate, the time and cost associated with constructing a new retail fuel outlet, and the time associated with obtaining necessary permits and approvals.

V. The Consent Agreement

The proposed Order would remedy the Acquisition's likely anticompetitive effects by requiring ACT to divest certain retail fuel assets to Majors in each local market. Majors is an experienced operator of retail fuel sites and will be a new entrant into the local markets. The proposed Order requires that the divestiture be completed no later than 20 days after ACT and Giant Eagle consummate the Acquisition. The proposed Order further requires ACT to maintain the economic viability, marketability, and competitiveness of each divestiture asset until the divestiture to Majors is complete.

In addition to requiring outlet divestitures, the proposed Order prohibits Respondent ACT from re-acquiring the divested assets for a period of ten years. The proposed Order also requires Respondent ACT to notify the Commission before acquiring any stations designated by the Commission as competitively significant in the local markets of the divested assets for ten years. The prior notice provision is necessary because an acquisition in close proximity to the divested assets likely would raise the same competitive concerns as the Acquisition and may fall below the Hart-Scott-Rodino Act premerger notification thresholds.

The Consent Agreement contains additional provisions designed to ensure the effectiveness of the relief. For example, Respondents have agreed to an Order to Maintain Assets that will issue at the time the proposed Consent Agreement is accepted for public comment. The Order to Maintain Assets requires Respondent ACT to operate and maintain each divestiture outlet in the normal course of business, through the date the divestiture is complete. The proposed Order also includes a provision that allows the Commission to appoint an independent third party as a Monitor to oversee the Respondents' compliance with the requirements of the Order.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and the Commission does not intend this

analysis to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

Joel Christie,
Acting Secretary.

Statement of Commissioner Mark R. Meador

An effective divestiture package is one that restores competition—full stop. It is my belief that the proposed consent order meets this standard. I would like to thank FTC staff for their thorough review of the proposed acquisition and exemplary work in negotiating the proposed divestiture package.

As alleged in the complaint, Canada-based Alimentation Couche-Tard, Inc.'s ("ACT") proposed acquisition of retail gas stations from Giant Eagle, Inc. would have eliminated head-to-head competition between the parties in 35 local markets in the heart of America in Indiana, Ohio, and Pennsylvania. The proposed consent order requires ACT to divest 35 retail gas stations to Majors Management, LLC ("Majors"), a U.S.-based company and established leader in operating, developing, servicing, and supporting well over a thousand retail convenience centers and gas stations. Majors is well-positioned to compete effectively and ensure that competition is fully maintained in the markets that would otherwise be impacted by ACT's proposed acquisition.

I want to also expand upon my views on the principles I consider when determining whether a settlement proposal constitutes an effective divestiture remedy package. The FTC should, in all but extremely rare cases, insist on clean divestitures of standalone business lines when negotiating merger remedy packages. Remedy proposals should fully and durably resolve competitive concerns. Structural remedies must be self-sustaining.

Moreover, when parties negotiate with the FTC on merger remedies—particularly transactions involving complex divestiture packages across multiple locations—it is essential that they approach Commission staff early, candidly, and in good faith. It improves review efficiency, including staff's ability to quickly home in on other relevant competitive concerns, and streamlines remedy negotiations when merging parties are upfront about potential overlaps, the potential divestiture buyer, and any impediments to a complete separation of assets and business from the seller.

The larger and more intricate a proposed divestiture package becomes,

the greater the need for scrutiny. Divestitures that involve larger numbers of outlets also raise concerns about potential for operational gaps, concerns about asset values, and questions about potential legal entanglements that could frustrate the viability of a proposed divestiture package. For this reason, parties should strive to propose straightforward, autonomous, and viable divestitures that do not require material post-divestiture Commission day-to-day oversight or intervention.

The capability and credibility of the proposed divestiture buyer are also central considerations. A divestiture buyer must demonstrate that it has the resources, industry expertise, and operational readiness necessary to maintain or restore competition in the relevant market. This process entails scrutinizing the proposed buyer's business plans, financial condition, market experience, and ability to acquire and operate the to-be divested assets without having to rely on the seller or merged entity post transaction. Staff will evaluate these factors closely, and the burden remains on the transacting parties to put forward an appropriate divestiture buyer. The Commission is prepared to reject proffered divestiture buyers who cannot substantiate their financial capability to compete in the relevant markets with the divestiture assets.

Remedies must also include binding commitments to divest as a condition of closing. Where the proposed remedy involves partial asset combinations or atypical carve-outs, the Commission should not hesitate to reject a proposed remedy package outright. And to the extent the FTC pursues litigation, the burden lies squarely on the merging parties to prove that any proposed remedy package restores competition.

As I have previously stated, the FTC should be willing to consider remedy packages that fully and completely resolve competitive concerns. Negotiating remedies is an integral part of the Commission's merger review toolkit. But when parties pursue transactions that raise serious competitive concerns, they must come prepared with a credible, fully vetted, and enforceable solution. In designing remedies for such transactions, the Commission should resolve uncertainty in the manner most favorable to consumers; the risks inherent in a forward-looking remedy must be borne by the parties, who seek to benefit from the merger.

Effective merger remedies begin with early engagement, credible proposals, and full accounting of competitive risk. When parties take that responsibility

seriously and engage transparently with staff, the remedy negotiation process works—and the Commission serves its mission of protecting American consumers.

[FR Doc. 2025–12290 Filed 6–30–25; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–5056–N]

Medicare Program; Implementation of Prior Authorization for Select Services for the Wasteful and Inappropriate Services Reduction (WiSeR) Model

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces a 6-year model focused on reducing fraud, waste (including low-value care), and abuse in Medicare fee-for-service (FFS) via the implementation of technology-enabled prior authorization processes for select services.

DATES: This notice is effective on January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Kate Blackwell (844) 711–2664, Option 8 or WiSeR@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Wasteful medical care spending, broadly defined as spending that could be reduced or eliminated without adversely affecting quality of care or health outcomes, accounts for an estimated 25 percent of total health care spending in the United States (U.S.).¹ Medicare accounts for nearly one quarter of U.S. health care spending (\$1 trillion in 2023) making it an important target for identifying and reducing waste.³ The Medicare program is particularly vulnerable to wasteful spending due to the age and complexity

of the Medicare population and their disproportionately high share of health care spending compared to younger segments of the U.S. population.⁴ Additionally, the Medicare fee-for-service (FFS) payment structure may further drive waste given there is an inherent incentive in some cases for fraudulent actors to bill higher volumes of services, including those that are unnecessary or inappropriate.⁵

Key areas contributing to wasteful spending include fraudulent or abusive billing practices, as well as the delivery of services that have little or no clinical benefit, or services in which the risk of harm from the service outweighs its potential benefit.⁶ Additionally, these practices can inflict significant physical, financial, and emotional harm on beneficiaries. A 2019 study of Medicare claims data estimated that treatment by health care providers who were subsequently prosecuted for fraud and/or abuse contributed to as many as 6,700 premature deaths among Medicare FFS beneficiaries.⁷ Such findings indicate there is a significant opportunity to better address and prevent fraud, waste, and abuse (FWA) and its negative impact on the health and well-being of beneficiaries and the fiscal sustainability of the Medicare FFS program.

The Centers for Medicare & Medicaid Services (CMS) and the Medicare Administrative Contractors (MACs) employ a variety of techniques to reduce FWA in Medicare FFS. These include publication of National and Local Coverage Determinations (NCDs and LCDs, respectively) describing the evidence-based requirements and limitations for Medicare coverage for specific medical services, procedures, or devices. Generally, prior authorization is a utilization management tool in which a health care provider requests provisional affirmation of coverage from a health care payer before medical

⁴ McGough M, Claxton G, Amin K, Cox C. How do health expenditures vary across the population? Peterson-KFF: Health System Tracker. 2024 Jan; retrieved from: <https://www.healthsystemtracker.org/chart-collection/health-expenditures-vary-across-population/#Share%20of%20total%20population%20and%20total%20health%20spending,%20by%20age%20group,%202021>.

⁵ Knickman JR, Marchica J, and Radley DC. "Health Care Financing, Costs, and Value." Jonas and Kovner's Health Care Delivery in the United States (2023): 257.

⁶ Medicare Payment Advisory Commission. *Health Care Spending and the Medicare Program: A Data Book*. 2024. Retrieved from: www.medpac.gov/wp-content/uploads/2024/07/July2024_MedPAC_DataBook_SEC.pdf.

⁷ Nicholas LH, Hanson C, Segal JB et al. Association Between Treatment by Fraud and Abuse Perpetrators and Health Outcomes Among Medicare Beneficiaries. *JAMA Intern Med*. 2020;180(1):62–69.

¹ Speer M, McCullough JM, Fielding JE et al. Excess Medical Care Spending: The Categories, Magnitude, and Opportunity Costs of Wasteful Spending in the United States. *Am J Public Health*. 2020 Dec;110(12):1743–1748.

² Shrank WH, Rogstad TL & Parekh N. Waste in the US Health Care System: Estimated Costs and Potential for Savings. *JAMA*. 2019;322(15):1501–1509.

³ Martin AB, Hartman M, Washington B, Catlin A. National Health Expenditures in 2023: Faster growth as insurance coverage and utilization increased. *Health Affairs*. 2024;44(1):12–22. doi:10.1377/hlthaff.2024.01375.

service is furnished to a beneficiary and before a claim is submitted for payment.

Under Medicare FFS, providers and suppliers submit a request for prior authorization (also known as pre-claim review, depending on the service type and the timing of the submission) for a limited set of specific services⁸ to their MAC. The MAC then reviews the prior authorization request based on the associated Medicare requirements such as those found in NCDs and LCDs and provides a decision, which can be either a provisional affirmation or non-affirmation. CMS has implemented prior authorization in Medicare FFS under specific and limited initiatives, and evidence suggests doing so for these services has contributed to significant reductions in the amounts paid by CMS for these targeted services.⁹ In an effort to reduce provider burden, these initiatives do not change any medical necessity or documentation requirements. Additionally, evidence demonstrates that under the Medicare Prior Authorization Model for Repetitive, Scheduled Non-Emergent Ambulance Transport (RSNAT), there was no adverse effect on quality of care or access to care—as demonstrated by increased emergency service use, hospitalizations (including hospitalizations for complications of end stage renal disease (ESRD)), or deaths—notwithstanding that some beneficiaries had been non-affirmed for RSNAT.¹⁰

Other payers, including Medicare Advantage (MA) plans, often employ more utilization management approaches to reduce FWA, including requiring prior authorization for a more expansive set of services. Additionally, some MA plans have prior experience working with third parties to leverage enhanced technologies, like artificial intelligence (AI), machine learning (ML) or algorithmic decision logic, to streamline and improve detection of FWA. This work is done with certain guardrails in place. For example, 42 CFR 422.566(d) requires that an adverse medical necessity decision related to a

prior authorization request must be reviewed by a physician or other health care professional with appropriate expertise before the MA plan issues the decision.

CMS conducted market research from various different MA organizations that had experience with enhanced technology-enabled prior authorization processes. The research indicated significant reductions in the decision time to prior authorization determination, particularly for affirmed prior authorization requests. Some MA plans reported decision time to prior authorization approval being almost instantaneous for services with very clear clinical coverage criteria. As a result, CMS is exploring findings from MA plans regarding enhanced technologies to examine how to efficiently, accurately, and appropriately ensure select services are provided and paid for based on clinical and evidence-based guidelines.

Section 1115A of the Social Security Act (the Act) authorizes the Secretary to test innovative payment and service delivery models to reduce program expenditures, while preserving or enhancing the quality of care furnished to Medicare, Medicaid, and Children's Health Insurance Program beneficiaries. Section 1115A(d)(1) of the Act authorizes the Secretary to waive such requirements of Titles XI and XVIII and of sections 1902(a)(1), 1902(a)(13), and 1903(m)(2)(A)(iii) of the Act as may be necessary solely for purposes of carrying out section 1115A of the Act with respect to testing models described in section 1115A(b) of the Act. For this model, consistent with this standard, we will waive such provisions of sections 1834(a)(15) and 1869(h) of the Act that limit our ability to conduct prior authorization. While these provisions are specific to durable medical equipment and physician services, we will waive any portion of these sections as well as any portion of 42 CFR 410.20(d), which implements section 1869(h) of the Act, and 42 CFR 414.234, which implements section 1834(a)(15) of the Act, that could be construed to limit our ability to conduct prior authorization for other items or services or that could be construed to restrict what entity performs said prior authorization. We have determined that the implementation of this model does not require the waiver of any fraud and abuse law, including sections 1128A, 1128B, and 1877 of the Act. Thus, providers and suppliers affected by this model must comply with all applicable fraud and abuse laws.

II. Provisions of the Notice

A. Model Specifications

We plan to implement a 6-year model test (the Wasteful and Inappropriate Services Reduction (WiSeR) Model), in two 3-year agreement periods, with companies that have experience implementing technology-enhanced prior authorization with other payers, including MA plans, as model participants. Under the model, participants will implement and streamline prior authorizations to ensure that select services that are provided and paid for are clinically appropriate, evidence-based, and consistent with Medicare FFS requirements. We envision that implementing the review process while leveraging enhanced technologies would identify when such services are medically unnecessary, that model participants will support providers and suppliers in navigating beneficiaries towards more clinically appropriate or higher value care when appropriate and will streamline the prior authorization process for providers and suppliers.

This model will be tested in select states in select MAC jurisdictions. The selected MAC jurisdictions for WiSeR are JH, JL, JF, and J15, and the selected states are New Jersey (JL), Ohio (J15), Oklahoma and Texas (JH), and Arizona and Washington (JF). These MAC jurisdictions and states were selected based on various evaluability and operational criteria. Evaluability criteria included: (1) MAC jurisdictions that allow for within-MAC comparisons between test and comparison states; (2) selected states with adequate volume to provide sufficiently precise impact estimates; (3) MAC jurisdictions with skin and tissue substitute LCDs to assess effectiveness, as well as one MAC jurisdiction without existing skin and tissue substitute LCDs to increase generalizability;¹¹ and (4) geographic diversity. Operational criteria used for geographic selection included: (1) MAC jurisdictions that have existing skin and tissue substitute LCDs; and (2) states that also meet the evaluation criteria and have the highest volume of services by highest historical claim paid amount. The model will begin on January 1, 2026, in the selected states.

The WiSeR model will focus on testing the implementation of prior authorization and pre-payment review for specific selected services that will be

⁸ CMS. Prior Authorization and Pre-Claim Review Initiatives. *CMS.gov*. <https://www.cms.gov/data-research/monitoring-programs/medicare-fee-service-compliance-programs/prior-authorization-and-pre-claim-review-initiatives>.

⁹ CMS. Prior Authorization and Pre-Claim Review Program Stats for Fiscal Year 2023. 2025. Retrieved from: <https://www.cms.gov/files/document/pre-claim-review-program-statistics-document-fy-23.pdf>.

¹⁰ Asher A, Contreary K, Haile G, and Coopersmith J. *Evaluation of the Medicare Prior Authorization Model for Repetitive Scheduled Non-Emergent Ambulance Transport: Final Report*. 2021. Retrieved from: <https://www.cms.gov/priorities/innovation/data-and-reports/2021/rsnat-finalevlprpt>.

¹¹ Not all MAC jurisdictions have an active skin and tissue substitute LCD in place at this time. Skin and tissue substitutes are a selected service in WiSeR only in states and MAC jurisdictions that have an active skin and tissue substitute LCD in place.

performed by third party entities leveraging enhanced technologies, that would be paid under a novel payment approach where the model participants are compensated based on a share of averted expenditures. Further, the WISer model would test: the speed and accuracy of new technology-assisted decision-making; WISer participants' ability to help patients navigate away from low-value or potentially unsafe treatments and towards clinically appropriate higher-value care through provider/supplier education; a novel payment approach that is based on paying WISer participants a share of averted expenses in lieu of the traditional acquisition-based approach; and potential alignment with MA in terms of standardization, predictability, and transparency. We plan that model participants will use a technology-assisted prior authorization process to help ensure that all relevant clinical and medical documentation requirements are met before services are rendered to beneficiaries and before claims are submitted for payment, and to help navigate patients towards alternatives when appropriate. This process will further help ensure that claims comply with existing Medicare documentation, coverage, payment, and coding requirements.

In general, this model will require the same information and clinical documentation that is already required to support Medicare FFS payment but earlier in the process, namely, prior to the service being furnished. Prior authorization allows providers and suppliers to address potential issues with claims prior to rendering services, including potentially navigating beneficiaries to more effective or appropriate alternative care, and reduces the likelihood that a furnished service is not covered. Implementing a process that leverages enhanced technology will streamline the claim review and adjudication process. The model will not change payment or coverage for the selected services in the model.

Beginning January 1, 2026, the prior authorization process under this model will be implemented in the selected states on the following items and services with affiliated NCDs or LCDs:

- Electrical Nerve Stimulators (NCD 160.7)
- Sacral Nerve Stimulation for Urinary Incontinence (NCD 230.18)
- Phrenic Nerve Stimulator (NCD 160.19)
- Deep Brain Stimulation for Essential Tremor and Parkinson's Disease (NCD 160.24)

- Vagus Nerve Stimulation (NCD 160.18)
- Induced Lesions of Nerve Tracts (NCD 160.1)
- Epidural Steroid Injections for Pain Management excluding facet joint injections (L39015, L33906, L39036, L39240, L39242, L36920, L38994, L39054)
- Percutaneous Vertebral Augmentation (PVA) for Vertebral Compression Fracture (VCF) (L33569, L34106, L34228, L38201, L34976, L35130, L38737, L38213)
- Cervical Fusion (L39741, L39799, L39770, L39758, L39762, L39793, L39773, L39788)
- Arthroscopic Lavage and Arthroscopic Debridement for the Osteoarthritic Knee (NCD 150.9)
- Hypoglossal Nerve Stimulation for Obstructive Sleep Apnea (L38276, L38307, L38398, L38387, L38310, L38312, L38385, L38528)
- Incontinence Control Devices (NCD 230.10)
- Diagnosis and Treatment of Impotence (NCD 230.4)
- Percutaneous Image-Guided Lumbar Decompression for Spinal Stenosis (NCD 150.13)
- Skin and Tissue Substitutes (LCDs below)—only applicable to MAC jurisdictions and states that have an active LCD in place
- ++ Application of Bioengineered Skin Substitutes to Lower Extremity Chronic Non-Healing Wounds (L35041)
- ++ Wound Application of Cellular and/or Tissue Based Products (CTPs), Lower Extremities (L36690)

We selected these services based on several factors. We considered for inclusion services for which there is existing evidence of potential FWA, including alignment with definitions and evidence around services defined as low-value by Schwartz et al.;¹² concerns around and prior reports^{13 14} of fraud, waste, and abuse from the Department of Health and Human Services' (HHS) Office of Inspector General (OIG), Department of Justice (DOJ), the Medicare Comprehensive Error Rate Testing (CERT) program, and other

¹² Schwartz, A.L., Landon, B.E., and Elshaug, A.G. (2014). Measuring Low-Value Care in Medicare. *JAMA Intern Med.* 174(7):1067–1076. doi:10.1001/jamainternmed.2014.1541.

¹³ HHS Office of the Inspector General. "Medicare Part B Payments for Skin Substitutes." HHS OIG Work Plan. Available at: <https://oig.hhs.gov/reports-and-publications/workplan/summary/wp-summary-0000894.asp>.

¹⁴ HHS Office of the Inspector General. "Audits of Medicare Payments for Spinal Pain Management Services." HHS OIG Work Plan. Available at: <https://oig.hhs.gov/reports-and-publications/workplan/summary/wp-summary-0000583.asp>.

sources; and services already subject to prior authorization in MA at the time. We considered patient safety concerns, including both excluding services that are inpatient only, or pose a substantial risk to patients if services are delayed. We also considered for inclusion services where opportunity exists to support the model test, including services with publicly available NCDs or LCDs, and cost savings opportunity. CMS may add additional services in future years.

Prior to the start of the model and throughout the duration of the model, we will conduct outreach and education to Medicare-enrolled providers and suppliers, beneficiaries, and the model participants through such methods as open-door forums, frequently asked questions (FAQs) on our website, other website postings, and educational materials issued by the MACs. Traditionally, utilization management tools such as technology-enabled prior authorization are widely used in the MA and commercial payer space but applied in limited cases in the Medicare FFS program. For this reason, the WISer model would ensure that there is rigorous communication and education between the MACs and the model participants to seamlessly interface with one another, reduce health care provider burden, and avoid Medicare beneficiary harm. Additional information about the WISer model is available on the CMS website [<https://www.cms.gov/priorities/innovation/innovation-models/wiser>].

B. Prior Authorization Process Under WISer

Under the WISer model, a Medicare-enrolled provider/supplier will have the opportunity to submit a request for prior authorization to either the MAC or the model participant,¹⁵ along with documentation to support Medicare coverage of a selected service included in the model as defined in the statute, regulation, NCD and/or LCD. After receipt of this documentation, the model participant will be required to make every effort to conduct a review and notify the provider/supplier of their decision on a prior authorization request within the timeframe specified by CMS for an initial submission. Submitting a prior authorization request will be voluntary; however, if the provider/supplier does not submit a request, their claim will be subject to

¹⁵ The model participant would be required to offer options for providers and suppliers to submit prior authorization requests that would be consistent with standardized submission approaches recognized by CMS, including an electronic portal.

pre-payment medical review by model participants that may involve requests for documentation to support the medical necessity of the targeted item or service (see Scenario 3 for further details).

To be provisionally affirmed, the request for prior authorization must meet all applicable coverage, coding, and documentation requirements found in statutes, rules, NCDs, and LCDs for the select service. A provisional affirmation is a preliminary finding that a future claim submitted to Medicare for the service likely meets Medicare's coverage, coding, and payment requirements. Claims for which there is an associated provisional affirmation decision will be paid in full, so long as all of the applicable Medicare coverage and clinical documentation are met, and the claim was billed and submitted correctly.

A provider/supplier may request an expedited review when the model's standard timeframe for making a prior authorization decision could jeopardize the life or health of the beneficiary. Requests for expedited review will need to include justification for why the standard timeframe would not be appropriate. If the MAC or model participant determines that the request does not substantiate the need for an expedited review, they will provide notification that the request will not be expedited and communicate a decision within the regular timeframe. As we plan to initially target nonemergent services only, we expect requests for expedited reviews to be extremely rare.

For a non-affirmed request where the service has yet to be provided and a claim has yet to be submitted, the provider/supplier has unlimited opportunities to resubmit a prior authorization request to the model participant or MAC. When resubmitting the request to the model participant or MAC, the provider or supplier would have the opportunity to request a peer-to-peer review to inform the new determination. A non-affirmed prior authorization decision does not prevent the provider/supplier from submitting a claim. However, submission of such a claim would be denied by the MAC and would constitute an initial determination, which would be subject to the administrative appeals process. The existing claims appeals process would not change under the model. See 42 CFR part 405, subpart I. This would be a further opportunity to challenge the coverage decision.

The following describes how WISeR will address three potential scenarios under the model:

Scenario 1: A Medicare-enrolled provider/supplier submits a prior authorization request to the model participant. The model participant will make a decision of affirmation or non-affirmation based on its review of the prior authorization request and relevant supporting documentation. If the model participant determines provisional affirmation, then the model participant will provide notification to the provider/supplier and coordinate with the MAC to generate a unique tracking number (UTN) to inform payment determination when the claim is submitted. The provider/supplier will need to include the UTN on the claim when billing for applicable services. If the model participant determines a non-affirmative prior authorization, they will provide the provider/supplier with a detailed reason for the non-affirmative decision and work with the MAC to generate an UTN that is associated with the non-affirmative decision. After reviewing the information provided, the provider/supplier should consider if there is additional documentation or other rationale that could address the non-affirmation decision and can resubmit the prior authorization request an unlimited number of times. If a claim with a non-affirmed prior authorization request is submitted, the MAC will deny the claim. The provider/supplier may then appeal the claim denial with the MAC under existing appeals procedures.

Scenario 2: A Medicare-enrolled provider/supplier submits a prior authorization request to the MAC. When the MAC receives the prior authorization request and supporting documentation from the provider or supplier, the MAC will route the prior authorization request to the model participant to conduct the prior authorization. After that, the same process as outlined in scenario 1 will be followed.

Scenario 3: A Medicare-enrolled provider or supplier performs a selected service without requesting prior authorization. As noted previously, submitting a prior authorization request is voluntary. In this scenario, the provider or supplier submits the claim to the MAC without seeking prior authorization. The MAC then flags the claim for pre-payment medical review to be performed by the model participant; the model participant would request documentation from the provider/supplier to support medical necessity for the claim. After receipt of all relevant documentation, the model participant will conduct a medical review, which could include leveraging technology and clinician review, and

communicate the decision to the MAC. The MAC will then process the claim in accordance with the model participant's decision. If the claim is denied for payment, the provider/supplier and beneficiary may request an appeal and will have full administrative appeal rights. This appeal would follow the existing Medicare FFS claim appeal process.

Under the model, we will work to avoid any adverse impact on beneficiaries or providers/suppliers and to educate stakeholders about the model. We will hold model participants accountable for the accuracy and timeliness of prior authorization determinations through quality adjustments to model payments and we will also monitor for downstream impacts on quality and outcomes. If a prior authorization request is not affirmed, and the claim is still submitted by the provider or supplier, the claim will be denied and the providers/suppliers as well as beneficiaries will retain their administrative appeal rights.

CMS is also exploring implementation of "gold carding" which is a process to exempt compliant providers/suppliers from the prior authorization process and expanded pre-payment review processes. Such an exemption acknowledges providers'/suppliers' resource limitations and reduces burden for compliant providers while enforcing prior authorization for aberrant billers, meeting our fiduciary obligation to protect the Medicare Trust Fund. We would likely leverage and align with existing exemptions policies in place for the CMS' OPD prior authorization program. A provider/supplier could be exempt from prior authorization if they achieve a prior authorization provisional affirmation threshold of 90 percent during a periodic assessment, thereby demonstrating a sufficient understanding of the requirements for submitting an accurate claim. Under such an approach, 100 percent compliance may not be necessary as there could be unintentional or sporadic errors that could occur that are not deliberate or a result of issues out of the provider's/supplier's control. We could withdraw an exemption if evidence became available, based on a review of claims, that the provider/supplier had begun to submit claims that are not payable based on FFS Medicare's billing, coding, or payment requirements during a periodic assessment.

Given the model participants in WISeR will be third-party entities, CMS privacy and security policies will govern data sharing under the model.

Model participants will be required to comply with all applicable data privacy and security laws, including relevant provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy, Security, and Breach Notification Rules (45 CFR parts 160 and 164, subparts A through E) (HIPAA Rules). By performing prior authorization functions on behalf of the Medicare FFS health plan that involve protected health information (PHI), the model participants will be serving as business associates (see 45 CFR 160.103). A business associate relationship will be established between CMS's Medicare FFS health plan and the model participants which will be documented through valid business associate agreements (BAA) that comply with the requirements of the HIPAA Privacy Rule (see 45 CFR 164.502(e) and 164.504(e)). Currently, MACs also function as business associates to CMS's Medicare FFS health plan. CMS will develop the WISER model's data sharing policies in compliance with the HIPAA Rules and all relevant HIPAA guidance applicable to the use and disclosure of PHI, as well as CMS's overarching privacy and security framework, and other applicable federal laws and regulations.

Additional information is available on the WISER website at <https://www.cms.gov/priorities/innovation/innovation-models/wiser>.

III. Collection of Information Requirements

Section 1115A(d)(3) of the Act, as added by section 3021 of the Affordable Care Act, states that chapter 35 of title 44, United States Code (the Paperwork Reduction Act of 1995), shall not apply to the testing and evaluation of models or expansion of such models under this section. Consequently, this document need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Dr. Mehmet Oz, having reviewed and approved this document, authorizes Chyana Woodyard who is the **Federal Register** Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025-12195 Filed 6-27-25; 4:15 pm]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-10433]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by September 2, 2025.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-10433—Initial Plan Data

Collection to Support QHP Certification and other Financial Management and Exchange Operations

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection:* Revision of a currently approved collection; *Title of Information Collection Request:* Initial Plan Data Collection to Support QHP Certification and other Financial Management and Exchange Operations; *Use:* As directed by the rule Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers (77 FR 18310) (Exchange rule), each Exchange is responsible for the certification and offering of Qualified Health Plans (QHPs). To offer insurance through an certification standards, such as network adequacy, inclusion of Essential Community Providers (ECPs), and non-

discrimination. The Exchange is responsible for ensuring that QHPs meet these minimum certification standards as described in the Exchange rule under 45 CFR 155 and 156, based on the Patient Protection and Affordable Care Act (PPACA), as well as other standards determined by the Exchange. Issuers can offer individual and small group market plans outside of the Exchanges that are not QHPs.

Issuers can offer individual and small group market plans outside of the Exchanges that are not QHPs. Such plans are referred to in this document as “non-Exchange.” For the risk adjustment program, administrative information is used to identify all non-grandfathered small group and individual market non-Exchange plan offerings eligible for the program. Risk adjustment also requires select data such as rating area, rating factors, and actuarial value (AV) level, to perform calculation of payments and charges.

This information collection request serves as a formal request for the revision of the data collection clearance. We intend to use the instruments in this information collection for the 2025 certification process and beyond, and believe that providing these instruments now will give issuers and other stakeholders more opportunity to familiarize themselves with the instruments before releasing the 2025 application. While we intend to use these instruments in 2025, we may propose further revisions to this data collection in the future as necessary which will include seeking comments through the full 60-day and 30-day public comment periods. *Form Number:* CMS-10433 (OMB control number: 0938-1187); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits; State, Local, or Tribal Governments; *Number of Respondents:* 1,073; *Number of Responses:* 1,073; *Total Annual Hours:* 61,154. (For questions regarding this collection, contact Alexandra Gribbin at (667) 290-9977).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025-12281 Filed 6-30-25; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Process Data for Organ Procurement and Transplantation Network, OMB No. 0906-xxxx-New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than July 31, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer at paperwork@hrsa.gov or call (301) 443-9094.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Process Data for Organ Procurement and Transplantation Network, OMB No. 0906-xxxx-New.

Abstract: Section 372 of the Public Health Service Act requires that the Secretary of HHS, by awards, provide for the establishment and operation of the Organ Procurement and Transplantation Network (OPTN), which, under oversight of the Health Resources and Services Administration (HRSA), operates the U.S. organ procurement and transplantation system. The Secretary/HRSA may direct the collection of data in accordance

with the regulatory authority in 42 CFR 121.11 of the OPTN Final Rule. HRSA, in alignment with the Paperwork Reduction Act of 1995, submits data elements for collection to OMB for official federal approval.

A 60-day Notice was published in the **Federal Register**, 89 FR 87592 (November 4, 2024). The 60-day **Federal Register** Notice publication generated 53 public comments, with the majority submitted by transplant centers. The public comments offered input to improve the quality and clarity of the data forms, including by standardizing the definitions of the terminology used on the forms and making additions and revisions to response options and categories. The respondents also provided feedback on the perceived burden of data collection. They suggested submitting these data on a quarterly, semi-annual, or annual basis, rather than in real-time, to reduce the time and staffing required to report the data to HRSA. Nearly all respondents who commented on the use of automated collection techniques supported efforts to automate data collection in these forms, including coordinating updates with Electronic Health Record vendors and other software developers. Others recommended a phased-in approach with a pilot testing period.

HRSA conducted a thorough review of all the feedback provided by the public during the 60-day publication period. HRSA will incorporate many public comments into the new forms, including through the removal and/or revision of current fields (for example, removing HIV status and Primary Insurance from the Ventilated Patient Form) and explore options to automate the data collection process and incorporate education and training for data respondents to reduce burden and ensure data quality and accuracy. Other suggestions may be further reviewed for consideration in future OMB packages or non-substantive change memos.

Need and Proposed Use of the Information: HRSA and the OPTN Board of Directors use data to develop transplant, procurement, and allocation policies; to determine whether institutional members are complying with policy; to determine member-specific performance; to ensure patient safety; and to fulfill the requirements of the OPTN Final Rule. The regulatory authority in 42 CFR 121.11 of the OPTN Final Rule allows the Secretary of HHS to prescribe data collection. This regulatory authority requires the OPTN data to be made available, consistent with applicable laws, for use by OPTN members, the Scientific Registry of

Transplant Recipients, and members of the public for evaluation, research, patient information, and other purposes.

This is a request to expand the current OPTN data collection, approved under OMB No. 0915–0157. HRSA is submitting this new data collection, separate from OMB No. 0915–0157, since it includes new forms developed in response to an HHS Secretarial Data Directive that are not in use by OPTN. HRSA believes that separating these data collections will minimize confusion, increase clarity among OPTN members and stakeholders, and enable more direct feedback on the new forms. Both data collections include time-sensitive, life-critical data on transplant candidates and potential organ donor patients, the organ matching process, histocompatibility results, organ labeling and packaging, as well as pre- and post-transplantation data on recipients and donors. The OPTN collects these specific data elements from transplant centers.

HRSA and the OPTN use this information to (1) facilitate organ placement and match donor organs with recipients; (2) monitor compliance of member organizations with federal laws and regulations and with OPTN requirements; (3) review and report periodically to the public on the status of organ donation, procurement, and transplantation in the United States; (4) provide data to researchers and government agencies to study the scientific and clinical status of organ transplantation; and (5) perform

transplantation-related public health surveillance, including the possible transmission of donor disease.

This new collection consists of three new data forms as directed by the Secretary of HHS, which were developed to improve the OPTN organ matching and allocation process and OPTN member compliance with OPTN requirements:

- One new form will collect data from the point of referral of a patient to an Organ Procurement Organization (OPO) for potential deceased organ donation. These data will provide a more objective source of information on procurement practices, the management of potential donor patients, and how these practices inform the supply of deceased donor organs available for transplant. These data may also help improve the monitoring of OPO performance, facilitating quality assurance and performance improvement efforts to reduce variation in the quality of care that OPOs provide to prospective donors and donor families.

- Two new forms will expand data collection from the point of patient registration, referral, and evaluation at transplant centers. These data will enable the collection of data from the point of referral. Pre-waitlisting data will provide insight into who is referred and by whom, who is evaluated, and who is placed on the organ transplantation waiting list. These data will also facilitate the OPTN's ability to address disparities in processes of care, improve access to organ transplantation, and assess overall system performance.

Once this collection is approved, HRSA will cease use of the Death Notification Registration and the Deceased Donor Death Referral forms that are included within the existing OMB-approved Data System for Organ Procurement and Transplantation Network OMB No. 0915–0157. HRSA decided to decommission these forms to avoid unnecessary burden and redundancy in the data collected by this package and the existing OMB data collection instrument.

Likely Respondents: Transplant Centers, OPOs, and Histocompatibility Laboratories.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

The total estimated burden hours for this Secretary of HHS directed data collection is 252,216.84 hours.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form No.	Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
1	Pre-Waitlist Transplant Referral Form	248	1,164.68	288,840.64	0.35	101,094.22
2	Pre-Waitlist Transplant Evaluation Form	248	594.22	147,366.56	0.40	58,946.62
3	Ventilated Patient Form	56	3,292.00	184,352.00	0.47	86,645.44.00
	Total	552	.....	620,559.20	.....	246,686.28

The average burden estimates for both new pre-waitlist forms are based on the 2023 burden estimates of existing OMB-approved Transplant Candidate Registration forms, which were approved under OMB control number 0915–0157. The average burden estimate of the Ventilated Patient Form is based on the average burden estimate of the 2024 burden estimates of the existing OMB-approved Death Notification Registration form, with an additional 0.08 hour per collected form burden to reflect an increase in total

data fields. The burden estimate for the Ventilated Patient Form has decreased since the publication of the 60-day **Federal Register** Notice due to the removal of measures from the form in response to public comment.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–12211 Filed 6–30–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group, Population based Research in Infectious Disease Study Section.

Date: July 30–31, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: James T. Snyder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities/ Room 3G31B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC 9834, Bethesda, MD 20892–9834, (240) 669–5060, james.snyder@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Limited Competition: National Primate Research Centers (P51).

Date: July 30–August 1, 2025.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Elaine Sierra-Rivera, Ph.D., IRG Chief, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, Bethesda, MD 20892, (301) 435–2514, riverase@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Language, Cognition, Learning and Rehabilitation.

Date: July 31, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: DeAnna L. Adkins, Ph.D., Scientific Review Officer, Scientific Review Branch, NSC Building, Bethesda, MD 20892, 301–496–9223, deanna.adkins@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Macromolecular Biophysics & Biological Chemistry SEP.

Date: July 31, 2025.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shan Wang, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–4390, shan.wang@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Centers of Biomedical Research Excellence (COBRE) Phase 1.

Date: July 31–August 1, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Kaitlyn N. Hardell, MPH, Ph.D., Scientific Review Officer, SRB, NIA, Scientific Review Branch, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 594–7945, kaitlyn.hardell@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; HIV and AIDS Research.

Date: July 31–August 1, 2025

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Louis A. Rosenthal, Ph.D., AB Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Rm 3G42B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5070 rosenthalla@niaid.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in basic neurovascular biology, neurodegeneration, and neurological disorders.

Date: August 1, 2025.

Time: 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Gagan Deep Bajaj, Scientific Review Officer, National Institute on Drug Abuse, NIH, Scientific Review Branch, 11601 Landsdown Street, 3WF Room 09A01, Bethesda, MD 20892, (301) 402–6965, gagan.bajaj@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 26, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–12277 Filed 6–30–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vascular and Circulatory Sciences.

Date: July 30, 2025.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Imoh Sunday Okon, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Bethesda, MD 20892, (301) 347–8881, imoh.okon@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–23–110: Biomedical Technology Optimization and Dissemination Center (BTOD) (RM1).

Date: July 30, 2025.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Editorial Board.

Contact Person: Zarana Patel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–9295, zarana.patel@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Career Transition and Development Awards.

Date: July 31–August 1, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, (301) 435-0912, malindakm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA-AT-25-002: Complementary and Integrative Health Approaches To Improve Maternal Health Outcomes.

Date: July 31, 2025.

Time: 4:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Cheryl K. Nordstrom, Ph.D., MPH Scientific Review Officer, NIDDK/Scientific Review Branch, National Institutes of Health, 6707 Democracy Blvd., Room 7013, Bethesda, MD 20892, 301-402-6711, cheryl.nordstrom@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Clinical Trials.

Date: August 1, 2025.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rupali Das, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-0023, rupali.das@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Career Development Awards SEP A.

Date: August 1, 2025

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9606, Bethesda, MD 20892-9606, 301-443-4525, steinerr@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Advancing Genomic Medicine Research and Supporting Early Career Researchers in Genomics.

Date: August 4-5, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Marcienne Wright, Ph.D., Scientific Review Officer, National Institutes of General Medical Sciences, Scientific Review Branch, 45 Center Drive, Bethesda, MD 20892, (301) 827-7635 marci.wright@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Topics in HIV and Substance Abuse, the Influence of Sex Hormones, Neuropathology and Immunodeficient Aging.

Date: August 4, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vishakha Sharma, Ph.D., Scientific Review Officer, NIH/NIAID/DEA/SRP/ARB, BG 5601FL RM 3G34, 5601 Fishers LN, Rockville, MD 20852, 301-761-7036, vishakha.sharma@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Computational Approaches for Data Curation, Biomedical Informatics and Data Science.

Date: August 4-5, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Alexander O. Komendantov, Ph.D., MS, Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Blvd., Bethesda, MD 20892, (301) 451-3397, alexander.komendantov@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Transplantation, Immunology and Autoimmunity.

Date: August 4, 2025.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Anuja Mathew, Ph.D., Scientific Review Officer, NIAID/SRP, BG 5601FL RM 3G58, 5601 Fishers Lane, Rockville, MD 20852, (301) 761-6911, anuja.mathew@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 27, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-12278 Filed 6-30-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies Federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

FOR FURTHER INFORMATION CONTACT:

Anastasia Flanagan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240-276-2600 (voice); Anastasia.Flanagan@samhsa.hhs.gov (email).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) publishes a notice listing all HHS-certified laboratories and Instrumented Initial Testing Facilities (IITFs) in the **Federal Register** during the first week of each month, in accordance with Section 9.19 of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and Section 9.17 of the Mandatory Guidelines using Oral Fluid. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at <https://www.samhsa.gov/workplace/drug-testing-resources/certified-lab-list>.

HHS separately notifies Federal agencies of the laboratories and IITFs currently certified to meet the standards of the Mandatory Guidelines using Urine and of the laboratories currently

certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); January 23, 2017 (82 FR 7920); and on October 12, 2023 (88 FR 70768).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020, and subsequently revised in the **Federal Register** on October 12, 2023 (88 FR 70814).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for Federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards. HHS does not allow IITFs to conduct oral fluid testing.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid effective October 10, 2023 (88 FR 70814), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare *, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190, (Formerly: Gamma-Dynacare Medical Laboratories)

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

Desert Tox, LLC, 5425 E Bell Rd, Suite 125, Scottsdale, AZ, 85254, 602–457–5411/623–748–5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare *, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630, (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088. Testing for Veterans Affairs (VA) Employees Only

Omega Laboratories, Inc. *, 2150 Dunwin Drive, Unit 1 & 2, Mississauga, ON, Canada L5L 5M8, 289–919–3188

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085

Testing for Department of Defense (DoD) Employees Only

The following laboratory is voluntarily withdrawing from the National Laboratory Certification Program effective January 10, 2025:

Laboratory Corporation of America, 1225 NE 2nd Ave., Portland, OR 97323, 503–413–5295/800–950–5295, (Formerly: Legacy Laboratory Services Toxicology MetroLab)

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories continued under DOT authority. The responsibility for conducting quarterly performance

testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory as meeting the minimum standards of the current Mandatory Guidelines published in the **Federal Register**. After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program. DOT established this process in July 1996 (61 FR 37015) to allow foreign laboratories to participate in the DOT drug testing program.

Anastasia D. Flanagan,
Public Health Advisor, Division of Workplace Programs.

[FR Doc. 2025-12239 Filed 6-30-25; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds of Customs Duties

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will remain the same from the previous quarter. For the calendar quarter beginning July 1, 2025, the interest rates for underpayments will be 7 percent for both corporations and non-corporations. The interest rate for overpayments will be 7 percent for non-corporations and 6 percent for corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

DATES: The rates announced in this notice are applicable as of July 1, 2025.

FOR FURTHER INFORMATION CONTACT: Bruce Ingalls, Revenue Division, Collection Refunds & Analysis Branch, 8899 E 56th Street, Mail Stop 203J, Indianapolis, IN 46249; telephone (317) 298-1107.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: one for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2025-11, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2025, and ending on September 30, 2025. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (4%) plus three percentage points (3%) for a total of seven percent (7%) for both corporations and non-corporations. For overpayments made by non-corporations, the rate is the Federal short-term rate (4%) plus three percentage points (3%) for a total of seven percent (7%). For corporate overpayments, the rate is the Federal short-term rate (4%) plus two percentage points (2%) for a total of six percent (6%). These interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties remain the same as the previous quarter. These interest rates are subject to change for the calendar quarter beginning October 1, 2025, and ending on December 31, 2025.

For the convenience of the importing public and U.S. Customs and Border Protection personnel, the following list of IRS interest rates used, covering the period from July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate overpayments (eff. 1-1-99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate overpayments (eff. 1–1–99) (percent)
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3
100104	033105	5	5	4
040105	093005	6	6	5
100105	063006	7	7	6
070106	123107	8	8	7
010108	033108	7	7	6
040108	063008	6	6	5
070108	093008	5	5	4
100108	123108	6	6	5
010109	033109	5	5	4
040109	123110	4	4	3
010111	033111	3	3	2
040111	093011	4	4	3
100111	033116	3	3	2
040116	033118	4	4	3
040118	123118	5	5	4
010119	063019	6	6	5
070119	063020	5	5	4
070120	033122	3	3	2
040122	063022	4	4	3
070122	093022	5	5	4
100122	123122	6	6	5
010123	093023	7	7	6
100123	123124	8	8	7
010125	093025	7	7	6

Jeffrey Caine,

Chief Financial Officer, U.S. Customs and
Border Protection.

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DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2825–25; DHS Docket No. USCIS–
2014–0001]

RIN 1615–ZB70

Termination of the Designation of Haiti for Temporary Protected Status

AGENCY: U.S. Citizenship and
Immigration Services (USCIS),
Department of Homeland Security
(DHS).

ACTION: Notice.

SUMMARY: Through this notice, the
Department of Homeland Security
(DHS) announces that the Secretary of
Homeland Security (Secretary) is
terminating the designation of Haiti for
Temporary Protected Status (TPS). The
designation of Haiti is set to expire on
August 3, 2025. After reviewing country
conditions and consulting with
appropriate U.S. Government agencies,
the Secretary determined that Haiti no
longer continues to meet the conditions
for designation for TPS. The Secretary,
therefore, is terminating the TPS
designation of Haiti as required by
statute. This termination is effective
September 2, 2025. After September 2,
2025, nationals of Haiti (and aliens
having no nationality who last
habitually resided in Haiti) who have
been granted TPS under Haiti's
designation will no longer have TPS.

DATES: The designation of Haiti for TPS
is terminated, effective at 11:59 p.m.,
local time, on September 2, 2025.

FOR FURTHER INFORMATION CONTACT:
Humanitarian Affairs Division, Office of
Policy and Strategy, U.S. Citizenship
and Immigration Services, Department
of Homeland Security, (240) 721–3000.

SUPPLEMENTARY INFORMATION:

List of Abbreviations

CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland
Security
EAD—Employment Authorization Document
FR—Federal Register
FRN—Federal Register Notice
Government—U.S. Government
INA—Immigration and Nationality Act
Secretary—Secretary of Homeland Security
TPS—Temporary Protected Status
USCIS—U.S. Citizenship and Immigration
Services
U.S.C.—United States Code

What is Temporary Protected Status (TPS)?

The Immigration and Nationality Act (INA) authorizes the Secretary of Homeland Security, after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist. *See* INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1). The Secretary, in her discretion, may grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in the designated foreign state). *See* INA sec. 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary—after consultation with appropriate U.S. Government agencies—must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation. *See* INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the conditions in the foreign state continue to meet the specific statutory criteria for TPS designation, TPS will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. *See* INA sec. 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). There is no judicial review of “any determination of the [Secretary] with respect to the designation, or termination or extension of a designation of a foreign state” for TPS. INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

TPS is a temporary immigration benefit granted to eligible nationals of a country designated for TPS under the INA, or to eligible aliens without nationality who last habitually resided in the designated country. During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to work and obtain an Employment Authorization Document (EAD) so long as they continue to meet the requirements of TPS. TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. The granting of TPS does not result in or lead to lawful permanent resident status or any other immigration status. To qualify for TPS, beneficiaries must meet the

eligibility standards at INA section 244(c)(2), 8 U.S.C. 1254a(c)(2) in accordance with the implementing regulations at 8 CFR parts 244 and 1244. When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or been terminated), or any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid on the date TPS terminates.

Designation of Haiti for TPS

Haiti was initially designated for TPS on January 21, 2010, for a period of 18 months, on the basis of extraordinary and temporary conditions in Haiti that prevented nationals of Haiti from returning in safety. *See Designation of Haiti for Temporary Protected Status*, 75 FR 3476 (Jan. 21, 2010). Following the initial designation, TPS for Haiti was extended and newly designated once from July 23, 2011, through January 22, 2013, based on extraordinary and temporary conditions.¹ Thereafter, TPS for Haiti was extended three times based on extraordinary and temporary conditions: (1) from January 23, 2013, through July 22, 2014;² (2) from July 23, 2014, through January 22, 2016;³ (3) from January 23, 2016, through July 22, 2017.⁴ The Secretary then granted a six month extension of TPS from July 23, 2017, through January 22, 2018, but made clear that TPS Haiti beneficiaries should prepare for their return to Haiti in the event Haiti's designation was not extended again.⁵ Subsequently, the Secretary announced the termination of the TPS designation of Haiti effective July 22, 2019.⁶

The termination of Haiti's 2011 TPS designation was challenged in several lawsuits, and court injunctions required DHS to temporarily continue TPS for Haiti pending a final court order.⁷

Former Secretary Mayorkas newly designated Haiti on the basis of extraordinary and temporary conditions effective August 3, 2021, through February 3, 2023.⁸ Thereafter, TPS for Haiti was extended and newly designated effective February 4, 2023, and ending on August 3, 2024.⁹ In July 2024, DHS issued a notice stating that Secretary Mayorkas had once again determined to extend and newly designate Haiti for TPS for an 18-month period, set to expire on February 3, 2026.¹⁰ DHS announced in February 2025 that Secretary Noem had decided to partially vacate the June 2024 decision of Secretary Mayorkas regarding the extension and new designation of Haiti for TPS. Secretary Noem reduced the designation period from the statutory maximum of 18 months to 12 months, providing that the Haiti TPS extension and new designation will now expire on August 3, 2025.¹¹ Secretary Noem's vacatur has been challenged in at least two lawsuits.¹²

Secretary's Authority To Terminate the Designation of Haiti for TPS

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary—after consultation with appropriate U.S. Government agencies—must review the conditions in the foreign state designated for TPS to determine whether the country continues to meet the conditions for the TPS designation. *See* INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that foreign state no longer meets the conditions for the TPS designation, the Secretary must terminate the designation. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). The termination may not take effect earlier than 60 days after the date the FRN of termination is published, or if later, the expiration of the most recent previous extension of the country

¹ *See Extension and Redesignation of Haiti for Temporary Protected Status*, 76 FR 29000 (May 19, 2011).

² *See Extension of the Designation of Haiti for Temporary Protected Status*, 77 FR 59943 (Oct. 1, 2012).

³ *See Extension of the Designation of Haiti for Temporary Protected Status*, 79 FR 11808 (Mar. 3, 2014).

⁴ *See Extension of the Designation of Haiti for Temporary Protected Status*, 80 FR 51582 (Aug. 25, 2015).

⁵ *See Extension of the Designation of Haiti for Temporary Protected Status*, 82 FR 23830 (May 24, 2017).

⁶ *See Termination of the Designation of Haiti for Temporary Protected Status*, 83 FR 2648 (Jan. 18, 2018).

⁷ On December 28, 2023, the U.S. District Court for the Northern District of California dismissed

Ramos v. Nielsen, 18–cv–01554 (N.D. Cal. Dec. 28, 2023). *Bhattarai v. Nielsen*, 19–cv–731 (N.D. Cal. Mar. 12, 2019) was consolidated with *Ramos* in August 2023. The court agreed with the government position that subsequent TPS designations rendered the pending litigation moot.

⁸ *See Designation of Haiti for Temporary Protected Status*, 86 FR 41863 (Aug. 3, 2021).

⁹ *See Extension and Redesignation of Haiti for Temporary Protected Status*, 88 FR 5022 (Jan. 26, 2023).

¹⁰ *See Extension and Redesignation of Haiti for Temporary Protected Status*, 89 FR 54484 (July 1, 2024).

¹¹ *See Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti*, 90 FR 10511 (Feb. 24, 2025).

¹² *Haitian American United, Inc. v. Trump*, No. 1:25–cv–10498 (D. Mass.); *Haitian Evangelical Clergy v. Trump*, No. 1:25–cv–01464 (D. Md.).

designation. *See id.* The Secretary may determine the appropriate effective date of the termination and expiration of any TPS-related documentation, such as EADs, issued or renewed after the effective date of termination. *See id.*; *see also* INA sec. 244(d)(3), 8 U.S.C. 1254a(d)(3) (providing the Secretary the discretionary “option” to allow for a certain “orderly transition” period if she determines it to be appropriate).

Reasons for the Secretary’s Termination of the TPS Designation for Haiti

Consistent with INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A), after consulting with appropriate U.S. Government agencies, the Secretary reviewed country conditions in Haiti and considered whether Haiti continues to meet the conditions for the designation under INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C). This review included examining (a) whether extraordinary and temporary conditions in Haiti that prevent aliens who are Haitian nationals from returning to Haiti in safety continue to exist, and (b) if permitting Haitian nationals to remain temporarily in the United States is contrary to the national interest of the United States.

“National interest” is an expansive standard that may encompass an array of broad considerations, including foreign policy, public safety (e.g., potential nexus to criminal gang membership), national security, migration factors (e.g., pull factors), immigration policy (e.g., enforcement prerogatives), and economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities).¹³ Determining whether permitting a class of aliens to remain temporarily in the United States is contrary to the U.S. national interest therefore calls upon the Secretary’s expertise and discretionary judgment,

informed by her consultations with appropriate U.S. Government agencies.

Based on her review, the Secretary has determined that termination of TPS for Haiti is required because it is contrary to the national interest to permit Haitian nationals (or aliens having no nationality who last habitually resided in Haiti) to remain temporarily in the United States.

President Trump clearly articulated policy imperatives bearing upon the national interest in his immigration and border-related executive orders and proclamations. In Proclamation 10888 “Guaranteeing the States Protection Against Invasion,” President Trump emphasized that Congress has established a complex and comprehensive framework under the INA to regulate the entry and exit of aliens and goods across U.S. borders. Under normal conditions, this framework supports national sovereignty by enabling the admission of aliens whose presence serves the national interest and excluding those who may pose risks to public health, safety, or national security. However, in a high-volume border environment—particularly when the system is overwhelmed—this screening process can become ineffective. Limited access to critical information and significant processing delays hinder the ability of federal officials to reliably assess the criminal histories or national security threats posed by aliens attempting to enter the U.S. illegally. As a result, public safety and national security risks are significantly heightened in such conditions.¹⁴

In Executive Order (E.O.) 14161 “Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats,” President Trump instructed the Secretary of State, Attorney General, Secretary of Homeland Security, and Director of National Intelligence to jointly submit to the President a report that identified countries throughout the world “for which vetting and screening information is so deficient as to warrant a partial or full suspension on the admission of nationals from those countries.”¹⁵ In Proclamation “Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats,” President Trump determined to fully restrict and limit the entry of nationals from Haiti following his review of the requested report. In support of this decision, President

Trump outlined that “according to the overstay report, Haiti had a B–1/B–2 visa overstay rate of 31.38 percent and an F, M, and J visa overstay rate of 25.05 percent . . . as is widely known, Haiti lacks a central authority with sufficient availability and dissemination of law enforcement information necessary to ensure its nationals do not undermine the national security of the United States.”¹⁶

In E.O. “Protecting the American People Against Invasion,” President Trump underscored that enforcing the immigration laws “is critically important to the national security and public safety of the United States.”¹⁷ In furtherance of that objective, the President directed the Secretary, along with the Attorney General and Secretary of State, to promptly take all appropriate action, consistent with law, to rescind policies that led to increased or continued presence of illegal aliens in the United States.¹⁸ Among the directed actions are to ensure that the TPS designations are consistent with the TPS statute and “are appropriately limited in scope and made for only so long as may be necessary to fulfill the textual requirements of that statute.”¹⁹

Prior to FY2025, U.S. Border Patrol recorded a consistent year-over-year increase in encounters with Haitian nationals: 56,596 in FY2022, 163,781 in FY2023, and 220,798 in FY2024.²⁰ For several years, there has been a significant increase in the number of Haitians arriving in the United States irregularly, particularly via land. According to one report, “from 2019 through 2021, Haitians were the top nationality for migrants crossing the dangerous Darien Gap between Colombia and Panama, and they have remained among the three largest groups in 2022 and 2023.”²¹ Another report states: “the continuation of a devastating political, environmental, social, and economic situation . . . in Haiti guarantees an unbroken chain migration, particularly to the United States and Canada; and when combined with already heavy backlogs in

¹³ *See, e.g., Poursina v. USCIS*, 936 F.3d 868, 874 (9th Cir. 2019) (observing, in an analogous INA context, “that the ‘national interest’ standard invokes broader economic and national-security considerations, and such determinations are firmly committed to the discretion of the Executive Branch—not to federal courts” (citing *Trump v. Hawaii*, 585 U.S. 667, 684–86 (2018)); *Flores v. Garland*, 72 F.4th 85, 89–90 (5th Cir. 2023) (same); *Brasil v. Sec’y, Dep’t of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (same); *cf. Matter of D–J*, 23 I&N Dec. 572, 579–81 (A.G. 2003) (recognizing that taking measures to stem and eliminate possible incentives for potential large-scale migration from a given country is “sound immigration policy” and an “important national security interest”); *Matter of Dhanasar*, 26 I&N Dec. 884, 890–91 (AAO 2016) (taking into account impact on U.S. workers in “national interest” assessments).

¹⁴ 90 FR 8333.

¹⁵ 90 FR 8451.

¹⁶ 90 FR 24497.

¹⁷ E.O. 14159, *Protecting the American People Against Invasion*, sec. 1, 90 FR 8443, 8443 (Jan. 20, 2025).

¹⁸ *Id.*, sec. 16, 90 FR 8446.

¹⁹ *Id.*, sec. 16(b), 90 FR 8446.

²⁰ U.S. Customs and Border Protection, “U.S. Border Patrol and Office of Field Operations Encounters by Area of Responsibility and Component” (last updated: May 5, 2025), available at: <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

²¹ Migration Policy Institute, “Haitian Immigrants in the United States” (Nov. 8, 2023), available at: <https://www.migrationpolicy.org/article/haitian-immigrants-united-states-2022>.

processing resident status changes, a large and growing flow of Haitians will persist.”²² This pattern of large-scale irregular migration as a result of “pull factors” has continued for years. Yet another report states “misinformation about TPS eligibility and about the general availability of legal status in the United States may have been one factor for migrants trying to reach the U.S. border . . .”²³ These realities are unsustainable and inconsistent with President Trump’s outlined policy priorities as well as U.S. national interests.

Beyond migration factors and immigration policy, public safety and national security are important considerations when assessing if a TPS designation is in line with U.S. national interests. DHS records indicate that there are Haitian nationals who are TPS recipients who have been the subject of administrative investigations for fraud, public safety, and national security. These issues underscore a conflict with the national interest of the United States.

Gang violence in Haiti persists as armed groups operate with impunity, enabled by a weak or effectively absent central government. The Congressional Research Service described the situation in Haiti in a recent report: “The gangs—some of which are aligned with political elites—amassed control over territory and illicit markets amid political instability following the 2021 assassination of then-President Jovenel Moise. Since April 2024, Haiti has been governed by a Transitional Presidential Council (TPC). The TPC, tasked with governing until elections can be convened, has been plagued by allegations of corruption and infighting.”²⁴ According to Amnesty International, “Haiti is in the grip of severe humanitarian and human rights crisis. Armed gangs are striking the Port-au-Prince metropolitan area and its surroundings with terror and violence, including rape and other forms of sexual violence.”²⁵ On May 2, 2025, the

Secretary of State announced the State Department’s designation of Viv Ansanm and Gran Grif as Foreign Terrorist Organizations and Specially Designated Global Terrorists. In his announcement, the Secretary noted “Haitian gangs, including the Viv Ansanm coalition and Gran Grif, are the primary source of instability and violence in Haiti. They are a direct threat to U.S. national security interests in our region . . . their ultimate goal is creating a gang-controlled state where illicit trafficking and other criminal activities operate freely and terrorize Haitian citizens.”²⁶

Widespread gang violence in Haiti is sustained by the country’s lack of functional government authority. This breakdown in governance directly impacts U.S. national security interests, particularly in the context of uncontrolled migration. As previously outlined, when immigration flows exceed our capacity to properly vet aliens at the border, the risks are compounded by the inability to access reliable law enforcement or security information from the alien’s country of origin. The joint assessment by the Secretary of State, Secretary of Homeland Security, and Director of National Intelligence has found that Haiti lacks a functioning central authority capable of maintaining or sharing such critical information. Coupled with the serious threat posed by Haitian gangs—such as those designated by the State Department as Foreign Terrorist Organizations—continuing TPS for Haiti is not in the national interest.

This lack of government control has not only destabilized Haiti internally but has also had direct consequences for U.S. public safety. Haitian gang members have already been identified among those who have entered the United States and, in some cases, have been apprehended by law enforcement for committing serious and violent crimes. For example, in January 2025, U.S. Immigration and Customs Enforcement (ICE) apprehended Wisteguens Jean Quely Charles, a member of a violent Haitian street gang, who had been arrested, charged and convicted for 17 crimes between August 2022 and August 2024 including both “possession of and possession to distribute controlled substances, distribution of controlled substances, trespassing, carrying dangerous weapon to wit brass knuckles, possession of a

firearm without a permit, possession of ammunition without a permit, assault and battery with a dangerous weapon, assault and battery, and resisting arrest.”²⁷ This case underscores the broader risk posed by rising Haitian migration, particularly in light of multiple large-scale prison breaks in Haiti²⁸ and the increasing numbers of encounters reported by U.S. Customs and Border Protection. The inability of the previous administration to reliably screen aliens from a country with limited law enforcement infrastructure and widespread gang activity presents a clear and growing threat to U.S. public safety.

In E.O. “America First Policy Directive to the Secretary of State,” President Trump declared “from this day forward, the foreign policy of the United States shall champion core American interests and always put America and American citizens first.” Moreover, it instructed “as soon as practicable, the Secretary of State shall issue guidance bringing the Department of State’s policies, programs, personnel, and operations in line with an America First foreign policy, which puts America and its interests first.”²⁹ The current situation in Haiti is concerning. However, the United States must prioritize its national interests, which includes assessing foreign policy, public safety, national security, migration factors, immigration policy, and economic considerations. In considering

²⁷ U.S. Immigration and Customs Enforcement, “ICE ERO Boston arrests Haitian gang member with numerous convictions” (Jan. 24, 2025), available at: <https://www.ice.gov/news/releases/ice-ero-boston-arrests-haitian-gang-member-numerous-convictions>.

²⁸ See The Guardian “Haiti declares state of emergency after thousands of dangerous inmates escape” (Mar. 4, 2024) (“Haiti has declared a three-day state of emergency and a night-time curfew after armed gangs stormed the country’s two biggest jails, allowing more than 3,000 dangerous criminals, including murderers and kidnappers, to escape back on to the streets of the poor and violence-racked Caribbean nation.”), available at: <https://www.theguardian.com/world/2024/mar/04/haiti-mass-jailbreak-violence-port-au-prince-gangs>; Al Jazeera, “Haiti declares curfew after 4,000 inmates escape jail amid rising violence” (Mar. 4, 2024) (“Haiti’s government has declared a state of emergency and imposed a curfew after an explosion of gang-led violence over the weekend saw thousands of prisoners escape after assaults on the country’s two biggest prisons.”), available at: <https://www.aljazeera.com/news/2024/3/4/thousands-of-inmates-escape-prison-amid-deepening-haiti-violence>; see also Reuters, “Haiti prison break leaves 12 dead as inmates go hungry” (Aug. 16, 2024) (“A prison break in the Haitian city of Saint-Marc left 12 inmates dead on Friday, Mayor Myriam Fievre said, the third such incident in Haiti in recent months amid a protracted humanitarian crisis fueled by gang violence.”), available at: <https://www.reuters.com/world/americas/haitian-inmates-escape-prison-third-recent-jailbreak-miami-herald-says-2024-08-16/>.

²⁹ 90 FR 8337.

²² IOM, “Engaging the Haitian Diaspora” (Sept 10, 2013), available at: <https://environmentalmigration.iom.int/resources/engaging-haitian-diaspora>.

²³ Migration Policy Institute, “Haitian Migration through the Americas: A Decade in the Making” (Sept. 30, 2021), <https://www.migrationpolicy.org/article/haitian-migration-through-americas>.

²⁴ Library of Congress, Congressional Research Service, “Haiti in Crisis: Developments Related to the Multinational Security Support Mission” (June 3, 2025), available at: <https://www.congress.gov/crs-product/IN12331#:~:text=Between%20January%20and%20March%202025,attributed%20to%20gang%20related%20violence>.

²⁵ Amnesty International, “Gang Violence and Unrest in Haiti,” available at: <https://www.amnesty.org/en/projects/gang-violence-in-haiti/>.

²⁶ U.S. Department of State, “Terrorist Designations of Viv Ansanm and Gran Grif” (May 2, 2025), available at: <https://www.state.gov/releases/office-of-the-spokesperson/2025/05/terrorist-designations-of-viv-ansanm-and-gran-grif/>.

these factors individually and cumulatively, the Secretary has determined that permitting Haitian nationals to remain temporarily in the United States is contrary to the U.S. national interest.

DHS estimates there are approximately 348,187 nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) who hold TPS under Haiti's designation.³⁰

Effective Date of Termination of the Designation

The TPS statute provides that the termination of a country's TPS designation may not be effective earlier than 60 days after the FRN is published or, if later, the expiration of the most-recent previous extension. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

The TPS statute authorizes the Secretary, at her discretion, to allow for an extended "orderly transition" period with respect to the termination and the expiration of any TPS-related documentation, such as EADs. The Secretary, however, has determined in her discretion that a 60-day transition period is sufficient and warranted here given the Secretary's finding that continuing to permit the Haitian nationals to remain temporarily in the United States is contrary to the U.S. national interest. Moreover, adhering to the default statutory 60-day period for orderly transition is consistent with the precedent of previous TPS country terminations over the past few months and makes clear that the United States is committed to clarity and consistency. *See* INA sec. 244(d)(3), 8 U.S.C. 1254a(d)(3). Accordingly, the termination of the Haiti TPS designation will be effective 60 days from this notice's publication date.³¹

DHS recognizes that Haiti TPS beneficiaries continue to be employment authorized during the 60-day transition period.³² Accordingly, through this FRN, DHS automatically

extends the validity of certain EADs previously issued under the TPS designation of Haiti through September 2, 2025. Therefore, as proof of continued employment authorization through September 2, 2025, TPS beneficiaries can show their EADs that have the notation A-12 or C-19 under Category and a "Card Expires" date of February, 3, 2026, August 3, 2025, August 3, 2024, June 30, 2024, February 3, 2023, December 31, 2022, October 4, 2021, January 4, 2021, January 2, 2020, July 22, 2019, January 22, 2018, or July 22, 2017.

The Secretary has considered putative reliance interests in the Haiti TPS designation, especially when considering whether to allow for an additional transition period akin to that allowed under certain previous TPS terminations. Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed, and TPS notices clearly notify aliens of the designations' expiration dates, and whether to allow for an orderly transition period is left to the Secretary's unfettered discretion. *See* INA sec. 244(b)(3), (d)(3); 8 U.S.C. 1254a(b)(3), (d)(3). The statute inherently contemplates advance notice of a termination by requiring timely publication of the Secretary's determination and delaying the effective date of the termination by at least 60 days after publication of a **Federal Register** notice of the termination or, if later, the existing expiration date. *See* INA sec. 244(b)(3)(A)–(B), (d)(3); 8 U.S.C. 1254a(b)(3)(A)–(B), (d)(3).

Notice of the Termination of the TPS Designation of Haiti

By the authority vested in me as Secretary under INA section 244(b)(3), 8 U.S.C. 1254a(b)(3), I have reviewed, in consultation with the appropriate U.S. Government agencies, (a) conditions in Haiti; and (b) whether permitting the nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) to remain temporarily in the United States is contrary to the national interest of the United States. Based on my review, I have determined that Haiti no longer continues to meet the conditions for Temporary Protected Status (TPS) under INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).

Accordingly, I order as follows:

(1) Pursuant to INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(1)(B), and considering INA section 244(d)(3), 8 U.S.C. 1254a(d)(3), the designation of Haiti for TPS is terminated effective at

11:59 p.m., local time, on September 2, 2025.

(2) Information concerning the termination of TPS for nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) will be available at local USCIS office upon publication of this notice and through the USCIS Contact Center at 1-800-375-5283. This information will be published on the USCIS website at www.uscis.gov.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2025-12224 Filed 6-27-25; 4:15 pm]

BILLING CODE 9111-97-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-627 and 629 and 731-TA-1458-1461 (Review)]

Utility Scale Wind Towers From Canada, Indonesia, South Korea, and Vietnam; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the countervailing duty orders on utility scale wind towers from Canada and Vietnam and the antidumping duty orders on utility scale wind towers from Canada, Indonesia, South Korea, and Vietnam would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted July 1, 2025. To be assured of consideration, the deadline for responses is July 31, 2025. Comments on the adequacy of responses may be filed with the Commission by September 10, 2025.

FOR FURTHER INFORMATION CONTACT: Laurel Schwartz (202-205-2398), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

³⁰ As of May 1, 2025, approximately 15,578 of these Haitian nationals (and aliens having no nationality who last habitually resided in Haiti) are also approved as Lawful Permanent Residents. Data queried by Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality [May 2025].

³¹ *See* 8 CFR 244.19 ("Upon the termination of designation of a foreign state, those nationals afforded temporary Protected Status shall, upon the sixtieth (60th) day after the date notice of termination is published in the **Federal Register**, or on the last day of the most recent extension of designation by the [Secretary of Homeland Security], automatically and without further notice or right of appeal, lose Temporary Protected Status in the United States. Such termination of a foreign state's designation is not subject to appeal.")

³² *See* INA 244(a)(1)(B), 8 U.S.C. 1254a(a)(1)(B); *see also* 8 CFR 244.13(b).

General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On August 26, 2020, the Department of Commerce (“Commerce”) issued countervailing duty orders on imports of utility scale wind towers from Canada, Indonesia, and Vietnam (85 FR 52543) and antidumping duty orders on utility scale wind towers from Canada, Indonesia, South Korea, and Vietnam (85 FR 52546). On January 7, 2022, Commerce revoked the countervailing duty order on utility scale wind towers from Indonesia following a U.S. Court of International Trade decision not in harmony with Commerce's final determination of the countervailing duty investigation on utility scale wind towers from Indonesia (87 FR 2137, January 13, 2025). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Canada, Indonesia, South Korea, and Vietnam.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations, the Commission defined a single *Domestic Like Product* consisting of wind towers coextensive with the scope of the investigations.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all U.S. producers of wind towers.

(5) The *Order Date* is the date that the countervailing and antidumping duty orders under review became effective. In these reviews, the *Order Date* is August 26, 2020.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on

this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on July 31, 2025. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on September 10, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with

the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 25–5–645, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject*

Merchandise from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the "NOI worksheet" Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing and antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject*

Country that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date*.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2024, except as noted (report quantity data in towers and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the

following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in towers and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in towers and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 24, 2025.

Lisa Barton, *Secretary to the Commission.*

[FR Doc. 2025-11841 Filed 6-30-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-771 and 731-TA-1755 (Preliminary)]

Oleoresin Paprika From India; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing

duty investigation Nos. 701-TA-771 and 731-TA-1755 (Preliminary) pursuant to the Tariff Act of 1930 ("the Act") to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of oleoresin paprika from India, provided for in subheadings 3203.00.80 and 3301.90.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of India. Unless the Department of Commerce ("Commerce") extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by August 11, 2025. The Commission's views must be transmitted to Commerce within five business days thereafter, or by August 18, 2025.

DATES: June 25, 2025.

FOR FURTHER INFORMATION CONTACT:

Stamen Borisson (202-205-3125), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on June 25, 2025, by Rezolex, Ltd. Co., Las Cruces, New Mexico.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary

to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on July 16, 2025. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before noon on July 14, 2025. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the

Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on July 21, 2025, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on July 16, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: June 27, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–12283 Filed 6–30–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–499–500 and 731–TA–1215–1216, 1221–1223 (Second Review)]

Oil Country Tubular Goods From India, South Korea, Turkey, Ukraine, and Vietnam; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (“the Act”), as amended, to determine whether revocation of the countervailing duty orders on oil country tubular goods from India and Turkey, and the antidumping duty orders on oil country tubular goods from India, South Korea, Turkey, Ukraine, and Vietnam would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted July 1, 2025. To be assured of consideration, the deadline for responses is July 31, 2025. Comments on the adequacy of responses may be filed with the Commission by September 10, 2025.

FOR FURTHER INFORMATION CONTACT: Peter Stebbins (202–205–2039), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On July 10, 2014, the Department of Commerce (“Commerce”) suspended an antidumping duty

investigation on imports of oil country tubular goods from Ukraine (79 FR 41959, July 18, 2014). On September 10, 2014, Commerce issued countervailing duty orders on imports of oil country tubular goods from India and Turkey (79 FR 53688) and antidumping duty orders on imports of oil country tubular goods from India, South Korea, Turkey, and Vietnam (79 FR 53691). On July 10, 2019, Commerce terminated the suspension agreement and issued an antidumping duty order on imports of oil country tubular goods from Ukraine (84 FR 33918, July 16, 2019). Following the five-year reviews by Commerce and the Commission, effective August 12, 2020, Commerce issued a continuation of the countervailing duty orders on imports of oil country tubular goods from India and Turkey and the antidumping duty orders on imports of oil country tubular goods from India, South Korea, Turkey, Ukraine, and Vietnam (85 FR 48665). The Commission is now conducting second reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are India, South Korea, Turkey, Ukraine, and Vietnam.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations and full five-year review determinations, the Commission defined the *Domestic Like Product* as all oil country tubular goods, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and full five-year review determinations, the Commission defined the *Domestic Industry* to include all U.S. producers of oil country tubular goods, including both mills that produce oil country tubular goods and processors that engage in heat treatment.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008).

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith,

Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on July 31, 2025. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on September 10, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and

207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 25–5–643, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one

Subject Country; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the "NOI worksheet" Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing and antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have

exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2024, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm's(s')

operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 24, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-11859 Filed 6-30-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-449 and 731-TA-1118-1121 (Third Review)]

Light-Walled Rectangular Pipe and Tube From China, Mexico, South Korea, and Turkey; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine

whether revocation of the countervailing duty order on light-walled rectangular pipe and tube from China and the antidumping duty orders on light-walled rectangular pipe and tube from China, Mexico, South Korea, and Turkey would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted July 1, 2025. To be assured of consideration, the deadline for responses is July 31, 2025.

Comments on the adequacy of responses may be filed with the Commission by September 10, 2025.

FOR FURTHER INFORMATION CONTACT:

Kenneth Gatten (202-708-1447), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On May 30, 2008, the Department of Commerce ("Commerce") issued an antidumping duty order on imports of light-walled rectangular pipe and tube from Turkey (73 FR 31065). On August 5, 2008, Commerce issued a countervailing duty order on imports of light-walled rectangular pipe and tube from China (73 FR 45405) and antidumping duty orders on imports of light-walled rectangular pipe and tube from China, Mexico, and South Korea (73 FR 45403). Commerce issued a continuation of the countervailing duty order on imports of light-walled rectangular pipe and tube from China and antidumping duty orders on imports of light-walled rectangular pipe and tube from China, Mexico, South Korea, and Turkey following Commerce's and the Commission's first five-year reviews, effective June 23, 2014 (79 FR 35522) and second five-year reviews, effective August 4, 2020 (85 FR 47169). The Commission is now conducting third five-year reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the

orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are China, Mexico, South Korea, and Turkey.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations and its full first and second five-year reviews, the Commission defined a single *Domestic Like Product* consisting of light-walled rectangular pipe and tube, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its full first and second five-year review determinations, the Commission defined the *Domestic Industry* to consist of all U.S. producers of light-walled rectangular pipe and tube.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the

Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008).

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for

information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on July 31, 2025. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on September 10, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the

OMB number is 3117-0016/USITC No. 25–5–648, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided In Response To This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term “firm” includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the “NOI worksheet” Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a

U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2024, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic*

Like Product accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*,

provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above

definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 24, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–11837 Filed 6–30–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–607 and 731–TA–1417 and 1419 (Review)]

Steel Propane Cylinders From China and Thailand

Determinations

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the countervailing duty order on steel propane cylinders from China and the antidumping duty orders on steel propane cylinders from China and Thailand would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on July 1, 2024 (89 FR 54531), and determined on October 4, 2024, that it would conduct full reviews (89 FR 84193, October 21, 2024). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 31, 2024 (89 FR 107162). The Commission conducted its hearing on May 1, 2025. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

completed and filed its determinations in these reviews on June 26, 2025. The views of the Commission are contained in USITC Publication 5638 (June 2025), entitled *Steel Propane Cylinders from China and Thailand: Investigation Nos. 701–TA–607 and 731–TA–1417 and 1419 (Review)*.

By order of the Commission.

Issued: June 26, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–12227 Filed 6–30–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–986–987 (Fourth Review)]

Ferrovanadium From China and South Africa; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the antidumping duty orders on ferrovanadium from China and South Africa would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted July 1, 2025. To be assured of consideration, the deadline for responses is July 31, 2025. Comments on the adequacy of responses may be filed with the Commission by September 10, 2025.

FOR FURTHER INFORMATION CONTACT: Alec Resch (202–708–1448), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On January 28, 2003, the Department of Commerce (“Commerce”) issued antidumping duty orders on imports of ferrovanadium from China and South Africa (68 FR 4168 and 4169). Commerce issued a continuation of the antidumping duty orders on imports of ferrovanadium from China and South Africa following Commerce’s and the Commission’s first five-year reviews, effective December 19, 2008 (73 FR 77609), second five-year reviews, effective February 18, 2015 (80 FR 8607), and third five-year reviews, effective August 20, 2020 (85 FR 51408). The Commission is now conducting fourth reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission’s Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission’s determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are China and South Africa.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations, its full first and second five-year review determinations, and its expedited third five-year review determinations, the Commission found a single *Domestic Like Product* consisting of ferrovanadium of all grades coextensive with Commerce’s scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, its full first and second five-year review determinations, and its expedited third

five-year review determinations, the Commission defined the *Domestic Industry* as all U.S. producers of the *Domestic Like Product*. The Commission did not include tollees in the *Domestic Industry* in its original determinations, full first and second five-year review determinations, and expedited third five-year review determinations, but considered the information pertaining to the domestic industry’s tolling operations. One Commissioner defined a different *Domestic Industry* in the original investigations.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission’s rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission’s designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008).

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith,

Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission’s rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission’s rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter’s knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission’s rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on July 31, 2025. Pursuant to § 207.62(b) of the Commission’s rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on September 10, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission’s rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and

207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 25–5–647, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response To This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one

Subject Country; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the "NOI worksheet" Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have

exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2024, except as noted (report quantity data in pounds of contained vanadium and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm's(s')

operations on that product during calendar year 2024 (report quantity data in pounds of contained vanadium and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in pounds of contained vanadium and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand

conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 24, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–11838 Filed 6–30–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1020 (Fourth Review)]

Barium Carbonate From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (“the Act”), as amended, to determine whether revocation of the antidumping duty order on barium carbonate from China would be likely to lead to continuation or recurrence of material

injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted July 1, 2025. To be assured of consideration, the deadline for responses is July 31, 2025.

Comments on the adequacy of responses may be filed with the Commission by September 10, 2025.

FOR FURTHER INFORMATION CONTACT:

Camille Bryan (202–205–2811), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On October 1, 2003, the Department of Commerce (“Commerce”) issued an antidumping duty order on imports of barium carbonate from China (68 FR 56619). Commerce issued a continuation of the antidumping duty order on imports of barium carbonate from China following Commerce's and the Commission's first five-year reviews, effective March 17, 2009 (74 FR 11348), second five-year reviews, effective February 17, 2015 (80 FR 8286), and third five-year reviews, effective August 20, 2020 (85 FR 51409). The Commission is now conducting a fourth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full or expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determination, its expedited first five-year review determination, its full second five-year review determination, and its expedited third five-year review determination, the Commission defined one *Domestic Like Product* consisting of all barium carbonate, regardless of form or grade, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, its expedited first five-year review determination, its full second five-year review determination, and its expedited third five-year review determination, the Commission defined the *Domestic Industry* as all domestic producers of barium carbonate, regardless of form or grade, coextensive with Commerce's scope.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding

underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008).

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract

personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on July 31, 2025. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is 5:15 p.m. on September 10, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 25–5–642, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested

party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided In Response To This Notice of Institution

As used below, the term “firm” includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC’s website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the “NOI worksheet” Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of

subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm’s operations on that product during calendar year 2024, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm’s(s’) operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm’s(s’) imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm’s(s’) operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to

operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 24, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-11831 Filed 6-30-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1153 (Third Review)]

Certain Tow-Behind Lawn Groomers and Parts Thereof From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the antidumping duty order on certain tow-behind lawn groomers and parts thereof from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted July 1, 2025. To be assured of consideration, the deadline for responses is July 31, 2025. Comments on the adequacy of responses may be filed with the Commission by September 10, 2025.

FOR FURTHER INFORMATION CONTACT: Alexis Yim (202-708-1446), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On August 3, 2009, the Department of Commerce ("Commerce") issued an antidumping duty order on imports of certain tow-behind lawn groomers and parts thereof from China (74 FR 38395). Commerce issued a continuation of the antidumping duty order on imports of certain tow-behind lawn groomers and parts thereof from China following Commerce's and the Commission's first five-year reviews, effective February 4, 2015 (80 FR 6049) and second five-year reviews, effective August 3, 2020 (85 FR 46586). The Commission is now conducting a third

five-year review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full or expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determination, expedited first five-year review determination, and expedited second five-year review determination, the Commission defined a single *Domestic Like Product* encompassing the continuum of certain tow-behind lawn groomers and parts thereof coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as all domestic producers of certain tow-behind lawn groomers and parts thereof, with the exception of one producer, which was excluded from the domestic industry as a related party. Certain Commissioners defined the *Domestic Industry* differently. In its expedited first five-year review determination and expedited second five-year review determination, the Commission defined the *Domestic Industry* as all domestic producers of certain tow-behind lawn groomers and parts thereof.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into

the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained

by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on July 31, 2025. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is 5:15 p.m. on September 10, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 25–5–644, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided in Response to This Notice of Institution: As used below, the term "firm" includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the "NOI worksheet" Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group,

a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Like Product* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2024, except as noted (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject*

Merchandise in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in units and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above

definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 24, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–11842 Filed 6–30–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–417 and 731–TA–953, 957–959, and 961 (Fourth Review)]

Carbon and Certain Alloy Steel Wire Rod From Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (“the Act”), as amended, to determine whether revocation of the countervailing duty order on carbon and certain alloy steel wire rod (“wire rod”) from Brazil and the antidumping duty orders on wire rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad & Tobago would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted July 1, 2025. To be assured of consideration, the deadline for responses is July 31, 2025. Comments on the adequacy of responses may be filed with the Commission by September 10, 2025.

FOR FURTHER INFORMATION CONTACT: Caitlyn Costello (202–205–2058), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On October 22, 2002, the Department of Commerce (“Commerce”) issued a countervailing duty order on imports of wire rod from Brazil (67 FR 64871). On October 29, 2002, Commerce issued antidumping duty orders on imports of wire rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad & Tobago (67 FR 65944–65947). Commerce issued a continuation of the orders following Commerce's and the Commission's first five-year reviews, effective July 30, 2008 (73 FR 44218), second five-year reviews, effective July 3, 2014 (79 FR 38008), and third five-year reviews, effective August 27, 2020 (85 FR 52953). The Commission is now conducting fourth reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Brazil, Indonesia, Mexico, Moldova, and Trinidad & Tobago.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations and its full first, second, and third five-year review determinations, the Commission found a single *Domestic Like Product* encompassing all wire rod, including

grade 1080 tire cord and grade 1080 tire bead wire rod that Commerce excluded from the scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its full first, second, and third five-year review determinations, the Commission found a single *Domestic Industry* consisting of all domestic producers of wire rod, including grade 1080 tire cord and grade 1080 tire bead wire rod.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was

pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on July 31, 2025. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on September 10, 2025. All written submissions must conform with the provisions of § 201.8 of the

Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 25–5–646, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution

If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the "NOI worksheet" Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in

§ 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2024, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently

completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 24, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–11836 Filed 6–30–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–372]

Exempt Chemical Preparations Under the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Order with opportunity for comment.

SUMMARY: The applications for exempt chemical preparations received by the Drug Enforcement Administration between March 1, 2023, and March 31, 2025, as listed below, were accepted for filing and have been approved or denied as indicated.

DATES: Comments must be submitted electronically or postmarked on or before September 2, 2025.

ADDRESSES: Interested persons may file written comments on this order in accordance with 21 CFR 1308.23(e). The electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period. To ensure proper handling of comments, please reference “Docket No. DEA–372” on all correspondence, including any attachments.

- *Electronic comments:* The Drug Enforcement Administration (DEA) encourages that all comments be submitted through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a comment tracking number, your comment has been successfully submitted and there is no need to resubmit the same comment.

- *Paper comments:* Paper comments that duplicate the electronic submission are not necessary and are discouraged. Should you wish to mail a comment *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152.

- *Paperwork Reduction Act Comments:* All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comment refers to Docket No. DEA–1189.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Ph.D., Diversion Control Division, Drug Enforcement

Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362–8201.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. DEA will make comments available for public inspection online at <http://www.regulations.gov>. Such information includes personal or business identifiers (such as name, address, state or Federal identifiers, etc.) voluntarily submitted by the commenter. Generally, all information voluntarily submitted by the commenter, unless clearly marked as Confidential Information in the method described below, will be publicly posted. Comments may be submitted anonymously. The Freedom of Information Act applies to all comments received.

Commenters submitting comments which include personal identifying information (PII), confidential, or proprietary business information that the commenter does not want made publicly available should submit two copies of the comment. One copy must be marked “CONTAINS CONFIDENTIAL INFORMATION” and should clearly identify all PII or business information the commenter does not want to be made publicly available, including any supplemental materials. DEA will review this copy, including the claimed PII and confidential business information, in its consideration of comments. The second copy should be marked “TO BE PUBLICLY POSTED” and must have all claimed confidential PII and business information already redacted. DEA will post only the redacted comment on <http://www.regulations.gov> for public inspection.

For easy reference, an electronic copy of this document and supplemental information to this proposed scheduling action are available at <http://www.regulations.gov>.

Legal Authority

Section 201 of the Controlled Substances Act (CSA) (21 U.S.C. 811) authorizes the Attorney General, by regulation, to exempt from certain provisions of the CSA certain compounds, mixtures, or preparations containing a controlled substance, if he finds that such compounds, mixtures, or preparations meet the requirements detailed in 21 U.S.C. 811(g)(3)(B).¹ DEA

regulations at 21 CFR 1308.23 and 1308.24 further detail the criteria by which the DEA Assistant Administrator may exempt a chemical preparation or mixture from certain provisions of the CSA. The Assistant Administrator may, pursuant to 21 CFR 1308.23(f), modify or revoke the criteria by which exemptions are granted and modify the scope of exemptions at any time.

Exempt Chemical Preparation Applications Submitted Between March 1, 2023, and March 31, 2025

DEA received applications between March 1, 2023, and March 31, 2025, requesting exempt chemical preparation status detailed in 21 CFR 1308.23. This publication addresses preparations through September 30, 2023, that were not included in previous **Federal Register** notices, and it does not affect preparations that have been previously published. Pursuant to the criteria stated in 21 U.S.C. 811(g)(3)(B) and in 21 CFR 1308.23, the Assistant Administrator has found that each of the compounds, mixtures, and preparations described in Chart I below is intended for laboratory, industrial, educational, or special research purposes and not for general administration to a human being or animal and either: (1) contains no narcotic controlled substance and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse; or (2) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration that the preparation or mixture does not present any potential for abuse and, if the preparation or mixture contains a narcotic controlled substance, is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused or have ill effects, if abused, and so that the narcotic substance cannot in practice be removed.

Accordingly, pursuant to 21 U.S.C. 811(g)(3)(B), 21 CFR 1308.23, and 21 CFR 1308.24, the Assistant Administrator has determined that each of the chemical preparations or mixtures generally described in Chart I below and specifically described in the application materials received by DEA is exempt, to the extent described in 21 CFR 1308.24, from application of sections 302, 303, 305, 306, 307, 308, 309, 1002, 1003, and

¹ This authority has been delegated from the Attorney General to the DEA Administrator by 28 CFR 0.100, and subsequently redelegated to the

Deputy Assistant Administrator pursuant to 28 CFR 0.104 and Section 7 of the appendix to subpart R of part 0.

1004 (21 U.S.C. 822–823, 825–829, and 952–954) of the CSA, and 21 CFR 1301.74, as of the date that was provided in the approval letters to the individual requesters.

Scope of Approval

The exemptions are applicable only to the precise preparation or mixture described in the application submitted to DEA in the form(s) listed in this order and only for those above mentioned sections of the CSA and the CFR. In accordance with 21 CFR 1308.24(h), any change in the quantitative or qualitative composition of the preparation or mixture, or change in the trade name or other designation of the preparation or mixture after the date of application

requires a new application. The requirements set forth in 21 CFR 1308.24(b)–(e) apply to the exempted materials. In accordance with 21 CFR 1308.24(g), DEA may prescribe requirements other than those set forth in 21 CFR 1308.24(b)–(e) on a case-by-case basis for materials exempted in bulk quantities. Accordingly, in order to limit opportunities for diversion from the larger bulk quantities, DEA has determined that each of the exempted bulk products listed in this order may only be used in-house by the manufacturer, and may not be distributed for any purpose, or transported to other facilities.

Additional exempt chemical preparation requests received between

March 1, 2023, and March 31, 2025, and not otherwise referenced in this order, may remain under consideration until DEA receives additional information required, pursuant to 21 CFR 1308.23(d), as detailed in separate correspondence to individual requesters. DEA's order on such requests will be communicated to the public in a future **Federal Register** publication.

DEA also notes that these exemptions are limited to exemption from only those sections of the CSA and the CFR that are specifically identified in 21 CFR 1308.24(a). All other requirements of the CSA and the CFR apply, including registration as an importer as required by 21 U.S.C. 957.

CHART I

Supplier name	Product name	Form	Application date
(AAB–MLE) American Association of Bioanalysts-Medical Laboratory Evaluation.	(AAB–MLE) Chemistry	Amber vial: 5 mL	8/7/2024
(API) American Proficiency Institute	(API) Chemistry	Amber vial: 5 mL	8/7/2024
(API) American Proficiency Institute	(API) Remedial Chemistry	Amber vial: 5 mL	8/7/2024
(WSLH) Wisconsin Laboratory of Hygiene.	(WSLH) Chemistry/Endocrinology/TDM	Amber vial: 5 mL	8/7/2024
(WSLH) Wisconsin Laboratory of Hygiene.	(WSLH) Chemistry-Waived	Amber vial: 5 mL	8/7/2024
Aalto Scientific, Ltd. | Eatonton	Linearity FD Immunoassay for Abbott Systems	Kit: 5 vials, 5 mL each	8/22/2024
Aalto Scientific, Ltd. | Eatonton	Linearity FD Immunoassay for Abbott Systems Level A	Glass vial: 5 mL	8/22/2024
Aalto Scientific, Ltd. | Eatonton	Linearity FD Immunoassay for Abbott Systems Level B	Glass vial: 5 mL	8/22/2024
Aalto Scientific, Ltd. | Eatonton	Linearity FD Immunoassay for Abbott Systems Level C	Glass vial: 5 mL	8/22/2024
Aalto Scientific, Ltd. | Eatonton	Linearity FD Immunoassay for Abbott Systems Level D	Glass vial: 5 mL	8/22/2024
Aalto Scientific, Ltd. | Eatonton	Linearity FD Immunoassay for Abbott Systems Level E	Glass vial: 5 mL	8/22/2024
Absolute Standards, Inc	(+/-)-Amphetamine PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	(+/-)-Amphetamine-D5 PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	(+/-)-MDA PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	(+/-)-MDA-D5 PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	(+/-)-MDMA-D5 PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	(+/-)-Methamphetamine PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	(+/-)-Methamphetamine-D5 PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	(6aR,9S)-Δ10-THC, 10 µg/g, in Hemp oil:Acetone:Acetonitrile [5:4:1]	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	6-Acetylmorphine PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	6-Acetylmorphine-D3 PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Alprazolam PT, 1–100 µg/mL, in Methanol	Glass ampoule: 1 mL	12/6/2024
Absolute Standards, Inc	Alprazolam-D5 PT, 1–100 µg/mL, in Methanol	Glass ampoule: 1 mL	12/6/2024
Absolute Standards, Inc	Amobarbital PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Benzoyllecgonine PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Benzoyllecgonine-D3 PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Buprenorphine PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Buprenorphine, 10 µg/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Buprenorphine, 100 µg/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Buprenorphine, 1000 µg/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Butabarbital PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Butalbital PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	CA CRM Standard Mix 1—Acids/Acetates, 10 µg/g, in Hemp oil:Acetone:Acetonitrile [5:4:1].	Glass vial: 1 g	11/21/2024
Absolute Standards, Inc	CA CRM Standard Mix 1—Acids/Acetates, 10 µg/mL, in Acetonitrile	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	CA CRM Standard Mix 1—Acids/Acetates, 18 µg/mL, in Acetonitrile	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	CA CRM Standard Mix 2—Neutrals, 10 µg/g, in Hemp oil:Acetone:Acetonitrile [5:4:1].	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	CA CRM Standard Mix 2—Neutrals, 10 µg/mL, in Methanol	Glass vial: 1 g	11/21/2024
Absolute Standards, Inc	CA CRM Standard Mix 2—Neutrals, 18 µg/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Calibrator Mix, Varied µg/L, in Methanol	Glass vial: 1 g	11/21/2024
Absolute Standards, Inc	Cannabis PT in Hemp Oil, Varied µg/g, in Hemp Oil:Acetone:Acetonitrile [5:4:1].	Glass ampoule: 1 g	6/21/2024
Absolute Standards, Inc	Carfentanil PT, 1–100 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Carfentanil, 100 µg/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Chlordiazepoxide PT, 1–1000 µg/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	cis-Δ9-THC, 10 µg/g, in Hemp oil:Acetone:Acetonitrile [5:4:1]	Glass vial: 1 g	11/21/2024
Absolute Standards, Inc	cis-Δ9-THC, 100 µg/mL, in Acetonitrile	Glass vial: 1 g	11/21/2024
Absolute Standards, Inc	Clonazepam PT, 1–100 µg/mL, in Methanol	Glass ampoule: 1 mL	12/6/2024
Absolute Standards, Inc	Clonazepam-D4 PT, 1–100 µg/mL, in Methanol	Glass ampoule: 1 mL	12/6/2024
Absolute Standards, Inc	Cocacethylene PT, 1–1000 µg/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Cocaine PT, 1–100 µg/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
Absolute Standards, Inc	Cocaine-D3 PT, 1–100 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Codeine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Codeine-6-β-D-glucuronide PT, 1–1000 ug/mL, in Acetonitrile:Water [1:1]	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Codeine-D3 PT, 1–1000 ug/mL, in Ethanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	d,l-MDMA PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	d,l-Methadone PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	d,l-Methadone-D3 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Diazepam PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Diazepam-D5 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Dihydrocodeine, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Dihydrocodeine, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Diphenoxylate hydrochloride, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	d-Propoxyphene PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Estazolam PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Ethylmorphine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Etonitazene PT, 1–100 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Etonitazene, 100 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	exo-THC PT, Varied ug/mL, in Methanol	Glass ampoule: 1 mL	12/8/2023
Absolute Standards, Inc	exo-THC, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	12/8/2023
Absolute Standards, Inc	Fentanyl PT, 1–100 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Fentanyl, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Fentanyl, Cocaine, & Xylazine PT, Varied ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Fentanyl-D5 PT, 1–100 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Flunitrazepam PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Flunitrazepam-D7 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Gamma Hydroxybutyrate (GHB) PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Heroin PT, 1–1000 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Hexobarbital PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Hydrocodone (+)-bitartrate salt PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Hydrocodone PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Hydrocodone-D3 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Hydromorphone PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Hydromorphone-D3 PT, 1–1000 ug/mL, in Methanol Glass ampoule	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Isotonitazene PT, 1–100 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Isotonitazene, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Ketamine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Lorazepam PT, 1–100 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	12/6/2024
Absolute Standards, Inc	Meperidine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Methaqualone PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Methaqualone-D7 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Methohexital PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Methylphenidate PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Metonitazene PT, 1–100 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Metonitazene, 100 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Midazolam PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Morphine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Morphine, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Morphine, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Morphine-6-β-D-glucuronide PT, 1–1000 ug/mL, in Acetonitrile:Water [1:1]	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Morphine-6-β-D-glucuronide, 100 ug/mL, in Acetonitrile:Water [1:1]	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Morphine-6-β-D-glucuronide, 1000 ug/mL, in Acetonitrile:Water [1:1]	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Morphine-D3 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Morphine-D3, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Morphine-D3, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norbuprenorphine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Norbuprenorphine, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norbuprenorphine, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norbuprenorphine, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norbuprenorphine-D3 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Norcocaine, 1000 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Nordiazepam PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Norfentanyl PT, 1–100 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Norfentanyl, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norfentanyl, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norfentanyl, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norhydrocodone, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norhydrocodone, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Norhydrocodone, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Noroxycodone, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Noroxycodone, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Noroxycodone, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Oxazepam PT, 1–1000 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Oxazepam-D5 PT, 1–1000 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Oxycodone PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Oxycodone-D6 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Oxymorphone PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Oxymorphone-D3 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Pentobarbital PT, 1–100 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
Absolute Standards, Inc	Pentobarbital-D5 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Phencyclidine (PCP) PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Phencyclidine-D5 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Phenobarbital PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Phentermine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Prazepam PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Protonitazene PT, 1–100 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Protonitazene, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	R(–)-Amphetamine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	R(–)-Methamphetamine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	S(+)-Amphetamine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	S(+)-Methamphetamine PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	SC Labs Drug Mix, Varied ug/L, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Secobarbital PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Secobarbital-D5 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Tapentadol, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Tapentadol, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Tapentadol, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Tapentadol-D3, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Tapentadol-D3, 100 ug/mL, in Methanol	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Tapentadol-D5, 10 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Tapentadol-D5, 100 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Temazepam PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Temazepam-D5 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Total THC Calibration in Hemp Oil-Acids, 100 ug/g, in Hemp oil:Acetone:Acetonitrile [5:4:1]	Glass vial: 1 g	11/21/2024
Absolute Standards, Inc	Total THC Calibration in Hemp Oil-Neutrals, 100 ug/g, in Hemp oil:Acetone:Methanol [5:4:1]	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Tramadol PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Triazolam PT, 1–100 ug/mL, in Methanol	Glass ampoule: 1 mL	12/6/2024
Absolute Standards, Inc	Zolpidem PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Zolpidem, 10 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Δ8-iso-THC, 10 ug/g, in Hemp oil:Acetone:Acetonitrile [5:4:1]	Glass ampoule: 1 mL	11/21/2024
Absolute Standards, Inc	Δ8-iso-THC, 100 ug/mL, in Acetonitrile	Glass vial: 1 g	11/21/2024
ARK Diagnostics, Inc	ARK HS Benzodiazepine II 100 Cutoff Calibrator (Kit Reference Number 5073–0002–02)	Kit: 2 Dropper vials, 10 mL each	12/18/2023
ARK Diagnostics, Inc	ARK HS Benzodiazepine II 200 Cutoff Calibrator (Kit Reference Number 5073–0002–03)	Kit: 2 Dropper vials, 10 mL each	12/18/2023
ARK Diagnostics, Inc	ARK HS Benzodiazepine II Calibrator (Kit Reference Number 5073–0002–00)	Kit: 5 Dropper vials, 10 mL each	12/18/2023
ARK Diagnostics, Inc	ARK HS Benzodiazepine II Control (150/250) (Kit Reference Number 5073–0003–01)	Kit: 4 Droppers vials, 10 mL each	12/18/2023
ARK Diagnostics, Inc	ARK HS Benzodiazepine II Control (75/125) (Kit Reference Number 5073–0003–00)	Kit: 4 Dropper vials, 10 mL each	12/18/2023
Ark Diagnostics, Inc	ARK™ Zopiclone Calibrator (Kit Reference Number 5043–0002–00)	5 Dropper Vials, 10 ml each	7/8/2024
ARK Diagnostics, Inc	ARK™ Zopiclone Calibrator (Kit Reference Number 5043–0002–00R)	5 Dropper Vials, 10 ml each	7/8/2024
ARK Diagnostics, Inc	ARK™ Zopiclone Calibrator A–E	Kit: 5 Dropper Vials, 10 ml each	2/10/2025
ARK Diagnostics, Inc	ARK™ Zopiclone Calibrator C (Cutoff)	Kit: 2 Dropper Vials, 10 ml each	2/10/2025
ARK Diagnostics, Inc	ARK™ Zopiclone Calibrator C (Cutoff) (Kit Reference Number 5043–0002–02)	2 Dropper Vials, 10 ml each	7/8/2024
ARK Diagnostics, Inc	ARK™ Zopiclone Calibrator C (Cutoff) (Kit Reference Number 5043–0002–02R)	2 Dropper Vials, 10 ml each	7/8/2024
ARK Diagnostics, Inc	ARK™ Zopiclone Control	Kit: 4 Dropper Vials, 10 ml each	2/10/2025
ARK Diagnostics, Inc	ARK™ Zopiclone Control (Kit Reference Number 5043–0003–00)	4 Dropper Vials, 10 ml each Kit: 2 Dropper Vials, 10 ml each	7/8/2024
ARK Diagnostics, Inc	ARK™ Zopiclone Control (Kit Reference Number 5043–0003–00R)	4 Dropper Vials, 10 ml each	7/8/2024
Audit MicroControls	Linearity FLQ Fertility Siemens Atellica	Kit: 10 vials, 2 mL each	10/9/2023
Audit MicroControls	Linearity FLQ Fertility Siemens Atellica Set 2 Level A	Vial: 2 mL	10/9/2023
Audit MicroControls	Linearity FLQ Fertility Siemens Atellica Set 2 Level B	Vial: 2 mL	10/9/2023
Audit MicroControls	Linearity FLQ Fertility Siemens Atellica Set 2 Level C	Vial: 2 mL	10/9/2023
Audit MicroControls	Linearity FLQ Fertility Siemens Atellica Set 2 Level D	Vial: 2 mL	10/9/2023
Audit MicroControls	Linearity FLQ Fertility Siemens Atellica Set 2 Level E	Vial: 2 mL	10/9/2023
Audit MicroControls, Inc	Control FD Immunoassay	Kit: 6 glass vials, 3 mL each	2/25/2025
Audit MicroControls, Inc	Control FD Immunoassay Level 1	2 glass vials, 3 mL each	2/25/2025
Audit MicroControls, Inc	Control FD Immunoassay Level 2	2 glass vials, 3 mL each	2/25/2025
Audit MicroControls, Inc	Control FD Immunoassay Level 3	2 glass vials, 3 mL each	2/25/2025
Audit MicroControls, Inc	Linearity FD Fertility Siemens Atellica	Kit: 10 vials; 3 mL each	10/11/2024
Audit MicroControls, Inc	Linearity FD Fertility Siemens Atellica, Set 2 Level A	Glass vial: 3 mL	10/11/2024
Audit MicroControls, Inc	Linearity FD Fertility Siemens Atellica, Set 2 Level B	Glass vial: 3 mL	10/11/2024
Audit MicroControls, Inc	Linearity FD Fertility Siemens Atellica, Set 2 Level C	Glass vial: 3 mL	10/11/2024
Audit MicroControls, Inc	Linearity FD Fertility Siemens Atellica, Set 2 Level D	Glass vial: 3 mL	10/11/2024
Audit MicroControls, Inc	Linearity FD Fertility Siemens Atellica, Set 2 Level E	Glass vial: 3 mL	10/11/2024
Audit MicroControls, Inc	Linearity FLQ TDM for Beckman AU	Kit: 5 vials, 4 mL each	12/18/2023
Audit MicroControls, Inc	Linearity FLQ TDM for Beckman AU Level A	Vial: 4 mL	12/18/2023
Audit MicroControls, Inc	Linearity FLQ TDM for Beckman AU Level B	Vial: 4 mL	12/18/2023
Audit MicroControls, Inc	Linearity FLQ TDM for Beckman AU Level C	Vial: 4 mL	12/18/2023
Audit MicroControls, Inc	Linearity FLQ TDM for Beckman AU Level D	Vial: 4 mL	12/18/2023
Audit MicroControls, Inc	Linearity FLQ TDM for Beckman AU Level E	Vial: 4 mL	12/18/2023
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC288	Glass vial/Plastic bottle: 5 mL, 10 mL, 20 mL, 25 mL, 50 mL	11/29/2023

CHART I—Continued

Supplier name	Product name	Form	Application date
Biochemical Diagnostics, Inc	Salivabuse Custom Liquid Control Oral Fluid OF30	Glass vial/Plastic bottle: 5 mL, 10 mL, 20 mL, 25 mL, 50 mL.	11/29/2023
Cayman Chemical Company	(±)-Methadone-d9 (CRM) 1 mg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	(±)-Methadone-d9 (CRM) 100 µg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	1 mg/ml Chlordiazepoxide-D5 in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	100 µg/ml Chlordiazepoxide-D5 in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	1-Testosterone (exempt preparation) 1.0 mg/mL in acetonitrile	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	1-Testosterone (exempt preparation) 1.0 mg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	2-methyl AP-237 (hydrochloride) (CRM) 1.0 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	2-methyl AP-237-d7 (hydrochloride) (CRM) 100 µg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	3,4-Methylenedioxy-α-Cyclohexylaminopropiophenone (hydrochloride) (exempt preparation) 1 mg/ml in Methanol.	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	3,4-Methylenedioxy-α-propylaminobutiophenone (hydrochloride) (exempt preparation) 1 mg/ml in Methanol.	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	4-fluoro MDMB-BUTINACA (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	4-fluoro MDMB-BUTINACA-d4 (exempt preparation) 1 mg/mL in Methanol.	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	ADB-4en-PINACA (CRM) 1 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	ADB-4en-PINACA-d4 (CRM) 1 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	ADB-4en-PINACA-d4 (CRM) 100 µg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	ADB-BUTINACA-d9 (CRM) 1 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	ADB-FUBINACA (exempt preparation) 1.0 mg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	ADB-FUBINACA (exempt preparation) 1.0 mg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Allopregnanolone (exempt preparation) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Allopregnanolone (exempt preparation) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Anhydroecgonine methyl ester (exempt preparation) 1.0 mg/mL in acetonitrile.	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Anhydroecgonine methyl ester (exempt preparation) 1.0 mg/mL in methanol.	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Boldenone (exempt preparation) 1.0 mg/mL in acetonitrile	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Boldenone (exempt preparation) 1.0 mg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Butonitazene (exempt preparation) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Butonitazene (exempt preparation) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Chloral hydrate (exempt preparation) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Chloral hydrate (exempt preparation) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Chlordiazepoxide (CRM) 1 mg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Chlordiazepoxide (CRM) 100 µg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Clobazam (CRM) 1 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	Clobazam (CRM) 100 µg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	Clonazepam (CRM) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Clonazepam (CRM) 100 µg in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Clonazepam-d4 (CRM) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Clonazepam-d4 (CRM) 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Clonitazene (exempt preparation) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Clonitazene (exempt preparation) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	D-Amphetamine (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Delorazepam (CRM) 100 µg/mL in acetonitrile	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Delorazepam-13C-d4 (CRM) 100 µg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Delorazepam-d4 (CRM) 100 µg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Diclazepam (CRM) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Diclazepam (CRM) 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Diclazepam-13C2-d4 (CRM) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Diclazepam-13C2-d4 (CRM) 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Diclazepam-d4 (CRM) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Diclazepam-d4 (CRM) 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Drostanolone (exempt preparation) 1.0 mg/mL in acetonitrile	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Drostanolone (exempt preparation) 1.0 mg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Etizolam (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etizolam (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etizolam-13C2-d4 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etizolam-13C2-d4 (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etizolam-d4 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etizolam-d4 (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etodesnitazene (CRM) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Etodesnitazene (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Etodesnitazene-d5 (citrate) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etodesnitazene-d5 (citrate) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etodesnitazene-d5 (CRM) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Etodesnitazene-d5 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Etodesnitazene-d5 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Etodesnitazene-d5 100 µg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Etodesnitazene-d5 100 µg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Etonitazene (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etonitazene-d5 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etonitazene-d5 (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etonitazene-d5 (hydrochloride) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Etonitazene-d5 (hydrochloride) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Eutylone-d5 (hydrochloride) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Eutylone-d5 (hydrochloride) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	exo-Tetrahydrocannabinol (exo-THCP) (exempt preparation) 1 mg/mL in Methanol.	Glass Vial: 1.0 mL	7/22/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
Cayman Chemical Company	exo-Tetrahydrocannabiphinol (exo-THCP) (exempt preparation) 100 µg/mL in Methanol.	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	exo-Tetrahydrocannabivarin (exempt preparation) 1 mg/mL in Methanol	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	exo-Tetrahydrocannabivarin (exempt preparation) 100 µg in Methanol	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Flualprazolam (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flualprazolam (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flualprazolam-d4 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flualprazolam-d4 (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flubromazolam (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flubromazolam (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flubromazolam-13C2-d4 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flubromazolam-13C2-d4 (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flubromazolam-d4 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flubromazolam-d4 (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Flunitrazepam (CRM) 1 mg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Flunitrazepam (CRM) 1 mg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Flunitrazepam (CRM) 500 µg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Flunitrazepam (CRM) 500 µg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	lbogaine (hydrochloride) (CRM) 1 mg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	lbogaine (hydrochloride) (CRM) 100 µg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Isopregnanolone (exempt preparation) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Isopregnanolone (exempt preparation) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Ketamine-d4 (CRM) 1 mg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Ketamine-d4 (CRM) 100 µg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Lorazepam (CRM) 1.0 mg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Lorazepam (CRM) 500 µg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Lormetazepam (CRM) 100 µg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	LSB (exempt preparation) 25 µg/ml in Acetonitrile	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	LSB (exempt preparation) 50 µg/ml in Acetonitrile	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	MDMB-4en-PINACA (CRM) 1.0 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	MDMB-4en-PINACA-d4 (CRM) 1.0 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	Mesterolone (exempt preparation) 1.0 mg/mL in acetonitrile	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Mesterolone (exempt preparation) 1.0 mg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Methiopropamine (hydrochloride) (exempt preparation) 1 mg/mL in Methanol.	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Methohexital (exempt preparation) 1 mg/ml in Acetonitrile	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Methohexital (exempt preparation) 1 mg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Methylnortestosterone (exempt preparation) 1.0 mg/mL in acetonitrile	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Methylnortestosterone (exempt preparation) 1.0 mg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Metodesnitazene (hydrochloride) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Metodesnitazene (hydrochloride) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Metodesnitazene-d3 (hydrochloride) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Metodesnitazene-d3 (hydrochloride) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Metonitazene-d3 (citrate) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Metonitazene-d3 (citrate) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Metonitazene-d3 (CRM) 100 µg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	MMB-CHMICA (exempt preparation) 1.0 mg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	MMB-CHMICA (exempt preparation) 1.0 mg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	N,N-Dimethylpentylone (hydrochloride) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	N,N-Dimethylpentylone-d6 (hydrochloride) (CRM) 1 mg/mL in Methanol	Glass ampule: 1.0 mL	11/21/2023
Cayman Chemical Company	N,N-Dimethylpentylone-d6 (hydrochloride) (CRM) 100 µg/mL in Methanol.	Glass ampule: 1.0 mL	11/21/2023
Cayman Chemical Company	N-Isopropyl butylone (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	N-Isopropyl butylone (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	N-Isopropyl butylone-d7 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	N-Isopropyl butylone-d7 (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Norhydrocodone-d3 (hydrochloride) (CRM) 1 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	Norhydrocodone-d3 100 µg/mL in methanol (hydrochloride) (CRM)	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	Noroxymorphone (hydrochloride) (CRM) 1.0 mg/mL in methanol:DMSO (80:20).	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Noroxymorphone (hydrochloride) (CRM) 1.0 mg/mL in methanol:DMSO (80:20).	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Noroxymorphone-d3 (hydrochloride) (CRM) 1.0 mg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Noroxymorphone-d3 (hydrochloride) (CRM) 1.0 mg/mL in methanol:DMSO (80:20).	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Noroxymorphone-d3 (hydrochloride) (CRM) 100 µg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Noroxymorphone-d3 (hydrochloride) (CRM) 100 µg/mL in methanol:DMSO (80:20).	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	N-Pyrrolidino etonitazene-d5 (CRM) 1.0 mg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	N-Pyrrolidino etonitazene-d5 (CRM) 100 µg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	ortho-methoxy Butyryl fentanyl (hydrochloride) (exempt preparation) 100 µg/ml in Methanol.	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	ortho-Methylfentanyl-d5 (exempt preparation) 100 µg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	ortho-Methylfentanyl-d5 (hydrochloride) (exempt preparation) 100 µg/mL in methanol.	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Oxymetholone (exempt preparation) 1 mg/mL in acetonitrile	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Oxymetholone (exempt preparation) 1 mg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Para-methylfentanyl (hydrochloride) (exempt preparation) 100 µg/mL in methanol.	Glass Ampule: 1 mL	5/20/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
Cayman Chemical Company	Pentylone-d3 (hydrochloride) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Pentylone-d3 (hydrochloride) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Perampanel (CRM) 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Perampanel (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Phytocannabinoid Mixture California Potency (CRM) 1 mg/ml ea in Acetonitrile.	Glass ampule: 0.5 mL	11/21/2023
Cayman Chemical Company	Phytocannabinoid Mixture California Potency (CRM) 500 µg/ml ea in Acetonitrile.	Glass ampule: 1.0 mL	11/21/2023
Cayman Chemical Company	Protonitazene (citrate) (CRM) 1.0 mg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Protonitazene (citrate) (CRM) 100 µg/mL in methanol	Glass vial: 1 mL	7/25/2024
Cayman Chemical Company	Protonitazene (CRM) 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	2/11/2025
Cayman Chemical Company	Protonitazene-d7 (hydrochloride) (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Protonitazene-d7 (hydrochloride) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Retigabine (exempt preparation) 1 mg/ml in Acetonitrile	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Retigabine (exempt preparation) 1 mg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Retigabine (hydrochloride) (exempt preparation) 1 mg/ml in Acetonitrile	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Retigabine (hydrochloride) (exempt preparation) 1 mg/ml in Methanol	Glass ampule: 1.0 mL	8/1/2023
Cayman Chemical Company	Triazolam-13C2-d4 (CRM) 100 µg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Triazolam-d4 (CRM) 100 µg/mL in methanol	Glass Ampule: 1 mL	5/20/2024
Cayman Chemical Company	Zolpidem-d7 (CRM) 1 mg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	Zolpidem-d7 (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	α-PHP-d8 (hydrochloride) (CRM) 100 µg/mL in Methanol	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	α-PHP-d8 (hydrochloride) 1 mg/mL in Methanol (CRM)	Glass ampule: 1 mL	1/23/2024
Cayman Chemical Company	α-Pyrrolidinoisohexanophenone 1.0 mg/mL in methanol	Glass Ampule: 1 mL	3/12/2025
Cayman Chemical Company	Δ10-THC Mixture (CRM) 1 mg/mL in ACN	Glass ampule: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ10-THC Mixture (CRM) 500 µg/mL ea in ACN	Glass ampule: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THC Propionate (exempt preparation) 1 mg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THC Propionate (exempt preparation) 100 µg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THCB Acetate (exempt preparation) 1 mg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THCB Acetate (exempt preparation) 100 µg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THCBA-A (CRM) 1 mg/mL in acetonitrile	Glass ampule: 1.0 mL	11/18/2023
Cayman Chemical Company	Δ8-THCBA-A (CRM) 100 µg/mL in acetonitrile	Glass ampule: 1.0 mL	11/18/2023
Cayman Chemical Company	Δ8-THCH Acetate (exempt preparation) 1 mg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THCH Acetate (exempt preparation) 100 µg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THCP Acetate (exempt preparation) 1 mg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THCP Acetate (exempt preparation) 100 µg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ8-THCPA-A (CRM) 1 mg/mL in acetonitrile	Glass ampule: 1.0 mL	11/18/2023
Cayman Chemical Company	Δ8-THCPA-A (CRM) 100 µg/mL in acetonitrile	Glass ampule: 1.0 mL	11/18/2023
Cayman Chemical Company	Δ9-THC Propionate (exempt preparation) 1 mg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ9-THC Propionate (exempt preparation) 100 µg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ9-THCB Acetate (exempt preparation) 1 mg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ9-THCB Acetate (exempt preparation) 100 µg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ9-THCH Acetate (exempt preparation) 1 mg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ9-THCH Acetate (exempt preparation) 100 µg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ9-THCP Acetate (exempt preparation) 1 mg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cayman Chemical Company	Δ9-THCP Acetate (exempt preparation) 100 µg/mL in Acetonitrile	Glass Vial: 1.0 mL	7/22/2024
Cerilliant Corporation	9(S)-delta6a,10a-THC 1.0 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Butonitazene-13C6 HCl 0.1 mg/mL as free base in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Clonazepam 1.0 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Clonazepam-D4 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Delta9-Tetrahydrocannabinol 1.0 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Delta9-Tetrahydrocannabinolic acid B (THCA-B) (1.0 mg/mL)	Amber ampule: 1 mL	3/1/2023
Cerilliant Corporation	Diclazepam 1.0 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Diclazepam-D4 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Etizolam 1.0 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Etizolam-D3 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Flualprazolam 1.0 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Flualprazolam-D4 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Flubromazolam 1.0 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Flubromazolam-13C2,15N 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	7/26/2023
Cerilliant Corporation	Flunitazene HCl 1.0 mg/mL as free base in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Flunitazene-13C6 HCl 0.1 mg/mL as free base in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Levomethorphan 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Metonitazene-13C6 HCl 0.1 mg/mL (as free base) in 1 mL solvent	Amber ampule: 1 mL	2/20/2024
Cerilliant Corporation	N-piperidinyl etonitazene HCl 1.0 mg/mL (as free base) in 1 mL solvent	Amber ampule: 1 mL	1/15/2025
Cerilliant Corporation	N-Piperidinyl etonitazene-13C6 HCl 0.1 mg/mL as free base in 1 mL Solvent.	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Oripavine 1.0 mg/mL in 1 mL solvent	Amber ampule: 1 mL	1/15/2025
Cerilliant Corporation	Oripavine-D3 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Protonitazene HCl 1.0 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Protonitazene-13C6 HCl 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Cerilliant Corporation	Thebaine-D3 0.1 mg/mL in 1 mL Solvent	Amber ampule: 1 mL	3/14/2025
Chemtos, LLC	2,4-DMMC HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	2-MEC HCl (1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	2-MEC-d3 HCl (0.1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	2-MEC-d3 HCl (1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	2-MMC HCl (1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	2-MMC-d3 HCl (0.1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	2-MMC-d3 HCl (1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	3,4-Dimethyl-alpha-PVP HCl (1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025

CHART I—Continued

Supplier name	Product name	Form	Application date
Chemtos, LLC	3,4-Dimethyl-alpha-PVP-d8 HCl (0.1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	3,4-DMEB HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	3Et-Methcathinone HCl (1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	3-MePPP HCl 1 mL in 1mg/ml in methanol	Amber ampule: 1 mL	8/12/2024
Chemtos, LLC	4Et-PVP HCl 1 mL in 1mg/ml in methanol	Amber ampule: 1 mL	8/12/2024
Chemtos, LLC	4-Me-alpha-PiHP HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	4-Me-iHEX HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	4-Me-PBP HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	alpha-PiHP HCl 1 mL in 1mg/ml in methanol	Amber ampule: 1 mL	8/12/2024
Chemtos, LLC	alpha-PiHP-d8 HCl (0.1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	alpha-PiHP-d8 HCl (1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	ANPP—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Bufotenine—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Bufotenine-d6—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Desomorphine—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Desomorphine-d3—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	DMPVP HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Hexylone HCl 1 mL in 1mg/ml in methanol	Amber ampule: 1 mL	8/12/2024
Chemtos, LLC	MDPT(tBuONE) HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Methedrone HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Nabilone 1 mL in 1mg/ml in methanol	Amber ampule: 1 mL	8/12/2024
Chemtos, LLC	Nabilone-d6 1 mL in 0.1mg/ml in methanol	Amber ampule: 1 mL	8/12/2024
Chemtos, LLC	Nabilone-d6 1 mL in 1mg/ml in methanol	Amber ampule: 1 mL	8/12/2024
Chemtos, LLC	NEIH HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	NIPP HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	NIPP-d5 HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	NIPP-d5 HCl (1 mg/mL in methanol)	Amber ampule: 1 mL	1/9/2025
Chemtos, LLC	NPP HCl—Certified Analytical Reference Standard solution	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	N-Propylcathinone HCl—Certified Analytical Reference Standard solution.	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Serdexmethylphenidate—Certified Analytical Reference Standard solution.	Amber ampule: 1 mL	3/22/2024
Chemtos, LLC	Serdexmethylphenidate-d6—Certified Analytical Reference Standard solution.	Amber ampule: 1 mL	3/22/2024
Chromsystems	Internal Standard Set Mass Tox® Drugs of Abuse Testing in urine (96046—RUO).	4 vials, 1 mL each Glass vial: 5 mL	8/2/2024
Chromsystems	System Check Solution MassTox® Drugs of Abuse Testing in urine (96012—RUO).	Glass vial: 1 mL	8/2/2024
Chromsystems	Tuning Mix 1 MassTox® Drugs of Abuse Testing Analytes and Internal Standards (96015—RUO).	Glass vial: 1 mL	8/2/2024
Chromsystems	Tuning Mix 2 MassTox® Drugs of Abuse Testing Analytes and Internal Standards (96016—RUO).	Glass vial: 1 mL	8/2/2024
Chromsystems	Tuning Mix 3 MassTox® Drugs of Abuse Testing Analytes and Internal Standards (96017—RUO).	Glass vial: 1 mL	8/2/2024
Cliniq Corporation	MCC Level 1, Part: 86005	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86005	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86011	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86011	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86017	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86017	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86023	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86023	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86029	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86029	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86035	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86035	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86041	Vial/Bottle: 1,000 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86041	Vial/Bottle: 1,000 ml	1/12/2024
Cliniq Corporation	MCC Level 1, Part: 86047	Vial/Bottle: 2,000 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86006	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86006	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86012	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86012	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86018	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86018	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86024	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86024	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86030	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86030	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86036	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86036	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86042	Vial/Bottle: 1,000 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86042	Vial/Bottle: 1,000 ml	1/12/2024
Cliniq Corporation	MCC Level 2, Part: 86048	Vial/Bottle: 2,000 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86007	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86007	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86013	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86013	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86019	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86019	Vial/Bottle: 50 ml	1/12/2024

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Supplier name	Product name	Form	Application date
Cliniq Corporation	MCC Level 3, Part: 86025	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86025	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86031	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86031	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86037	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86037	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86043	Vial/Bottle: 1,000 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86043	Vial/Bottle: 1,000 ml	1/12/2024
Cliniq Corporation	MCC Level 3, Part: 86049	Vial/Bottle: 2,000 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86008	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86008	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86014	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86014	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86020	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86020	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86026	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86026	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86032	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86032	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86038	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86038	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86044	Vial/Bottle: 1,000 ml	1/12/2024
Cliniq Corporation	MCC Level 4, Part: 86050	Vial/Bottle: 2,000 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86009	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86009	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86015	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86015	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86021	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86021	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86027	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86027	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86033	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86033	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86039	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86039	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86045	Vial/Bottle: 1,000 ml	1/12/2024
Cliniq Corporation	MCC Level 5, Part: 86051	Vial/Bottle: 2,000 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86010	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86010	Vial/Bottle: 5 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86016	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86016	Vial/Bottle: 10 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86022	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86022	Vial/Bottle: 50 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86028	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86028	Vial/Bottle: 100 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86034	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86034	Vial/Bottle: 250 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86040	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86040	Vial/Bottle: 500 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86046	Vial/Bottle: 1,000 ml	1/12/2024
cliniqa Corporation	Multi Constituent Calibrator (MCC) Level 1	Bottle/vial: 5 mL to 2000 mL	1/21/2025
cliniqa Corporation	Multi Constituent Calibrator (MCC) Level 2	Bottle/vial: 5 mL to 2000 mL	1/21/2025
cliniqa Corporation	Multi Constituent Calibrator (MCC) Level 3	Bottle/vial: 5 mL to 2000 mL	1/21/2025
cliniqa Corporation	Multi Constituent Calibrator (MCC) Level 4	Bottle/vial: 5 mL to 2000 mL	1/21/2025
cliniqa Corporation	Multi Constituent Calibrator (MCC) Level 5	Bottle/vial: 5 mL to 2000 mL	1/21/2025
cliniqa Corporation	Multi Constituent Calibrator (MCC) Level 6	Bottle/vial: 5 mL to 2000 mL	1/21/2025
Cliniq Corporation	TDM + MTX Control Level 1, Part: 83737-M	Vial: 5 ml	1/8/2024
Cliniq Corporation	TDM + MTX Control Level 2, Part: 83738-M	Vial: 5 ml	1/8/2024
Cliniq Corporation	TDM + MTX Control Level 3, Part: 83739-M	Vial: 5 ml	1/8/2024
College of American Pathologists (CAP).	2025 NOB-01	HDPE bottles: 15 mL	8/13/2024
College of American Pathologists (CAP).	2025 NOB-02	HDPE bottles: 15 mL	8/13/2024
College of American Pathologists (CAP).	2025 NOB-03	HDPE bottles: 15 mL	8/13/2024
College of American Pathologists (CAP).	2025 NOB-04	HDPE bottles: 15 mL	8/13/2024
College of American Pathologists (CAP).	2025 NOB-05	HDPE bottles: 15 mL	8/13/2024
College of American Pathologists (CAP).	2025 NOB-06	HDPE bottles: 15 mL	8/13/2024
College of American Pathologists (CAP).	2025 SCDD-01	HDPE bottles: 10 mL	8/13/2024
College of American Pathologists (CAP).	2025 SCDD-02	HDPE bottles: 10 mL	8/13/2024
College of American Pathologists (CAP).	2025 SCDD-03	HDPE bottles: 10 mL	8/13/2024
College of American Pathologists (CAP).	2025 SCDD-04	HDPE bottles: 10 mL	8/13/2024
College of American Pathologists (CAP).	2025 SCDD-05	HDPE bottles: 10 mL	8/13/2024

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Supplier name	Product name	Form	Application date
College of American Pathologists (CAP)	2025 SCDD-06	HDPE bottles: 10 mL	8/13/2024
Fisher Diagnostics	ARCH PCT Ref CAL A JY6P22A-REF	LDPE Bottle: 4.42 mL	11/14/2024
Irvine Scientific	HH-4 Cell Culture Medium	Plastic bottle, 1 L, Drum, 200 L	2/24/2025
LGC	(LGC) Chemistry	Amber vial: 5 mL	8/7/2024
LGC—Dr. Ehrenstorfer	Cannabinoids Mixture 14832 100 µg/mL in Acetonitrile w/0.5% ammonia +0.2% Formic acid.	Amber ampule: 1 mL	4/12/2024
LGC—Dr. Ehrenstorfer	Custom Hormone Mixture 14910 100 µg/mL in methanol	Pack: 5 amber ampules x 1 mL	5/31/2024
LGC—Dr. Ehrenstorfer	Custom Pharmaceutical Mixture, 17331 100 µg/mL in Methanol	Box: 5 amber ampules, 1 mL each	2/18/2025
LGC Clinical Diagnostics, Inc	TDM1 ab Bulk Level 1	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ab Bulk Level 2	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ab Bulk Level 3	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ab Bulk Level 4	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ab Bulk Level 5	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ab WrkBik Level 1	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 au Bulk Level 1	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 au Bulk Level 2	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 au Bulk Level 3	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 au Bulk Level 4	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 au Bulk Level 5	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 au WrkBik Level 1	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 bc Bulk Level 1	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 bc Bulk Level 2	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 bc Bulk Level 3	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 bc Bulk Level 4	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 bc Bulk Level 5	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 bc WrkBik Level 1	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 db Bulk Level 1	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 db Bulk Level 2	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 db Bulk Level 3	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 db Bulk Level 4	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 db Bulk Level 5	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 db WrkBik level 1	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri GentC Set Bulk Level 1	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri GentC Set Bulk Level 2	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri GentC Set Bulk Level 3	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri GentC Set Bulk Level 4	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri GentC Set Bulk Level 5	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri GentC Set WrkBik Level 1	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri TDM Set Bulk Level 1	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri TDM Set Bulk Level 2	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri TDM Set Bulk Level 3	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri TDM Set Bulk Level 4	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri TDM Set Bulk Level 5	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri TDM Set WrkBik Level 1	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 vt Bulk Level 1	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 vt Bulk Level 2	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 vt Bulk Level 3	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 vt Bulk Level 4	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 vt Bulk Level 5	Glass volumetric flask, 3200 mL	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 vt WrkBik Level 1	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	VALIDATE® TDM Calibration Verification 301ab Test Set	Set: 5 LDPE Boston Round dropper bottles, 3.1 mL each.	9/5/2024
LGC Clinical Diagnostics, Inc	VALIDATE® TDM Calibration Verification 301au Test Set	Set: 5 LDPE Boston Round dropper bottles, 3.1 mL each.	9/5/2024
LGC Clinical Diagnostics, Inc	VALIDATE® TDM Calibration Verification 301bc Test Set	Set: 5 LDPE Boston Round dropper bottles, 3.1 mL each.	9/5/2024
LGC Clinical Diagnostics, Inc	VALIDATE® TDM Calibration Verification 301db Test Set	Set: 5 LDPE Boston Round dropper bottles, 3.1 mL each.	9/5/2024
LGC Clinical Diagnostics, Inc	VALIDATE® TDM Calibration Verification 301ri only Test Set	Set: 5 LDPE Boston Round dropper bottles, 3.1 mL each.	9/5/2024
LGC Clinical Diagnostics, Inc	VALIDATE® TDM Calibration Verification 301ri Test Set	Set: 5 LDPE Boston Round dropper bottles, 3.1 mL each.	9/5/2024
LGC Clinical Diagnostics, Inc	VALIDATE® TDM Calibration Verification 301vt Test Set	Set: 5 LDPE Boston Round dropper bottles, 3.1 mL each.	9/5/2024
Lin-Zhi International	6-Acetylmorphine DAU Calibrator, 6-Acetylmorphine, Cutoff Calibrator, Ref #0293.	Dropper bottle: 5 mL	11/3/2023
Lin-Zhi International	6-Acetylmorphine DAU Calibrator, 6-Acetylmorphine, Low Calibrator, Ref #0292.	Dropper bottle: 5 mL	11/3/2023
Lin-Zhi International	6-Acetylmorphine DAU Calibrator, 6-Acetylmorphine, Negative Calibrator, Ref #0299.	Dropper bottle: 5 mL	11/3/2023
Lin-Zhi International	6-Acetylmorphine DAU Control, 6-Acetylmorphine, High Calibrator, Ref #0295.	Dropper bottle: 5 mL	11/3/2023

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Supplier name	Product name	Form	Application date
Lin-Zhi International	6-Acetylmorphine DAU Control, 6-Acetylmorphine, Intermediate Calibrator, Ref #0294.	Dropper bottle: 5 mL	11/3/2023
Lin-Zhi International	6-Acetylmorphine DAU Control, 6-Acetylmorphine, Level 1 Control, Ref #0297.	Dropper bottle: 5 mL	11/3/2023
Lin-Zhi International	6-Acetylmorphine DAU Control, 6-Acetylmorphine, Level 2 Control, Ref #0298.	Dropper bottle: 5 mL	11/3/2023
Lin-Zhi International	Fentanyl Control Set	Kit: 4 dropper bottles, 15 mL each	1/15/2025
Lipomed Inc	Etizolam (1 mg/mL)	Glass ampule: 1 mL	8/9/2023
Lipomed Inc	Flualprazolam (1 mg/mL)	Glass ampule: 1 mL	8/9/2023
Microgenics Corporation	Accuracy Solution Kit Catalog number: 10013070	Kit: 16 vial, 5 mL each; 1 vial, 60 mL; 2 vials, 10mL each.	2/25/2025
Microgenics Corporation	Alinity c Benzodiazepines Semiquant Calibrator Set, Catalog Number: 10027282/09P5202.	Kit: 4 vials, 2.9 mL each	8/14/2024
Microgenics Corporation	Alinity c DOA MC I Controls, Catalog Number: 10024824/08 P6310	Kit: 4 vials, 5.0 mL each	8/14/2024
Microgenics Corporation	Alinity c DOA MC I Controls, Catalog Number: 10027284/08P6318	Kit: 4 vials, 5.0 mL each	8/14/2024
Microgenics Corporation	Alinity c DOA MC II Controls, Catalog Number: 10024825/08P6311	Kit: 4 vials, 5.0 mL each	8/14/2024
Microgenics Corporation	Alinity c DOA MC III Controls, Catalog Number: 10024826/08P6312	Kit: 2 vials, 5.0 mL each	8/14/2024
Microgenics Corporation	Alinity c DOA MC Qual Calibrator Kit 2, Catalog Number: 10026533/08P6302.	Kit: 1 vial, 2.9 mL	8/14/2024
Microgenics Corporation	Alinity c DOA MC Qual Low Calibrator Kit 1, Catalog Number: 10026529/08P6301.	Kit: 1 vial, 2.9 mL	8/14/2024
Microgenics Corporation	Alinity c DOA MC Semiquant Calibrator Kit, Catalog Number: 10026528/08P6303.	Kit: 4 vials, 2.9 mL	8/14/2024
Microgenics Corporation	Alinity c Tox Controls Kit, Catalog Number: 10024287/08P6810	Kit: 6 vials, 5.0 mL each	8/14/2024
Microgenics Corporation	Alinity c Tox Qual Calibrator Kit, Catalog Number: 10024823/09P6501	Kit: 6 vials, 2.9 mL each	8/14/2024
Microgenics Corporation	Alinity c Tox Semiquant Calibrator Kit, Catalog Number: 10026534/09P6502.	Kit: 6 vials, 2.9 mL each	8/14/2024
Microgenics Corporation	Architect DOA MC II Control Set, Catalog Number: 03L42–11	Kit: 4 vials, 5.0 mL each	8/14/2024
Microgenics Corporation	Architect DOA MC III Control Set, Catalog Number: 04P51–10	Kit: 2 vials, 5.0 mL each	8/14/2024
Microgenics Corporation	Architect Tox Calibrator 1, Catalog Number: 6L36–01	Kit: 1 vial. 5 mL	8/14/2024
Microgenics Corporation	Architect Tox Calibrator 2, Catalog Number: 6L36–02	Kit: 1 vial. 5 mL	8/14/2024
Microgenics Corporation	Architect Tox Calibrator 3, Catalog Number: 6L36–03	Kit: 1 vial. 5 mL	8/14/2024
Microgenics Corporation	Architect Tox Control, Catalog Number: 6L36–10	Kit: 6 vials, 5.0 mL each	8/14/2024
Microgenics Corporation	Buffer Pheno Reactantmt, Catalog number: 0232086	Plastic carboy: 50 L, 100 L	1/24/2025
Microgenics Corporation	Buffer Pheno Reaction, Catalog number: 10016999	Plastic carboy: 50 L, 100 L, 150 L	1/24/2025
Microgenics Corporation	Cal Mfg Amph/XTC F, Catalog number: 1255	Plastic bottle: 2 mL	2/21/2025
Microgenics Corporation	CEDIA Buprenorphine I Spike Solution, Catalog number: 1007967	Plastic or Glass bottle: 25 mL, 50 mL, 100 mL, 250 mL, 500 mL	1/24/2025
Microgenics Corporation	CEDIA Multi-Drug Optional Controls, Catalog number: 100069	Kit: 4 Plastic Droppers, 5 mL each	12/17/2024
Microgenics Corporation	CEDIA Specialty Control Set, Catalog number: 1815440	Kit: 6 Plastic Droppers, 5 mL each	12/17/2024
Microgenics Corporation	DRI Fentanyl II Control	Kit: 4 Dropper vials, 10 mL each	3/4/2025
Microgenics Corporation	DRI Fentanyl II Cutoff Calibrator	Kit: 2 Dropper vials, 10 mL each	3/4/2025
Microgenics Corporation	DRI Oxazepam Spiking Solution, 1 mg/mL, Catalog number: 10007712	Glass bottle: 25 mL	1/24/2025
Microgenics Corporation	DRI Oxycodone Spiking Solution, 100,000 ng/mL, Catalog number: 10008310.	Plastic or Glass bottle: 100mL	1/24/2025
Microgenics Corporation	MAS Benzoyllecgonine Soln, 1 mg/mL Catalog number: 432	Plastic or Glass bottle: 25 mL	1/24/2025
Microgenics Corporation	MAS d-Methamphetamine Soln, 1 mg/mL Catalog number: 925	Plastic or Glass bottle: 4 mL	1/24/2025
Microgenics Corporation	MAS Nitrazepam Soln, 1 mg/mL Catalog number: 10013058	Plastic or Glass bottle: 25 mL	1/24/2025
Microgenics Corporation	MAS Omni CORE Level 1	Vial: 5 mL	3/21/2025
Microgenics Corporation	MAS Omni CORE Level 2	Vial: 5 mL	3/21/2025
Microgenics Corporation	MAS Omni CORE Level 3	Vial: 5 mL	3/21/2025
Microgenics Corporation	MAS PAR TDM Liquid Assayed Therapeutic Drug Control Level 1, Catalog number: PTD1–1001.	Kit: 6 Glass vials, 5 mL each	12/17/2024
Microgenics Corporation	MAS PAR TDM Liquid Assayed Therapeutic Drug Control Level 2, Catalog number: PTD2–2002.	Kit: 6 Glass vials, 5 mL each	12/17/2024
Microgenics Corporation	MAS PAR TDM Liquid Assayed Therapeutic Drug Control, Catalog number: PTD–S1.	Kit: 3 Glass vials, 5 mL each	12/17/2024
Microgenics Corporation	MAS PCP Soln, 0.1 mg/mL Catalog number: 923	Plastic or Glass bottle: 25 mL, 50 mL, 100 mL.	1/24/2025
Microgenics Corporation	MAST™ Omni-IMMUNE™ Max, Sample Pack, catalog number: OIMM–SP–R.	Kit: 3 PET bottles, 4 mL each	3/17/2025
Microgenics Corporation	MAST™ Omni-IMMUNE™ PRO Max, Sample Pack, catalog number: OPROM–SP–R.	Kit: 3 PET bottles, 4 mL each	3/17/2025
Microgenics Corporation	MAST™ Omni-CORE™ Max, Level 1, catalog number: OCRM–101	Kit: 12 PET bottles, 4 mL each	3/17/2025
Microgenics Corporation	MAST™ Omni-CORE™ Max, Level 2, Catalog number: OCRM–202	Kit: 12 PET bottles, 4 mL each	3/17/2025
Microgenics Corporation	MAST™ Omni-CORE™ Max, Level 3, catalog number: OCRM–303	Kit: 12 PET bottles, 4 mL each	3/17/2025
Microgenics Corporation	MAST™ Omni-CORE™ Max, Sample Pack, catalog number: OCRM–SP	Kit: 3 PET bottles, 4 mL each	3/17/2025
Microgenics Corporation	MAST™ Omni-CORE™ Max, Sample Pack, catalog number: OCRM–SP–R.	Kit: 3 PET bottles, 4 mL each	3/17/2025
Microgenics Corporation	Phenobarbital Cal 2, 5.0 µg/mL Catalog number: 10016300	Plastic bottle: 1 mL	2/21/2025
Microgenics Corporation	Phenobarbital Cal 3, 10.0 µg/mL Catalog number: 10016300	Plastic bottle: 1 mL	2/21/2025
Microgenics Corporation	Phenobarbital Cal 4, 20.0 µg/mL Catalog number: 10016300	Plastic bottle: 1 mL	2/21/2025
Microgenics Corporation	Phenobarbital Cal 5, 40.0 µg/mL Catalog number: 10016300	Plastic bottle: 1 mL	2/21/2025
Microgenics Corporation	Phenobarbital Cal 6, 80.0 µg/mL Catalog number: 10016300	Plastic bottle: 1 mL	2/21/2025
Microgenics Corporation	Phenobarbital Ctrl L1, 15.0 µg/mL Catalog number: 10016300	Plastic bottle: 1 mL	2/21/2025
Microgenics Corporation	Phenobarbital Ctrl L3, 50.0 µg/mL Catalog number: 10016300	Plastic bottle: 1 mL	2/21/2025
Microgenics Corporation	TDM Core Serum Quantitation—Level 21, Catalog number: 10001615–L21.	Glass bottle: 250 mL, 500 mL	2/21/2025
Microgenics Corporation	Alinity c DOA MC I Controls	Kit: 4 Amber glass bottles, 5 mL each.	11/14/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
Microgenics Corporation	Alinity c DOA MC II Controls	Kit: 4 Amber glass bottles, 5 mL each.	11/14/2024
Microgenics Corporation	Alinity c DOA MC III Controls	Kit: 2 Amber glass bottles, 5 mL each.	11/14/2024
Microgenics Corporation	Alinity c DOA MC Qual Calibrator 2 Kit	1 Amber glass bottle, 2.9 mL	11/14/2024
Microgenics Corporation	Alinity c DOA MC Qual Low Calibrator 1 Kit	1 Amber glass bottle, 2.9 mL	11/14/2024
Microgenics Corporation	Alinity c DOA MC Semiquant Calibrator Kit	Kit: 4 Amber glass bottles, 2.9 mL each.	11/14/2024
Microgenics Corporation	Alinity c Phenobarbital Reagent Kit	Kit: 2 polypropylene bottles, 23.7 mL each, Kit: 2 polypropylene bottles, 9.3 mL each.	11/14/2024
Microgenics Corporation	Alinity c TDM Multiconstituent Calibrator	Kit: 6 Amber glass, 3 mL each	10/3/2024
Microgenics Corporation	Alinity c TDM Multiconstituent Calibrator Kit	Kit: 6 Amber glass bottles, 3.0 mL each.	11/14/2024
Microgenics Corporation	Alinity c Tox Qual Calibrators	Kit: 6 amber glass bottles, 2.9 mL each.	11/14/2024
Microgenics Corporation	Alinity c Tox Controls	Kit: 6 amber glass bottles, 5 mL each.	11/14/2024
Microgenics Corporation	Alinity c Tox Semiquant Calibrators	Kit: 6 amber glass bottles, 2.9 mL each.	11/14/2024
Microgenics Corporation	Alinity c Benzodiazepines Semiquant Calibrator Kit	Kit: 4 Amber glass bottles, 2.9 mL each.	11/14/2024
Microgenics Corporation	Amphetamines/Ecstasy Mfg Cal Open	LDPE bottle, 2 mL	1/31/2025
Microgenics Corporation	Buprenorphine B Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Buprenorphine C Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Buprenorphine D Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Buprenorphine E Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Buprenorphine F Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Buprenorphine G Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Buprenorphine H Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Buprenorphine Open Mfg Cal 1105 7400	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Cal Mfg Amph 20,000, Catalog number: 10007712	Plastic bottle: 2 mL	2/21/2025
Microgenics Corporation	Cal Opiate 1000ng BCI, Catalog number: 1603	Glass bottle: 1.6–8 L; Plastic Bottle: 10 L.	3/8/2025
Microgenics Corporation	Cal Opiate 300ng BCI, Catalog number: 1601	Glass bottle: 1.6–16 L; Plastic Bottle: 2–25 L.	3/8/2025
Microgenics Corporation	CEDIA Buprenorphine 20 ng/mL Calibrator, Catalog Number: 100243	Kit: 1 Plastic Dropper, 5.0 mL	10/24/2024
Microgenics Corporation	CEDIA Buprenorphine 5 ng/mL Calibrator, Catalog Number: 100242	Kit: 1 Plastic Dropper, 5.0 mL	10/24/2024
Microgenics Corporation	CEDIA Buprenorphine 50 ng/mL Calibrator, Catalog Number: 100244	Kit: 1 Plastic Dropper, 5.0 mL	10/24/2024
Microgenics Corporation	CEDIA Buprenorphine 75 ng/mL Calibrator, Catalog Number: 100245	Kit: 1 Plastic Dropper, 5.0 mL	10/24/2024
Microgenics Corporation	CEDIA Buprenorphine Controls, Catalog Number: 100246	Kit: 4 Plastic droppers, 5 mL each	10/18/2024
Microgenics Corporation	CEDIA Methadone Spike Solution, Catalog number: 1000302	Plastic or Glass bottle: 25 mL, 50 mL, 100 mL.	1/24/2025
Microgenics Corporation	CEDIA Multi-Drug Calibrator, Primary Clinical Cutoffs, Catalog Number: 1730401.	Kit: 1 Plastic Dropper, 5.0 mL	10/18/2024
Microgenics Corporation	CEDIA Multi-Drug Optional Cutoff Calibrator, Catalog Number: 100033	Kit: 1 Plastic Dropper, 5.0 mL	10/18/2024
Microgenics Corporation	Ctrl MD Clin Low AlqtdCtrl MD Clinical Hi Alqt, Catalog number: 10007727.	Glass bottle: 1.6–8 L; Plastic Bottle: 1–10 L.	3/8/2025
Microgenics Corporation	Ctrl MD Clinical Hi Alqt, Catalog number: 10007728	Glass bottle: 1.6–8 L; Plastic Bottle: 1–5 L.	3/8/2025
Microgenics Corporation	Ctrl MD High BCI, Catalog number: 1554	Glass bottle: 1.6–4 L	3/8/2025
Microgenics Corporation	Ctrl MD High Bulk BCI, Catalog number: 1596	Glass bottle: 1.6	3/8/2025
Microgenics Corporation	Ctrl MD Low BCI, Catalog number: 1552	Glass bottle: 1.6–4 L	3/8/2025
Microgenics Corporation	Ctrl MD Low Bulk BCI, Catalog number: 1590	Glass bottle: 1.6–4 L	3/8/2025
Microgenics Corporation	Ctrl Opiate 225ng BCI, Catalog number: 1605	Glass bottle: 1.6–36 L; Plastic Bottle: 4–25 L.	3/8/2025
Microgenics Corporation	Ctrl Opiate 375ng BCI, Catalog number: 1607	Glass bottle: 4–16 L; Plastic Bottle: 2–25 L.	3/8/2025
Microgenics Corporation	Daiichi Phenobarbital 16mg/mL Stock Solution	Bottle: 25 mL	3/17/2025
Microgenics Corporation	DAU Clinical High Control Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L, Plastic or Glass bottles, 5L, 10 L, 20 L.	1/31/2025
Microgenics Corporation	DAU Clinical Low Control Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L, Plastic or Glass bottles, 5L, 10 L, 20 L, 25 L.	1/31/2025
Microgenics Corporation	DAU Primary High Control Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, Plastic or Glass bottles, 5L, 10 L.	1/31/2025
Microgenics Corporation	DAU Primary Low Control Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L, Plastic or Glass bottles, 5L, 10 L, 20 L.	1/31/2025
Microgenics Corporation	DAU Select High Control Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L, 45 L, Plastic or Glass bottles, 10 L, 20 L, 25 L, 50 L, 100L.	1/31/2025
Microgenics Corporation	DAU Select Low Control Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L, 45 L, Plastic or Glass bottles, 10 L, 20 L, 25 L, 50 L, 100L, 180 L.	1/31/2025
Microgenics Corporation	DAU Specialty High Control Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L.	1/31/2025

CHART I—Continued

Supplier name	Product name	Form	Application date
Microgenics Corporation	DAU Specialty Low Control Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L.	1/31/2025
Microgenics Corporation	DOA MC II Control Set	Kit: 4 amber glass bottles, 5.0 mL each.	11/14/2024
Microgenics Corporation	DOA MC III Control Set	Kit: 2 amber glass bottles, 5.0 mL each.	11/14/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Assayed Chemistry Control, Catalog Number: CHA-SP.	Kit: 3 Glass vials, 5 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Assayed Chemistry Control, Level 1, Catalog Number: 10014150.	Kit: 6 Glass vials, 2 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Assayed Chemistry Control, Level 1, Catalog Number: CHA-1.	Kit: 6 Glass vials, 5 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Assayed Chemistry Control, Level 2, Catalog Number: 10014151.	Kit: 6 Glass vials, 2 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Assayed Chemistry Control, Level 2, Catalog Number: CHA-2.	Kit: 6 Glass vials, 5 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Assayed Chemistry Control, Level 3, Catalog Number: 10014152.	Kit: 6 Glass vials, 2 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Assayed Chemistry Control, Level 3, Catalog Number: CHA-3.	Kit: 6 Glass vials, 5 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Unassayed Chemistry Control, Catalog Number: CHU-SP.	Kit: 3 Glass vials, 15 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Unassayed Chemistry Control, Level 1, Catalog Number: CHU-1.	Kit: 10 Glass vials, 15 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Unassayed Chemistry Control, Level 2, Catalog Number: CHU-2.	Kit: 10 Glass vials, 15 mL each	10/24/2024
Microgenics Corporation	MAS ChemTRAK H Liquid Unassayed Chemistry Control, Level 3, Catalog Number: CHU-3.	Kit: 10 Glass vials, 15 mL each	10/24/2024
Microgenics Corporation	MAS Liquimmune Control Level 1, Catalog number: LIG-101	Kit: 6 Glass vials, 5 mL each	10/24/2024
Microgenics Corporation	MAS Liquimmune Control Level 2, Catalog number: LIG-202	Kit: 6 Glass vials, 5 mL each	10/24/2024
Microgenics Corporation	MAS Liquimmune Control Level 3, Catalog number: LIG-303	Kit: 6 Glass vials, 5 mL each	10/24/2024
Microgenics Corporation	MAS Liquimmune Control Level Sample Pack, Catalog number: LIG-S1	Kit: 3 Glass vials, 5 mL each	10/24/2024
Microgenics Corporation	MAS Liquimmune Control, Level 1, Catalog number: 10013876	Kit: 6 Glass vials, 2 mL each	10/24/2024
Microgenics Corporation	MAS Liquimmune Control, Level 2, Catalog number: 10013877	Kit: 6 Glass vials, 2 mL each	10/24/2024
Microgenics Corporation	MAS Liquimmune Control, Level 3, Catalog number: 10013878	Kit: 6 Glass vials, 2 mL each	10/24/2024
Microgenics Corporation	MAS OMNI CORE II Catalog number: OCRL-SP	MAS OMNI CORE II Catalog number: OCRL-SP.	12/17/2024
Microgenics Corporation	MAS OMNI CORE II, Level 1, Catalog number: OCRL-101	MAS OMNI CORE II, Level 1, Catalog number: OCRL-101.	12/17/2024
Microgenics Corporation	MAS OMNI CORE II, Level 2, Catalog number: OCRL-202	MAS OMNI CORE II, Level 2, Catalog number: OCRL-202.	12/17/2024
Microgenics Corporation	MAS OMNI CORE II, Level 3, Catalog number: OCRL-303	MAS OMNI CORE II, Level 3, Catalog number: OCRL-303.	12/17/2024
Microgenics Corporation	MAS PAR TDM Liquid Assayed Therapeutic Drug Control Level 3, Catalog number: PTD3-3003.	Kit: 6 Glass vials, 5 mL each	12/17/2024
Microgenics Corporation	MAS TM Omni-CORE TM II, Sample Pack	Kit: 3 bottles, 5 mL each	1/10/2025
Microgenics Corporation	MGC MD Calibrator 1, Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L, Plastic or Glass bottles, 25 L.	1/31/2025
Microgenics Corporation	MGC MD Calibrator 2, Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L.	1/31/2025
Microgenics Corporation	MGC MD Calibrator 3, Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L	1/31/2025
Microgenics Corporation	MGC MD Calibrator 4, Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L	1/31/2025
Microgenics Corporation	Multi-Drug High Cal	Kit: 50 bottles, 5 mL each	12/31/2024
Microgenics Corporation	Multi-Drug Intermediate Cal	Kit: 50 bottles, 5 mL each	12/31/2024
Microgenics Corporation	Multi-Drug Secondary C/O Cal	Kit: 50 bottles, 5 mL each	12/31/2024
Microgenics Corporation	Opiate Cal 150 ng/mL, Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L, 45 L, Plastic or Glass bottles, 20 L, 25L, 50 L.	1/31/2025
Microgenics Corporation	Opiate Cal 500 ng/mL, Bulk	Kit: Glass bottles, 1 L, 2 L, 5 L, 10 L, 20 L, 45 L, Plastic or Glass bottles, 20 L, 25L, 50 L.	1/31/2025
Microgenics Corporation	PHENO ANTI REAG BULK PKGD	Kit: HDPE bottles, 30 mL, 125 mL, 1L, 2L, 4L, 10L and 20L.	12/31/2024
Microgenics Corporation	Phenobarbital B Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Phenobarbital Ctrl L2, 30.0 µg/mL Catalog number: 10016300	Plastic bottle: 1 mL	2/21/2025
Microgenics Corporation	Phenobarbital D Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Phenobarbital E Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Phenobarbital F Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Phenobarbital G Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	Phenobarbital Open Mfg Cal	LDPE bottle, 2 mL	2/7/2025
Microgenics Corporation	QMS Phenobarbital Stock Solution (1000 µg/mL), Catalog number: 10016300-Stock Solution.	Glass bottle: 200 mL	3/8/2025
Microgenics Corporation	Soln Methaqualone, Catalog number: 439	Glass bottle: 20–50 mL, 50–95 mL	3/8/2025
Microgenics Corporation	Tox Calibrators 1	1 amber glass bottle, 5.0 mL	11/14/2024
Microgenics Corporation	Tox Calibrators 2	1 amber glass bottle, 5.0 mL	11/14/2024
Microgenics Corporation	Tox Calibrators 3	1 amber glass bottle, 5.0 mL	11/14/2024
Microgenics Corporation	Tox Controls	Kit: 6 amber glass bottles, 5.0 mL each.	11/14/2024
Microgenics Corporation	Phenobarbital C Mfg Cal	LDPE bottle, 2 mL	2/7/2025

CHART I—Continued

Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	000718A, 012905A, 055171A, 063438A, 068130A, 085316A, 121128A, 175711A, 192483A, 210253A, 217515A, 222244A, 248079A, 278646A, 325238A, 328497A, 354182A, 354246A, 355160A, 356320A, 363364A, 363757A, 380303A, 381668A, 387562A, 401037A, 408557A, 410499A, 415328A, 448496A, 449123A, 519251A, 519642A, 522376A, 547655A, 562034A, 570158A, 606065A, 622888A, 630470A, 639683A, 652305A, 653765A, 680431A, 680815A, 693633A, 694536A, 717152A, 721196A, 732369A, 741584A, 747266A, 747398A, 749408A, 755675A, 757987A, 771103A, 776617A, 783976A, 805349A, 811783A, 821798A, 828044A, 836281A, 836839A, 843676A, 844673A, 851522A, 851963A, 875122A, 884003A, 896624A, 907674A, 923237A, 928649A, 933498A, 954526A, 963965A, 965286A, 975329A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	022041A, 574144A, 776093A, 236866A, 667335A, 122300A, 133243A, 582814A, 173210A, 494903A, 403344A, 967534A, 817917A, 583104A, 518975A, 705565A, 636277A, 687871A, 354608A, 529775A, 609079A, 408846A, 180641A, 367613A, 178246A, 826532A, 070432A, 918305A, 059949A, 905904A, 562665A, 698231A, 360083A, 596067A, 119181A, 485205A, 165152A, 499182A, 288618A, 962800A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	029785A, 015754A, 316565A, 357398A, 548451A, 886582A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	061784A, 194339A, 189661A, 551819A, 381364A, 492408A, 557693A, 914673A, 506399A, 889764A, 736655A, 790061A, 338396A, 055599A, 989048A, 466735A, 222621A, 490757A, 387326A, 896586A, 904430A, 555683A, 366996A, 650610A, 864763A, 396490A, 803238A, 198380A, 235827A, 626634A, 526057A, 910204A, 355372A, 968095A, 596033A, 436973A, 607863A, 979842A, 178683A, 362016A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	064170B, 797653B, 412962B, 548217B, 244234B, 071176B, 184915B, 505167B, 168296B, 961418B, 143333B, 494612B, 061487B, 708316B, 969145B, 357095B, 325561B, 471657B, 142966B, 980261B, 689416B, 848926B, 736831B, 704297B, 574840B, 102054B, 120492B, 101697B, 487204B, 143294B, 211801B, 553318B, 598788B, 461245B, 899312B, 597506B, 636248B, 459922B, 434217B, 369407B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	071896A, 738698A, 162758A, 628867A, 485966A, 381895A, 486488A, 621115A, 100418A, 560467A, 537730A, 675123A, 302000A, 319176A, 122942A, 760650A, 422079A, 174856A, 516231A, 418328A, 180664A, 212094A, 691136A, 634187A, 798650A, 607468A, 933752A, 309685A, 973745A, 631714A, 484426A, 491991A, 039010A, 742449A, 505428A, 193660A, 397174A, 916101A, 277264A, 901788A, 095788A, 254808A, 470171A, 348584A, 676643A, 456184A, 626407A, 972550A, 644831A, 462616A, 210020A, 684161A, 603702A, 070193A, 184527A, 668781A, 744400A, 666110A, 869799A, 361660A, 727426A, 343086A, 967674A, 677496A, 052349A, 882438A, 531211A, 842107A, 397149A, 546613A, 950308A, 412178A, 148031A, 281006A, 233765A, 086849A, 964212A, 285036A, 706582A, 921651A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	088244A, 390852A, 767885A, 068525A, 255935A, 846250A, 735591A, 067657A, 906645A, 344553A, 263553A, 049657A, 060644A, 266076A, 674966A, 604279A, 800523A, 880495A, 256229A, 151789A, 521263A, 054872A, 807716A, 195465A, 629169A, 871819A, 372792A, 563962A, 327922A, 906703A, 794153A, 909053A, 677432A, 076545A, 271267A, 832254A, 339266A, 673154A, 760846A, 010754A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	094116B, 293300B, 711918B, 206702B, 058773B, 086865B, 859092B, 083172B, 320107B, 511768B, 078198B, 224757B, 638817B, 102171B, 968285B, 061343B, 282275B, 108203B, 488884B, 565575B, 515142B, 872876B, 541620B, 392714B, 647098B, 545687B, 947015B, 763686B, 240956B, 720157B, 371719B, 729849B, 517531B, 866969B, 926288B, 829944B, 029886B, 476293B, 388676B, 377654B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	119744B, 714619B, 617906B, 078526B, 545726B, 250445B, 023941B, 669653B, 450929B, 509333B, 765443B, 712504B, 746026B, 447405B, 282374B, 811202B, 027897B, 769393B, 850309B, 299596B, 155578B, 976835B, 568749B, 539185B, 591920B, 046272B, 974647B, 739331B, 779324B, 199132B, 874402B, 501559B, 707448B, 365793B, 014371B, 153174B, 194481B, 738028B, 702873B, 430691B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–137–1	HDPE vial: 3 mL	8/30/2024
National Laboratory Certification Program.	12666–137–2	HDPE vial: 3 mL	8/30/2024
National Laboratory Certification Program.	12666–137–3	HDPE vial: 3 mL	8/30/2024
National Laboratory Certification Program.	12666–137–4	HDPE vial: 3 mL	8/30/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	12666–138–50116	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50117	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50118	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50119	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50120	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50121	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50122	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50123	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50124	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50125	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50126	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	12666–138–50127	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	143577B, 799259B, 093385B, 121120B, 438445B, 471889B, 991482B, 560436B, 836494B, 539974B, 924798B, 514778B, 641654B, 147648B, 152331B, 356699B, 570667B, 965507B, 901785B, 135162B, 059452B, 256002B, 760044B, 734275B, 176441B, 684137B, 992293B, 874538B, 264824B, 926899B, 213753B, 760096B, 067995B, 508265B, 024058B, 036096B, 853550B, 353999B, 344790B, 319449B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	195240A, 583132A, 798201A, 354003A, 343313A, 456082A, 295619A, 262262A, 551488A, 638235A, 261743A, 659970A, 452715A, 644740A, 262302A, 546894A, 266208A, 992334A, 011117A, 291553A, 382182A, 652636A, 810757A, 493373A, 837686A, 270696A, 005147A, 694928A, 685113A, 857447A, 877303A, 098929A, 724951A, 811385A, 929113A, 056468A, 415085A, 280862A, 311761A, 875578A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	199520A, 094981A, 322415A, 856139A, 431145A, 659912A, 942470A, 926998A, 452327A, 623295A, 382796A, 295745A, 929287A, 756595A, 124067A, 709458A, 468807A, 865610A, 636066A, 508274A, 441193A, 647996A, 007783A, 732696A, 766812A, 101606A, 188098A, 250596A, 723373A, 331958A, 655064A, 146544A, 065838A, 921011A, 103522A, 860803A, 933625A, 420134A, 343593A, 062577A, 292077A, 235404A, 541106A, 551787A, 570886A, 425638A, 075016A, 576222A, 759335A, 675646A, 541882A, 118515A, 019289A, 174413A, 374752A, 503427A, 536203A, 775106A, 598921A, 906865A, 473428A, 230039A, 796412A, 789095A, 884553A, 538050A, 557987A, 225378A, 399430A, 673730A, 433914A, 616604A, 047330A, 594539A, 086065A, 051332A, 723643A, 099292A, 867669A, 862270A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	205692A, 947645A, 561795A, 868710A, 895563A, 311983A, 684123A, 577895A, 677176A, 085339A, 451281A, 600437A, 095991A, 120950A, 212630A, 182631A, 133511A, 494828A, 116226A, 438460A, 879618A, 549558A, 963202A, 066725A, 127635A, 966618A, 461241A, 141443A, 061160A, 443286A, 852760A, 653120A, 636117A, 281034A, 249657A, 465677A, 324641A, 835960A, 039915A, 582170A, 032940A, 506950A, 629038A, 578845A, 668140A, 120799A, 656572A, 203936A, 759329A, 252866A, 214259A, 930199A, 693853A, 975852A, 814744A, 595529A, 435299A, 472832A, 060720A, 992323A, 492399A, 847678A, 658737A, 537709A, 547528A, 434153A, 764180A, 512856A, 736913A, 161889A, 846940A, 131176A, 453625A, 391821A, 037501A, 908110A, 213626A, 649773A, 775467A, 943366A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	208697A, 958664A, 665411A, 525201A, 944352A, 317706A, 076997A, 789313A, 039045A, 518163A, 874328A, 707605A, 981698A, 337020A, 789572A, 651667A, 165169A, 169817A, 150597A, 846114A, 978071A, 009046A, 193892A, 329614A, 397050A, 733497A, 061486A, 560885A, 911337A, 063750A, 516680A, 795600A, 193172A, 366754A, 093631A, 221085A, 565141A, 302113A, 857199A, 335331A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	213539B, 849833B, 736932B, 269990B, 559402B, 151254B, 573727B, 706633B, 918997B, 928989B, 639569B, 415429B, 924360B, 655446B, 606345B, 042867B, 076302B, 658286B, 324872B, 756652B, 358497B, 697763B, 486870B, 685073B, 968034B, 794563B, 316013B, 640387B, 994323B, 946440B, 819193B, 637565B, 085291B, 310301B, 251180B, 820740B, 581333B, 824906B, 519913B, 063500B.	HDPE Bottle: 35 mL	9/26/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	216598B, 511557B, 129873B, 984529B, 791433B, 910329B, 215984B, 919950B, 545898B, 464547B, 425834B, 741229B, 046563B, 867100B, 086018B, 357686B, 514656B, 275065B, 526444B, 654570B, 013035B, 508619B, 408970B, 415631B, 849142B, 248594B, 985171B, 908129B, 059598B, 448175B, 924282B, 643199B, 362562B, 807526B, 247387B, 285719B, 053769B, 153415B, 052574B, 052922B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	220918A, 801943A, 058750A, 057923A, 173734A, 848934A, 027801A, 251961A, 952140A, 244386A, 865185A, 548476A, 757993A, 388102A, 642628A, 380665A, 964586A, 978731A, 068770A, 438998A, 748624A, 238146A, 373755A, 701857A, 383049A, 648224A, 139929A, 516257A, 147923A, 077702A, 600061A, 736555A, 142864A, 394947A, 824932A, 934376A, 692499A, 377413A, 634076A, 283111A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	234633B, 063632B, 042542B, 415938B, 423019B, 481728B, 164443B, 043122B, 182585B, 942405B, 599964B, 833373B, 654815B, 989848B, 234123B, 434914B, 591198B, 139151B, 655393B, 160632B, 601388B, 598847B, 361333B, 997285B, 368094B, 221654B, 178107B, 270868B, 910224B, 295255B, 719350B, 101064B, 835606B, 264147B, 304977B, 135684B, 565253B, 640734B, 732726B, 732057B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	234841A, 686901A, 497014A, 584045A, 135220A, 031423A, 135199A, 287937A, 510562A, 618064A, 824570A, 523425A, 492133A, 678635A, 886050A, 056382A, 849263A, 439797A, 801458A, 634414A, 451369A, 021709A, 852517A, 050423A, 193273A, 434154A, 205976A, 292909A, 111547A, 588991A, 495191A, 728492A, 894995A, 672391A, 239398A, 536999A, 718102A, 303526A, 504703A, 356615A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	235226A, 031501A, 908819A, 667349A, 240456A, 553253A, 262737A, 476080A, 697307A, 782987A, 360488A, 459877A, 244962A, 459785A, 244595A, 180257A, 696614A, 584291A, 853534A, 134309A, 002583A, 727444A, 424460A, 234159A, 685630A, 830219A, 617429A, 800499A, 205237A, 996549A, 004901A, 719589A, 997721A, 980196A, 476463A, 078158A, 244578A, 108081A, 757403A, 170063A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	238827A, 713504A, 334914A, 738751A, 304789A, 690442A, 534737A, 739550A, 359253A, 049100A, 807777A, 493363A, 078776A, 220749A, 757113A, 831970A, 255711A, 156692A, 959464A, 652661A, 652377A, 978738A, 814437A, 408037A, 842941A, 363931A, 270858A, 843299A, 225213A, 151466A, 833355A, 526739A, 382514A, 801679A, 874345A, 123168A, 847772A, 712155A, 387484A, 771334A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	248102B, 225880B, 991115B, 564129B, 801575B, 351367B, 167845B, 274621B, 935230B, 492227B, 821096B, 256953B, 164998B, 936724B, 266692B, 505693B, 213378B, 598379B, 706366B, 395035B, 485667B, 500569B, 434517B, 293429B, 218660B, 991321B, 166433B, 447133B, 159166B, 253134B, 695451B, 205553B, 438265B, 997389B, 407101B, 390643B, 429460B, 102719B, 258239B, 081403B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	251317A, 085429A, 631672A, 567133A, 160346A, 571038A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	267445B, 083600B, 270242B, 080350B, 189119B, 460788B, 321596B, 389795B, 142499B, 263158B, 869786B, 481704B, 417703B, 996614B, 901544B, 823781B, 913995B, 272803B, 329979B, 730982B, 269804B, 561411B, 181191B, 999602B, 030439B, 606741B, 952469B, 894968B, 409934B, 422201B, 252076B, 151145B, 195376B, 005113B, 302961B, 648446B, 346220B, 993603B, 284039B, 659901B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	269236B, 635539B, 645427B, 598623B, 565834B, 412129B, 064548B, 422262B, 966190B, 948255B, 892986B, 201068B, 595557B, 163589B, 382191B, 879855B, 992157B, 159473B, 351375B, 345887B, 019611B, 447783B, 122839B, 515141B, 994305B, 097267B, 651778B, 239079B, 463034B, 050232B, 623767B, 198710B, 758350B, 729010B, 898522B, 562481B, 885074B, 477698B, 800906B, 486195B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	270273A, 920402A, 898537A, 525995A, 074757A, 533870A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	280225B, 903186B, 515891B, 703161B, 536950B, 987785B, 599297B, 121517B, 155176B, 251861B, 411589B, 284451B, 435991B, 291044B, 956274B, 118987B, 215969B, 906209B, 488138B, 395963B, 954769B, 942414B, 154061B, 088409B, 236936B, 361460B, 110573B, 674298B, 538435B, 944128B, 197648B, 486630B, 121170B, 581820B, 969606B, 815833B, 043957B, 567342B, 837642B, 148438B.	HDPE Bottle: 35 mL	9/26/2024

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Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	305205A, 924568A, 574861A, 091545A, 222641A, 507037A, 378915A, 799350A, 078648A, 607260A, 871950A, 298947A, 151508A, 375433A, 248263A, 325842A, 654744A, 368993A, 881677A, 528635A, 772325A, 552937A, 017415A, 672532A, 299078A, 707245A, 261816A, 510831A, 052007A, 680106A, 845519A, 704455A, 899343A, 174600A, 008652A, 392481A, 474155A, 718700A, 014954A, 574000A, 931359A, 141795A, 665919A, 812384A, 374834A, 403003A, 124868A, 396697A, 575804A, 726119A, 705250A, 194106A, 455846A, 166203A, 079705A, 305892A, 807980A, 818027A, 409846A, 642986A, 845322A, 197358A, 277002A, 987619A, 492911A, 521358A, 461204A, 424404A, 431784A, 692158A, 912640A, 677616A, 140328A, 741009A, 624048A, 635483A, 248738A, 044302A, 292856A, 693807A, 644946A, 170313A, 116077A, 445331A, 410936A, 452272A, 520942A, 839348A, 587861A, 364866A, 941560A, 505146A, 814148A, 556418A, 653915A, 391647A, 497705A, 131588A, 914101A, 545108A, 174717A, 452072A, 826421A, 052530A, 354363A, 851170A, 569432A, 675213A, 109726A, 967708A, 777433A, 216538A, 006246A, 101764A, 184261A, 078429A, 366075A, 378232A, 242676A, 333276A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	328318B, 658418B, 741696B, 483925B, 717800B, 599516B, 682981B, 429666B, 673499B, 741103B, 405827B, 156681B, 460238B, 144499B, 776102B, 137370B, 411010B, 003508B, 422392B, 772293B, 386378B, 695642B, 766665B, 613922B, 977632B, 457684B, 709248B, 917255B, 904298B, 805678B, 416272B, 923565B, 799115B, 108259B, 310564B, 390011B, 004897B, 825167B, 605563B, 296176B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	330134B, 820997B, 972709B, 093910B, 168744B, 126626B, 919252B, 615375B, 112889B, 792519B, 856940B, 878648B, 417834B, 725101B, 031429B, 050628B, 221525B, 845524B, 094572B, 666403B, 818434B, 332692B, 672222B, 794075B, 358298B, 431858B, 523348B, 144518B, 231695B, 735019B, 947530B, 532648B, 458327B, 652951B, 322233B, 048270B, 550195B, 486311B, 358118B, 344962B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	338071B, 064825B, 805660B, 283460B, 114780B, 793452B, 706960B, 890744B, 793780B, 738817B, 891721B, 317564B, 433943B, 706984B, 623035B, 438792B, 232976B, 613841B, 047895B, 317928B, 355230B, 285377B, 548584B, 893246B, 113285B, 765228B, 792518B, 747696B, 682245B, 319987B, 496399B, 565573B, 897469B, 929907B, 879616B, 395623B, 092927B, 044458B, 181085B, 885669B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	339271A, 017612A, 072852A, 427340A, 237442A, 826714A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	344382A, 899856A, 610378A, 363819A, 536531A, 989518A, 573298A, 705158A, 520485A, 579396A, 225383A, 771170A, 380225A, 567161A, 609254A, 321306A, 404053A, 597933A, 428386A, 933764A, 940596A, 612222A, 694392A, 300298A, 271961A, 916008A, 830416A, 849047A, 021941A, 770126A, 726795A, 734216A, 069719A, 521375A, 043524A, 583734A, 989067A, 061255A, 858801A, 415302A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	354167B, 139880B, 207844B, 451329B, 239294B, 890966B, 039273B, 423270B, 095815B, 810080B, 836308B, 009969B, 862462B, 814488B, 106875B, 290350B, 411496B, 843550B, 079168B, 749199B, 058112B, 569820B, 922487B, 606779B, 512065B, 277793B, 682131B, 804816B, 010978B, 517970B, 402366B, 904445B, 680250B, 421326B, 799045B, 796423B, 038045B, 744598B, 789740B, 697653B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	364237A, 871321A, 155458A, 189540A, 916154A, 020376A, 993918A, 844746A, 926890A, 770022A, 200113A, 040014A, 089368A, 968372A, 329202A, 050769A, 917538A, 295716A, 851668A, 778593A, 555590A, 782957A, 779770A, 821202A, 814435A, 329225A, 836964A, 410732A, 103053A, 388991A, 083442A, 181350A, 002351A, 303657A, 641302A, 206431A, 168599A, 101381A, 472444A, 929958A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	382083A, 948773A, 174246A, 776054A, 374081A, 599225A, 731417A, 171365A, 577048A, 547689A, 498920A, 006523A, 159494A, 606309A, 137721A, 943041A, 914381A, 856018A, 702053A, 795801A, 166847A, 388556A, 285142A, 629136A, 309282A, 632165A, 127284A, 160923A, 152888A, 443335A, 926664A, 531138A, 219567A, 991768A, 570469A, 852567A, 525996A, 456480A, 108337A, 960380A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	384063A, 976238A, 065225A, 033858A, 473112A, 219016A, 735286A, 331560A, 237453A, 193219A, 766123A, 815704A, 131597A, 403310A, 733319A, 004090A, 527923A, 774704A, 315910A, 289536A, 131899A, 527435A, 060560A, 556475A, 734940A, 152244A, 044790A, 363907A, 275190A, 752752A, 457237A, 206422A, 069371A, 036353A, 524930A, 010022A, 880633A, 302292A, 780678A, 724207A.	HDPE Bottle: 35 mL	9/26/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	385024A, 606281A, 617225A, 685513A, 366326A, 662075A, 067365A, 363029A, 286531A, 005660A, 406841A, 640466A, 352344A, 872410A, 432043A, 210970A, 708388A, 822163A, 991662A, 542942A, 584902A, 008437A, 720057A, 000348A, 369267A, 300435A, 458210A, 222047A, 612432A, 939739A, 672761A, 979645A, 328975A, 846179A, 206349A, 955517A, 040481A, 628774A, 268944A, 373463A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	389504B, 038684B, 403905B, 449522B, 418600B, 658956B, 749112B, 077442B, 443505B, 435959B, 870866B, 534579B, 171892B, 409215B, 879375B, 132613B, 419578B, 027363B, 651179B, 389971B, 681629B, 321616B, 992641B, 361204B, 858597B, 038408B, 688320B, 777651B, 148862B, 904981B, 053631B, 233527B, 192479B, 520014B, 194085B, 486558B, 549414B, 478068B, 404311B, 513466B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	395466A, 273290A, 856456A, 297857A, 640702A, 420026A, 973661A, 615561A, 560322A, 600718A, 267904A, 735140A, 091660A, 210641A, 159028A, 536278A, 850022A, 194060A, 067268A, 244651A, 958214A, 820854A, 744431A, 793155A, 886676A, 033108A, 965182A, 799207A, 711401A, 075680A, 610688A, 541866A, 747074A, 252805A, 035131A, 770217A, 869817A, 585298A, 972655A, 649192A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	396686A, 937563A, 562704A, 290552A, 280994A, 280286A, 276604A, 082758A, 144999A, 020516A, 279188A, 691263A, 832556A, 552096A, 961012A, 957415A, 789968A, 695966A, 129925A, 922385A, 320230A, 498902A, 827692A, 952114A, 933762A, 245039A, 080778A, 991785A, 443845A, 671541A, 799781A, 540787A, 797074A, 015920A, 351471A, 852391A, 842353A, 013274A, 777556A, 441133A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	405664A, 067437A, 418938A, 852121A, 563445A, 781129A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	409383A, 137119A, 369769A, 552199A, 377041A, 090118A, 545765A, 082758A, 291679A, 544938A, 339392A, 832733A, 175369A, 342327A, 671066A, 987026A, 267761A, 628130A, 339855A, 391502A, 902020A, 072481A, 339265A, 193979A, 538995A, 349770A, 446543A, 555868A, 924272A, 096791A, 206861A, 760519A, 019384A, 468732A, 063049A, 851716A, 248011A, 556284A, 795677A, 224152A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	410082A, 055080A, 051735A, 492193A, 033125A, 735417A, 182197A, 811543A, 387382A, 806305A, 771328A, 411813A, 005198A, 313322A, 607871A, 570613A, 569554A, 996975A, 194891A, 952288A, 484655A, 694372A, 871528A, 843098A, 532148A, 445605A, 926855A, 746240A, 586515A, 824569A, 412960A, 098009A, 713503A, 533029A, 444866A, 028764A, 770443A, 239106A, 169593A, 026052A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	415752A, 648968A, 168572A, 758495A, 812285A, 276780A, 349725A, 214936A, 925237A, 404054A, 669061A, 823300A, 431947A, 290548A, 136299A, 780514A, 740748A, 353440A, 551563A, 672474A, 541532A, 662655A, 838311A, 321958A, 768519A, 330339A, 561711A, 192270A, 758266A, 637111A, 407222A, 130090A, 469728A, 055908A, 092031A, 641185A, 382345A, 017475A, 227121A, 423638A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	421599A, 718906A, 805113A, 970351A, 947287A, 797855A, 760376A, 508768A, 072847A, 542771A, 269239A, 309836A, 521692A, 700912A, 867476A, 121163A, 550904A, 877894A, 512214A, 648986A, 566575A, 945969A, 809178A, 465352A, 578983A, 429305A, 075420A, 934144A, 743027A, 127186A, 894657A, 027427A, 408971A, 264669A, 439592A, 134808A, 596992A, 924033A, 742016A, 398226A, 416854A, 359146A, 426284A, 906877A, 577758A, 489967A, 791391A, 942962A, 944837A, 207742A, 567127A, 900851A, 326456A, 776087A, 543415A, 021952A, 075598A, 586760A, 167094A, 087383A, 602718A, 235254A, 690452A, 732872A, 318451A, 645834A, 477632A, 479481A, 927358A, 252565A, 444806A, 848110A, 397866A, 585429A, 922038A, 971378A, 982884A, 519992A, 494966A, 931262A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	433237A, 443175A, 138062A, 200301A, 358944A, 142559A, 397578A, 253912A, 246761A, 318617A, 180175A, 000519A, 055378A, 899834A, 645198A, 359930A, 172363A, 806018A, 827025A, 374474A, 892580A, 598073A, 196699A, 000806A, 720081A, 057715A, 231785A, 073149A, 830336A, 745368A, 645353A, 767710A, 845341A, 500728A, 260425A, 979247A, 241846A, 289766A, 761019A, 529824A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	445689A, 059226A, 720400A, 156603A, 392846A, 867132A, 767469A, 277340A, 479810A, 379555A, 773287A, 330400A, 527790A, 857861A, 966960A, 317125A, 859992A, 726599A, 406081A, 522045A, 677873A, 809605A, 476493A, 331305A, 621271A, 759189A, 414311A, 900920A, 989788A, 210404A, 528174A, 879809A, 324506A, 904980A, 551185A, 085143A, 543418A, 247277A, 532448A, 621985A.	HDPE Bottle: 35 mL	9/26/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	453164A, 625024A, 750548A, 722931A, 759883A, 786365A, 724878A, 162605A, 393428A, 341180A, 842084A, 524094A, 321298A, 893449A, 622920A, 999487A, 877122A, 846862A, 582923A, 607833A, 420011A, 324266A, 234165A, 363482A, 057365A, 060485A, 062471A, 538556A, 954046A, 763566A, 074558A, 474845A, 165851A, 604880A, 202782A, 180142A, 935828A, 486891A, 673971A, 858392A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	457290A, 585133A, 621255A, 963013A, 522378A, 801211A, 626932A, 808133A, 106640A, 813489A, 916421A, 953739A, 041734A, 549715A, 236713A, 428672A, 691182A, 363319A, 689184A, 950763A, 490461A, 191244A, 221267A, 805428A, 720265A, 616941A, 305242A, 402272A, 696783A, 582560A, 162319A, 104781A, 416225A, 355989A, 009091A, 845116A, 755383A, 028025A, 909347A, 500865A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	459223A, 103080A, 988769A, 783475A, 528828A, 544224A, 900556A, 471477A, 277751A, 083259A, 574350A, 815550A, 267293A, 835306A, 101375A, 604918A, 390113A, 900872A, 775907A, 519167A, 525951A, 539726A, 843758A, 173733A, 576569A, 699878A, 165852A, 448926A, 531381A, 750173A, 302833A, 844290A, 878986A, 247973A, 732125A, 609241A, 343479A, 228751A, 632608A, 567028A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	465370A, 190044A, 676072A, 335926A, 771391A, 178103A, 569709A, 196142A, 915781A, 871922A, 655563A, 006333A, 105904A, 565820A, 747246A, 043535A, 888489A, 569907A, 504211A, 777489A, 237612A, 465013A, 756475A, 182322A, 332255A, 473681A, 454528A, 245209A, 271257A, 554078A, 787801A, 735918A, 261097A, 413922A, 579318A, 357350A, 069155A, 766655A, 558174A, 558018A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	465821B, 303354B, 926227B, 866606B, 949407B, 918032B, 236577B, 347183B, 901037B, 530254B, 087840B, 319781B, 145109B, 110905B, 081642B, 910018B, 720403B, 759992B, 576347B, 420063B, 415362B, 919092B, 365273B, 615675B, 908858B, 381318B, 218080B, 859879B, 840017B, 142331B, 397666B, 026523B, 131357B, 096982B, 990436B, 937660B, 885097B, 356935B, 649588B, 055631B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	490805B, 040895B, 735510B, 966157B, 408532B, 177631B, 765818B, 634285B, 596135B, 270304B, 975809B, 545079B, 664832B, 455754B, 994109B, 478592B, 292327B, 127720B, 054527B, 463950B, 727844B, 568843B, 567483B, 771869B, 504841B, 384676B, 567566B, 578866B, 857073B, 492772B, 859722B, 944543B, 209488B, 683911B, 848327B, 034485B, 153926B, 046872B, 615712B, 738030B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	496885A, 467575A, 208577A, 114727A, 684697A, 292847A, 911893A, 046896A, 683861A, 568333A, 867863A, 371044A, 496345A, 210848A, 323358A, 153856A, 671328A, 203743A, 105905A, 747934A, 397312A, 841675A, 353211A, 597469A, 997060A, 025955A, 574141A, 875416A, 524182A, 255027A, 440852A, 575555A, 044159A, 577027A, 477220A, 442452A, 361751A, 001067A, 212923A, 340312A, 793122A, 257484A, 089407A, 797381A, 055325A, 649946A, 739048A, 368191A, 921125A, 128338A, 417194A, 442164A, 092424A, 002362A, 952157A, 129750A, 656900A, 204748A, 215117A, 647760A, 275061A, 177307A, 271090A, 268068A, 213765A, 265318A, 363540A, 915824A, 839471A, 663935A, 196876A, 000096A, 889022A, 238958A, 929991A, 473051A, 676899A, 103540A, 108199A, 632206A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	497439A, 516906A, 490240A, 196978A, 095838A, 947798A, 980911A, 489751A, 017095A, 470486A, 025281A, 514506A, 231063A, 912132A, 152093A, 594069A, 547300A, 415707A, 269944A, 303175A, 953226A, 525601A, 920349A, 203781A, 427155A, 804957A, 872149A, 518322A, 761128A, 176828A, 272806A, 877542A, 494060A, 418604A, 311756A, 415948A, 080398A, 788865A, 464873A, 454030A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	516260B, 734096B, 718735B, 955813B, 541796B, 272103B, 634517B, 898179B, 517235B, 154309B, 772462B, 049803B, 467731B, 010009B, 809809B, 033437B, 950356B, 387136B, 646263B, 798961B, 272989B, 044963B, 156784B, 776672B, 628922B, 251129B, 073204B, 752102B, 434713B, 585583B, 622419B, 687017B, 463557B, 237783B, 702543B, 559441B, 266690B, 231125B, 532160B, 940774B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	522897A, 961598A, 182080A, 952431A, 788220A, 611599A, 424155A, 605745A, 250728A, 184777A, 569227A, 929830A, 917292A, 863394A, 766135A, 307740A, 736801A, 421620A, 068907A, 918600A, 883631A, 801946A, 517743A, 930706A, 344533A, 923348A, 413974A, 585433A, 965939A, 650417A, 472617A, 075207A, 267124A, 383401A, 214216A, 497242A, 846449A, 534068A, 659020A, 802859A.	HDPE Bottle: 35 mL	9/26/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	523925A, 467152A, 069674A, 343150A, 083404A, 914828A, 797309A, 205943A, 541453A, 303036A, 695585A, 967368A, 376600A, 841285A, 094737A, 113806A, 919087A, 507535A, 492826A, 632144A, 291300A, 905692A, 214599A, 091097A, 834755A, 116161A, 363422A, 330163A, 047562A, 859024A, 045949A, 955634A, 194833A, 847751A, 110501A, 051328A, 343223A, 953926A, 036549A, 727064A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	537084A, 170561A, 622141A, 725545A, 603023A, 251970A, 775159A, 071056A, 819475A, 626210A, 393137A, 953491A, 368050A, 985675A, 073904A, 946734A, 904085A, 704025A, 819561A, 840009A, 638237A, 775499A, 515364A, 504751A, 805251A, 105445A, 790574A, 496222A, 664114A, 919263A, 464192A, 389926A, 754882A, 383464A, 382863A, 995784A, 435966A, 139303A, 592564A, 414435A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	563063A, 043319A, 523760A, 187184A, 907164A, 656370A, 624273A, 357032A, 071854A, 166195A, 104361A, 087452A, 242488A, 739548A, 929511A, 505407A, 924819A, 090574A, 672713A, 154407A, 664422A, 514252A, 015881A, 197947A, 934315A, 579156A, 419132A, 933738A, 952162A, 797221A, 302093A, 411934A, 920288A, 190412A, 895805A, 520302A, 309826A, 009602A, 255467A, 517094A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	563532A, 705550A, 610240A, 861710A, 836164A, 561580A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	563846A, 602975A, 874362A, 798040A, 925071A, 615346A, 544372A, 435116A, 742733A, 175864A, 665713A, 869490A, 825735A, 679083A, 886070A, 862060A, 962423A, 626414A, 977493A, 910027A, 336213A, 090720A, 362106A, 245813A, 888988A, 953008A, 937363A, 728382A, 774520A, 753309A, 980968A, 748703A, 474826A, 863568A, 788165A, 025921A, 474100A, 356664A, 912178A, 626573A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	579454A, 290031A, 835514A, 492957A, 772621A, 787390A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	582298B, 781988B, 153566B, 853318B, 506120B, 527710B, 329414B, 496296B, 335104B, 012775B, 736358B, 597101B, 918135B, 073054B, 104048B, 267021B, 980207B, 228292B, 926426B, 100208B, 608757B, 327445B, 381564B, 389253B, 043905B, 775986B, 414042B, 604407B, 418082B, 471849B, 370957B, 204332B, 103377B, 229347B, 792140B, 572362B, 098139B, 350358B, 179431B, 023912B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	589100B, 856381B, 810293B, 725251B, 464908B, 464928B, 073186B, 008493B, 115895B, 279910B, 007433B, 507434B, 733259B, 799345B, 472500B, 290914B, 212083B, 593112B, 150101B, 828096B, 220366B, 724674B, 726382B, 117565B, 614319B, 550047B, 507725B, 971857B, 668220B, 858424B, 370318B, 192464B, 400271B, 055457B, 747119B, 818560B, 610242B, 633967B, 095571B, 388220B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	609902A, 546534A, 889953A, 810424A, 781323A, 149638A, 983466A, 025814A, 311924A, 155935A, 705258A, 429274A, 047130A, 536853A, 857741A, 338288A, 753952A, 505078A, 045168A, 810225A, 232977A, 659437A, 408353A, 201999A, 950563A, 259899A, 385723A, 376260A, 869580A, 377619A, 033385A, 776776A, 935691A, 378058A, 579569A, 186212A, 961008A, 220933A, 767887A, 111721A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	611862B, 382729B, 399562B, 212228B, 845729B, 811612B, 710275B, 115257B, 085650B, 054776B, 195410B, 725018B, 818494B, 709075B, 735297B, 080303B, 687405B, 855660B, 421334B, 840784B, 787495B, 579225B, 952700B, 451180B, 485824B, 226145B, 799020B, 390372B, 000587B, 574668B, 017184B, 843794B, 679202B, 613408B, 239659B, 890707B, 728272B, 489418B, 525592B, 066349B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	632952A, 048631A, 422336A, 115270A, 078787A, 440137A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	638508B, 454250B, 846395B, 992883B, 776828B, 439894B, 028356B, 830554B, 428473B, 254217B, 749079B, 250607B, 907591B, 112925B, 911019B, 467147B, 458258B, 466617B, 330022B, 591107B, 417321B, 573826B, 531087B, 625198B, 541976B, 292984B, 974554B, 775432B, 408585B, 969286B, 141510B, 647523B, 829921B, 898650B, 787906B, 246056B, 879460B, 415453B, 953930B, 375142B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	648454B, 727008B, 951124B, 133287B, 558627B, 406406B, 339659B, 780360B, 310280B, 213575B, 021272B, 366564B, 361151B, 465756B, 896803B, 608505B, 017120B, 999497B, 604125B, 745406B, 249450B, 542417B, 879896B, 782232B, 897791B, 677082B, 274900B, 808551B, 125879B, 945822B, 375479B, 033167B, 358898B, 289869B, 933725B, 551836B, 982591B, 654020B, 894882B, 467723B.	HDPE Bottle: 35 mL	9/26/2024

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Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	653229A, 669672A, 864663A, 592926A, 833276A, 979812A, 680496A, 458571A, 456875A, 719828A, 579306A, 676149A, 878564A, 813188A, 329353A, 934653A, 104833A, 676090A, 074352A, 007431A, 639482A, 013896A, 106965A, 471703A, 999057A, 827276A, 293572A, 323327A, 013878A, 956847A, 134887A, 733723A, 007798A, 605732A, 429964A, 109462A, 227541A, 959374A, 061737A, 511938A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	666586A, 180120A, 884805A, 122475A, 556659A, 326966A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	673073A, 208756A, 758401A, 482749A, 857169A, 096721A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	681057A, 338579A, 942716A, 882314A, 888456A, 693124A, 648839A, 618305A, 588590A, 587551A, 026677A, 265340A, 777370A, 476633A, 146657A, 315994A, 741585A, 107867A, 521815A, 650879A, 191502A, 737163A, 584247A, 326399A, 920620A, 083015A, 260235A, 425876A, 224461A, 391818A, 622174A, 131829A, 519954A, 954067A, 563190A, 394804A, 453034A, 208313A, 468748A, 960312A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	690418A, 012867A, 370298A, 649445A, 956073A, 221355A, 158685A, 031057A, 966613A, 190677A, 464198A, 558355A, 340350A, 167284A, 021561A, 088956A, 576129A, 948243A, 068106A, 882125A, 052761A, 338949A, 664793A, 929028A, 678775A, 598808A, 370837A, 610746A, 097456A, 372354A, 106371A, 278934A, 338257A, 289330A, 524353A, 847750A, 437913A, 560057A, 180882A, 709537A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	707841A, 186776A, 358509A, 614227A, 892846A, 924361A, 273103A, 801357A, 456701A, 065962A, 346229A, 867447A, 050342A, 474661A, 065346A, 427716A, 334331A, 285760A, 111876A, 241391A, 019606A, 528376A, 022340A, 386743A, 602374A, 226852A, 417929A, 274904A, 933304A, 760206A, 600592A, 290178A, 566965A, 049971A, 475058A, 188093A, 040181A, 137745A, 369345A, 614453A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	715040B, 437724B, 781092B, 106740B, 579956B, 005922B, 020086B, 287145B, 411358B, 946769B, 162062B, 834037B, 119231B, 156248B, 262813B, 407916B, 193631B, 909761B, 521442B, 144510B, 369337B, 763841B, 890413B, 611046B, 813885B, 649347B, 192093B, 705956B, 614146B, 177463B, 923604B, 224174B, 981147B, 924733B, 600995B, 699675B, 410271B, 500980B, 702830B, 044634B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	724326B, 897161B, 104349B, 008467B, 371462B, 516192B, 493370B, 119118B, 799391B, 736479B, 198511B, 625233B, 254965B, 985936B, 574323B, 080367B, 010948B, 891992B, 283825B, 521256B, 224103B, 974107B, 649524B, 300588B, 308316B, 350650B, 291247B, 065604B, 937885B, 238570B, 430231B, 477858B, 524507B, 303687B, 959929B, 403666B, 061829B, 036204B, 456743B, 371793B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	724485A, 285750A, 324198A, 153222A, 632180A, 345491A, 983550A, 846333A, 578161A, 392424A, 972444A, 085729A, 034283A, 966600A, 557627A, 412927A, 258397A, 142207A, 821820A, 216717A, 719385A, 188572A, 358808A, 793168A, 669986A, 491230A, 409322A, 688522A, 987330A, 153425A, 365779A, 647472A, 158714A, 787663A, 210019A, 569523A, 960747A, 165725A, 751680A, 866396A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	724608B, 347506B, 460245B, 127909B, 266266B, 203807B, 168785B, 967561B, 145315B, 703251B, 062924B, 467289B, 336282B, 792180B, 834097B, 345872B, 077011B, 774566B, 770245B, 068560B, 626078B, 904820B, 000537B, 480607B, 467542B, 915330B, 060384B, 774972B, 574457B, 033555B, 811099B, 785252B, 364450B, 209218B, 416119B, 477570B, 815169B, 713686B, 776577B, 030416B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	728754B, 842901B, 247415B, 551358B, 329223B, 952032B, 216284B, 662661B, 053661B, 456267B, 744412B, 424415B, 655419B, 206563B, 459480B, 764143B, 753961B, 414268B, 780698B, 780816B, 631254B, 830134B, 878185B, 141784B, 839352B, 016994B, 794185B, 585546B, 191870B, 682161B, 849126B, 948506B, 535656B, 106231B, 497288B, 534593B, 988172B, 583517B, 447445B, 982698B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	729977A, 238365A, 430260A, 653038A, 568611A, 801265A, 900563A, 286428A, 568046A, 342334A, 119158A, 914860A, 269535A, 836787A, 302513A, 170239A, 362967A, 654109A, 082356A, 158412A, 421510A, 038819A, 983158A, 202975A, 191047A, 429031A, 136146A, 128936A, 863717A, 455126A, 157124A, 002353A, 249797A, 244327A, 074639A, 882940A, 650130A, 625969A, 515823A, 080107A.	HDPE Bottle: 35 mL	9/26/2024

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Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	730787A, 603801A, 181703A, 445621A, 747005A, 880488A, 969033A, 164271A, 182020A, 028636A, 568864A, 672233A, 382002A, 516739A, 185628A, 866790A, 104586A, 895010A, 649481A, 391546A, 646135A, 967788A, 491256A, 977472A, 937077A, 614175A, 502054A, 049396A, 031074A, 791115A, 401930A, 371486A, 861705A, 306872A, 595387A, 289267A, 995915A, 328631A, 873620A, 528099A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	748802A, 596687A, 210979A, 449064A, 956215A, 348646A, 530151A, 857021A, 303411A, 606279A, 087684A, 643572A, 641487A, 423195A, 735838A, 466398A, 440007A, 320850A, 241796A, 933809A, 171455A, 705349A, 160431A, 388238A, 028744A, 457601A, 612704A, 971507A, 145246A, 971839A, 436907A, 918791A, 858255A, 390298A, 686543A, 043895A, 083890A, 022239A, 425209A, 109957A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	759126A, 943009A, 681268A, 912517A, 393408A, 430730A, 677309A, 572260A, 180417A, 756532A, 377971A, 358786A, 493930A, 085993A, 874527A, 519660A, 791379A, 980061A, 015516A, 492232A, 330844A, 115238A, 445437A, 445881A, 631072A, 820780A, 605523A, 912930A, 070925A, 306547A, 976475A, 910754A, 149515A, 331064A, 576808A, 461748A, 969489A, 909466A, 324191A, 186426A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	764507B, 683818B, 843042B, 618067B, 017009B, 091724B, 438655B, 410834B, 325590B, 366387B, 346450B, 937452B, 138036B, 708945B, 407281B, 635339B, 404281B, 016718B, 165834B, 356098B, 530649B, 297610B, 581654B, 354943B, 961800B, 619362B, 365377B, 811914B, 137948B, 638762B, 614415B, 078705B, 460445B, 181397B, 458518B, 649605B, 949160B, 732615B, 969593B, 982110B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	771784A, 476359A, 027514A, 759715A, 529027A, 134216A, 199026A, 302197A, 990414A, 139652A, 286862A, 392898A, 870434A, 040690A, 601308A, 691793A, 121076A, 182366A, 452330A, 846731A, 103724A, 286618A, 496020A, 777680A, 417664A, 262578A, 623102A, 868679A, 062906A, 389853A, 404467A, 539739A, 508104A, 224658A, 557605A, 950145A, 631586A, 022576A, 354431A, 831509A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	776633A, 725686A, 362503A, 577932A, 006247A, 632205A, 252580A, 871598A, 816430A, 570760A, 763996A, 201800A, 463900A, 324925A, 915067A, 558362A, 557537A, 289066A, 472881A, 665102A, 628132A, 793753A, 751842A, 761674A, 049567A, 078190A, 770327A, 923408A, 332055A, 738504A, 408670A, 604689A, 563122A, 559473A, 574828A, 378813A, 552076A, 595726A, 661665A, 867826A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	779378A, 333561A, 483368A, 042534A, 511829A, 632632A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	790908B, 700865B, 618561B, 436848B, 110684B, 633021B, 029216B, 843326B, 640381B, 103438B, 494648B, 543405B, 904172B, 265731B, 123233B, 974694B, 266159B, 882688B, 984560B, 861213B, 913802B, 187576B, 657150B, 592511B, 345058B, 435192B, 214465B, 116070B, 677455B, 097377B, 426781B, 927973B, 727805B, 663512B, 374622B, 013139B, 570400B, 225862B, 139993B, 963626B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	809226A, 340888A, 201852A, 288667A, 565709A, 485723A, 973706A, 965332A, 170023A, 581808A, 214318A, 433185A, 743075A, 355284A, 171810A, 046388A, 761330A, 439139A, 627093A, 196883A, 135335A, 368282A, 888972A, 225743A, 142075A, 056978A, 946952A, 930417A, 037930A, 720504A, 464720A, 660845A, 530420A, 890235A, 812843A, 969363A, 452681A, 225642A, 140258A, 966887A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	819548A, 295405A, 227739A, 138330A, 658174A, 053659A, 110641A, 233046A, 706944A, 689427A, 302096A, 309615A, 009301A, 817298A, 058203A, 369295A, 667899A, 168718A, 549241A, 664865A, 195932A, 295297A, 622349A, 886422A, 143858A, 890947A, 137612A, 880785A, 168245A, 417592A, 621238A, 641016A, 459075A, 646228A, 993569A, 638999A, 945479A, 768138A, 532614A, 374764A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	825396B, 950805B, 234520B, 116370B, 742435B, 651616B, 096414B, 336848B, 032764B, 239824B, 719012B, 775479B, 958768B, 494880B, 983008B, 287637B, 495479B, 294991B, 901948B, 811150B, 582678B, 531907B, 635823B, 823178B, 984295B, 539145B, 094635B, 360548B, 657361B, 625863B, 728054B, 240122B, 176809B, 248933B, 446787B, 219648B, 239881B, 565689B, 411013B, 366412B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	838506B, 344945B, 317164B, 803379B, 169380B, 413721B, 367527B, 180500B, 288413B, 435680B, 224303B, 698723B, 941672B, 011692B, 124529B, 111179B, 551324B, 871504B, 055764B, 510067B, 480589B, 991815B, 584380B, 389513B, 866060B, 967287B, 402233B, 526768B, 323408B, 649349B, 847982B, 616399B, 402017B, 179518B, 655409B, 232940B, 993653B, 053488B, 315145B, 934774B.	HDPE Bottle: 35 mL	9/26/2024

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Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	853786A, 790243A, 844540A, 365687A, 023932A, 470458A	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	864665B, 344188B, 959552B, 793816B, 291716B, 179631B, 968321B, 837132B, 563472B, 178946B, 382897B, 303358B, 235534B, 064820B, 980408B, 106327B, 996721B, 783736B, 831338B, 610217B, 098855B, 955853B, 642866B, 272321B, 629595B, 442364B, 065908B, 434770B, 499701B, 074448B, 062654B, 435075B, 627867B, 964869B, 433984B, 424309B, 176957B, 893861B, 994885B, 285603B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	892000B, 474316B, 093458B, 833358B, 534981B, 628972B, 160567B, 655293B, 337026B, 640167B, 858663B, 077968B, 982532B, 039974B, 172962B, 891211B, 306047B, 336388B, 989433B, 782124B, 354237B, 474281B, 806280B, 672819B, 618772B, 177675B, 206625B, 456475B, 450668B, 252670B, 637202B, 157703B, 016929B, 200977B, 277304B, 521950B, 207670B, 708698B, 245804B, 683412B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	897739A, 988105A, 153170A, 847183A, 012288A, 312392A, 021668A, 690253A, 966448A, 641910A, 948878A, 920431A, 667246A, 957677A, 228056A, 503825A, 645090A, 347576A, 728094A, 516019A, 923058A, 280543A, 136759A, 986326A, 315565A, 976998A, 154175A, 120073A, 825204A, 856375A, 990540A, 903401A, 657656A, 315143A, 154923A, 206369A, 525684A, 290880A, 051376A, 291574A, 206854A, 841765A, 529407A, 690326A, 925901A, 311305A, 483453A, 229199A, 814921A, 202707A, 946493A, 946505A, 569111A, 108753A, 308842A, 953126A, 016995A, 497067A, 865670A, 050721A, 777333A, 837977A, 757151A, 477108A, 004599A, 035692A, 235128A, 686359A, 265873A, 246112A, 383809A, 134694A, 303691A, 114862A, 912954A, 103706A, 881644A, 299067A, 364848A, 171261A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	954995A, 613795A, 305673A, 311712A, 307615A, 151835A, 478413A, 206548A, 123189A, 629068A, 196200A, 219662A, 385481A, 974648A, 368692A, 057088A, 071104A, 660765A, 267415A, 565786A, 772470A, 557837A, 791861A, 484733A, 005145A, 492890A, 936976A, 507080A, 114526A, 584336A, 886724A, 357274A, 946296A, 428174A, 491945A, 712122A, 337575A, 602568A, 928620A, 411873A.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	959376B, 019792B, 130817B, 807985B, 947662B, 543041B, 635892B, 396301B, 830123B, 161325B, 790594B, 564852B, 571203B, 054639B, 537835B, 229529B, 485655B, 019273B, 612161B, 212555B, 224189B, 642806B, 990109B, 031171B, 092907B, 366482B, 967797B, 970169B, 144983B, 775923B, 913552B, 087929B, 003901B, 007732B, 424712B, 428047B, 383494B, 232560B, 936223B, 343046B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	962303B, 120901B, 026758B, 816954B, 405601B, 307693B, 363538B, 572968B, 299465B, 183743B, 624001B, 628632B, 796959B, 013356B, 886752B, 045780B, 451201B, 449956B, 565625B, 102225B, 496603B, 804517B, 909185B, 731881B, 298747B, 268746B, 726272B, 932484B, 688766B, 997256B, 413582B, 693410B, 718763B, 428596B, 996651B, 866018B, 263402B, 465327B, 955185B, 798596B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	980368B, 601316B, 039655B, 574923B, 644569B, 585311B, 127607B, 643457B, 134297B, 055307B, 086913B, 361914B, 879207B, 963554B, 063636B, 799163B, 223430B, 986230B, 078778B, 866735B, 515031B, 642478B, 918053B, 066583B, 547746B, 699235B, 565419B, 695026B, 323649B, 626280B, 053206B, 237589B, 544391B, 276483B, 623827B, 074928B, 554583B, 419866B, 573419B, 378969B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	985613B, 522340B, 533478B, 827795B, 861897B, 100319B, 860745B, 119375B, 138626B, 836623B, 514657B, 540502B, 590127B, 686883B, 630816B, 150704B, 757526B, 362501B, 252703B, 199543B, 298473B, 988656B, 428450B, 457098B, 169167B, 510576B, 174867B, 371183B, 720530B, 089813B, 899425B, 442652B, 082163B, 831685B, 684925B, 276395B, 097840B, 783205B, 451147B, 171755B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	986744B, 809210B, 614360B, 906979B, 083546B, 595197B, 653316B, 528017B, 939186B, 511054B, 063194B, 822236B, 758353B, 738602B, 928446B, 687633B, 973248B, 916354B, 511044B, 321470B, 238090B, 369102B, 587045B, 117713B, 304575B, 315476B, 778984B, 622369B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	986744B, 809210B, 614360B, 906979B, 083546B, 595197B, 653316B, 528017B, 939186B, 511054B, 063194B, 822236B, 758353B, 738602B, 928446B, 687633B, 973248B, 916354B, 511044B, 321470B, 238090B, 369102B, 587045B, 117713B, 304575B, 315476B, 778984B, 622369B, 624055B, 541197B, 886106B, 262964B, 965548B, 770693B, 738910B, 332499B, 903820B, 224031B, 531075B, 561753B.	HDPE Bottle: 35 mL	9/26/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
National Laboratory Certification Program.	996624B, 649500B, 175969B, 093180B, 346927B, 572584B, 698551B, 523667B, 759860B, 532918B, 910303B, 715889B, 870513B, 021328B, 271917B, 025204B, 741464B, 765634B, 136554B, 544667B, 390793B, 514914B, 185338B, 590023B, 428459B, 534460B, 216431B, 641435B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	996624B, 649500B, 175969B, 093180B, 346927B, 572584B, 698551B, 523667B, 759860B, 532918B, 910303B, 715889B, 870513B, 021328B, 271917B, 025204B, 741464B, 765634B, 136554B, 544667B, 390793B, 514914B, 185338B, 590023B, 428459B, 534460B, 216431B, 641435B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	996624B, 649500B, 175969B, 093180B, 346927B, 572584B, 698551B, 523667B, 759860B, 532918B, 910303B, 715889B, 870513B, 021328B, 271917B, 025204B, 741464B, 765634B, 136554B, 544667B, 390793B, 514914B, 185338B, 590023B, 428459B, 534460B, 216431B, 641435B, 324434B, 829171B, 087368B, 013113B, 138141B, 774911B, 788568B, 851541B, 629983B, 147013B, 863055B, 793202B.	HDPE Bottle: 35 mL	9/26/2024
National Laboratory Certification Program.	000718A, 012905A, 055171A, 063438A, 068130A, 085316A, 121128A, 175711A, 192483A, 210253A, 217515A, 222244A, 248079A, 278646A, 325238A, 328497A, 354182A, 354246A, 355160A, 356320A, 363364A, 363757A, 380303A, 381668A, 387562A, 401037A, 408557A, 410499A, 415328A, 448496A, 449123A, 519251A, 519642A, 522376A, 547655A, 562034A, 570158A, 606065A, 622888A, 630470A, 639683A, 652305A, 653765A, 680431A, 680815A, 693633A, 694536A, 717152A, 721196A, 732369A, 741584A, 747266A, 747398A, 749408A, 755675A, 757987A, 771103A, 776617A, 783976A, 805349A, 811783A, 821798A, 828044A, 836281A, 836839A, 843676A, 844673A, 851522A, 851963A, 875122A, 884003A, 896624A, 907674A, 923237A, 928649A, 933498A, 954526A, 963965A, 965286A, 975329A.	HDPE Bottle: 35 mL	9/26/2024
o2si smart solutions | North Charleston.	Sports Supplement Adulterant Solution	Amber Glass, 1mL	10/29/2024
o2si smart solutions | North Charleston.	Weight Loss Adulterant Solution	Amber Glass, 1mL	10/29/2024
Research Triangle Institute	070656A, 305445A, 640404A, 461711A, 097722A, 591336A, 171617A, 500137A, 393854A, 837252A, 231882A, 735325A, 220209A, 110171A, 652579A, 627869A, 261468A, 421502A, 332751A, 384813A, 196435A.	HDPE bottle: 35 mL	11/9/2023
Research Triangle Institute	999013A, 312215A, 734432A, 262784A, 582502A, 123434A, 033560A, 223771A, 049840A, 721033A, 794610A, 252497A, 222402A, 241916A.	HDPE bottle: 35 mL	11/9/2023
Research Triangle Institute	U6653, U6645, U6202, U6631, U6279, U6870, U6744, U6095, U6950, U6245, U6007, U6416, U6040, U6881, U6269, U6036, U6748, U6819, U6525, U6982, U6766, U6087, U6160, U6013, U6139, U6849, U6810, U6308, U6390, U6156.	HDPE bottles: 25 mL	5/6/2024
Research Triangle Institute	U7551, U7354, U7887, U7560, U7561, U7495, U7332, U7622, U7635, U7938, U7527, U7932, U7574, U7147, U7983, U7218, U7866, U7797, U7434, U7235, U7215, U7425, U7629, U7223, U7595, U7856, U7105, U7840, U7925, U7086.	HDPE bottles: 25 mL	5/6/2024
Restek Corporation	(6aR, 9R)- Δ 10-THC Standard (1000 μ g/mL in Acetonitrile)	Glass ampule: 1.3 mL	2/2/2024
Restek Corporation	9(S)- Δ 6a, 10a-THC Standard (1000 μ g/mL in Acetonitrile)	Glass ampule: 1.3 mL	2/2/2024
Restek Corporation	9R-HHC Standard (1000 μ g/mL in Acetonitrile)	Glass ampule: 1.3 mL	2/2/2024
Restek Corporation	9S-HHC Standard (1000 μ g/mL in Acetonitrile)	Glass ampule: 1.3 mL	2/2/2024
Restek Corporation	Cannabinoids 11 (250) Standard	Glass ampoule: 1.3 mL	1/30/2025
Restek Corporation	Custom Cannabinoids Acids 6 Standard	Custom Cannabinoids Acids 6 Standard.	4/3/2024
Restek Corporation	Custom EDC Standard #1 100 μ g/mL	Glass ampule: 1.3 mL	4/19/2024
Restek Corporation	Custom EDC Standard #2 50 μ g/mL	Glass ampule: 1.3 mL	4/19/2024
Restek Corporation	Custom Hormones #1 Standard	Glass ampoule: 1.3 mL	6/18/2024
Restek Corporation	Custom Phenoxycetic acid Herbs 1 Standard	Glass ampoule: 1.3 mL	9/27/2024
Restek Corporation	Custom Tramadol HCl Standard 1000 μ g/mL	Glass ampule: 1.3 mL	6/3/2024
Restek Corporation	Exo-THC Standard (1000 μ g/mL in Methanol)	Glass ampule: 1.3 mL	2/2/2024
Restek Corporation	OF24-01	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-02	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-03	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-04	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-05	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-06	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-07	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-08	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-09	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-10	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-11	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-12	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-13	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-14	HDPE vials: 3 mL	1/31/2024
Restek Corporation	OF24-15	HDPE vials: 3 mL	1/31/2024
Restek Corporation	Δ 8-THC-O-Acetate Standard (1000 μ g/mL in Acetonitrile)	Glass ampule: 1.3 mL	2/2/2024
Restek Corporation	Δ 8-THC-O-Acetate Standard (1000 μ g/mL in Acetonitrile) #34155	Glass ampule: 1.3 mL	2/2/2024

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Supplier name	Product name	Form	Application date
Restek Corporation	Δ9-THC-O-Acetate Standard (1000 µg/mL in Acetonitrile)	Glass ampule: 1.3 mL	2/2/2024
Restek Corporation	Δ9-THC-O-Acetate Standard (1000 µg/mL in Acetonitrile) #34154	Glass ampule: 1.3 mL	2/2/2024
Revvity	AlphaLISA Testosterone (100 µM) AL324S	Polypropylene micro tube: 0.21 mL	10/31/2023
Revvity	Androst-4-ene-3,17-dione, [1β-3H(N)]—Exempt Chemical Preparation, NET926250UC (250 µCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	Dihydrotestosterone, [1,2,4,5,6,7-3H(N)]—Exempt Chemical Preparation, NET453001MC (1 mCi).	Nensure Vial: 1.0 mL	10/31/2023
Revvity	Dihydrotestosterone, [1,2,4,5,6,7-3H(N)]—Exempt Chemical Preparation, NET453250MC (250 µCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	Dihydrotestosterone, [4-14C]—Exempt Chemical Preparation, NET1121250UC (250 µCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	Flunitrazepam, [methyl-3H]—Exempt Chemical Preparation, NET567250UC (250 µCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	Lysergic acid diethylamide, [N-methyl-3H]—Exempt Chemical Preparation, NET638250UC (250 µCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	Methyltrienolone, [17α-methyl-3H]-, (R1881) Exempt Chemical Preparation, NET590250UC (250 µCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	Pentazocine, [ring-1,3-3H]—Exempt Chemical Preparation, NET1056001MC (1 mCi).	Nensure Vial: 1.0 mL	10/31/2023
Revvity	Pentazocine, [ring-1,3-3H]—Exempt Chemical Preparation, NET1056250UC (250 µCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	TCP, [piperidyl-3,4-3H(N)]—Exempt Chemical Preparation, NET886250UC (250 µCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	Testosterone, [1,2,6,7-3H]—Exempt Chemical Preparation, NET370001MC (1 mCi).	Nensure Vial: 1.0 mL	10/31/2023
Revvity	Testosterone, [1,2,6,7-3H]—Exempt Chemical Preparation, NET370250UC (250 mCi).	Nensure Vial: 0.25 mL	10/31/2023
Revvity	Testosterone, [4-14C]—Exempt Chemical Preparation, NEC101050UC (50 µCi).	Nensure Vial: 1.5 mL	10/31/2023
Roche Diagnostics	CalSet iTDMA cobas i	Plastic Reagent bottle: 2 bottles, 21 mL each.	5/1/2024
Roche Diagnostics	CalSet iTDMA cobas I Ref 09590331160	HDPE Bottle: 16 bottles, 2.5 mL each.	2/13/2025
Roche Diagnostics	Control Set iCSTDMA cobas I	HDPE Bottle: 16 bottles, 2.5 mL each.	9/18/2024
Roche Diagnostics	ControlSet iCSTDMA cobas i Ref 09495495160	HDPE Bottles: 16 bottles, 2.5 mL each.	2/13/2025
Roche Diagnostics	iAED2 Antiepileptic 2, Ref 09495495160	Glass bottle: 14.65 mL Plastic Reagent bottle: 2 bottles, 21 mL each.	2/13/2025
Roche Diagnostics	iAED2 Antiepileptic 2, Ref 09495495529	Glass bottle: 14.65 mL	5/1/2024
RTI International	Occasion 1 Sample 1	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 1 Sample 2	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 1 Sample 3	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 1 Sample 4	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 1 Sample 5	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 1 Sample 6	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 2 Sample 2	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 2 Sample 3	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 2 Sample 4	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 2 Sample 5	HDPE vial: 5 mL	7/16/2024
RTI International	Occasion 2 Sample 6	HDPE vial: 5 mL	7/16/2024
Technopath Clinical Diagnostics	Multichem MS TDMs Level 1	Plastic bottle: 12 bottles, 4.5 mL each.	2/25/2025
Technopath Clinical Diagnostics	Multichem MS TDMs Level 1 Ref 09922571529	HDPE Bottle: 16 bottles, 2.5 mL each.	5/1/2024
Technopath Clinical Diagnostics	Multichem MS TDMs Level 2	Plastic bottle: 12 bottles, 4.5 mL each.	2/25/2025
Technopath Clinical Diagnostics	Multichem MS TDMs Level 2 09922580529	Plastic Bottle: 12 bottles, 4.5 mL each.	9/18/2024
Thermo Fisher Scientific	Alinity Anti-Tg Calibrators J09P3401/ 09P3401	Kit: 6 HDPE Plastic Vials, 3 mL each.	10/10/2024
Thermo Fisher Scientific	Alinity Anti-Tg Control Kit J02K46–10/ 02K46–10	Kit: 2 LDPE Plastic Vials, 4 mL each.	10/10/2024
Thermo Fisher Scientific	Alinity Anti-Tg Control Kit J09P3410/ 09P3410	Kit: 2 LDPE Plastic Vials, 4 mL each.	10/10/2024
Thermo Fisher Scientific	Alinity Anti-TPO Calibrators J09P3501/ 09P35–01	Kit: 6 HDPE Plastic Vials, 3 mL each.	10/10/2024
Thermo Fisher Scientific	Alinity Anti-TPO Control Kit J09P3510/ 09P3510	Kit: 2 HDPE Plastic Vials, 4 mL each.	10/10/2024
Thermo Fisher Scientific	Alinity BRAHMS PCT Calibrator J01R1801/ 01R1801	HDPE Bottle: 2.0 mL	10/10/2024
Thermo Fisher Scientific	Anti-Tg Master Calibrators JY2K46(A–F)95	Kit: 6 LDPE Plastic Vials, 4 mL each.	10/15/2024
Thermo Fisher Scientific	Anti-Tg Panel 1, 2, 3 and 6 JY2K46P195 JY2K46P295 JY2K46P395 JY2K46P695.	Kit: 4 Polypropylene Vials, 1 mL each.	10/15/2024
Thermo Fisher Scientific	Anti-TPO Master Calibrators JY2K47(A–F)95	Kit: 6 LDPE Plastic Vials, 4 mL each.	10/15/2024
Thermo Fisher Scientific	Anti-TPO Panel 1, 2 and 3 JY2K47P195 JY2K47P295 JY2K47P395	Kit: 3 Polypropylene Vials, 1 mL each.	10/15/2024
Thermo Fisher Scientific	Architect Anti-Tg Calibrators J02K46–01/ 02K46–01	Kit: 6 LDPE Plastic Vials, 4 mL each.	10/10/2024

CHART I—Continued

Supplier name	Product name	Form	Application date
Thermo Fisher Scientific	Architect Anti-Tg Control Kit J02K46–10/02K46–10	Kit: 2 LDPE Plastic Vials, 4 mL each.	11/7/2024
Thermo Fisher Scientific	Architect Anti-TPO Calibrators J02K47–01/ 02K47–01	Kit: 6 LDPE Plastic Vials, 4 mL each.	10/10/2024
Thermo Fisher Scientific	Architect Anti-TPO Control Kit J02K47–10/ 02K47–10	Kit: 2 LDPE Plastic Vials, 4 mL each.	10/10/2024
Thermo Fisher Scientific	Architect PCT Calibrators J06P22–01/ 06P22–01	Kit: 6 LDPE Plastic Vials, 2 mL each.	10/10/2024
Thermo Fisher Scientific	CK–MB Panel 1 and 2 JY2K42P195 JY2K42P295	Kit: 2 Polypropylene Vials, 1 mL each.	10/15/2024
Thermo Fisher Scientific	Kontakt Pool J250312	PETG Vial, 10 mL	10/15/2024
Thermo Fisher Scientific	Kontakt J250312	PETG Vial, 10 mL	11/7/2024
Thermo Fisher Scientific	Kontakt (JC300312)	PETG Vial, 10 mL	12/17/2024
Thermo Fisher Scientific	PCT Panel 1, 3, 4 and 5 JY6P22P195 JY6P22P395 JY6P22P495	Kit: 4 Polypropylene Vials, 1 mL each.	10/15/2024
Thermo Fisher Scientific	JY6P22P595. PCT Primary Calibrator A JY6P22A95	Kit: 81 LDPE Bottles, 4 mL each	10/15/2024

The Assistant Administrator has found that each of the compounds, mixtures, and preparations described in Chart II, below, is not consistent with the criteria stated in 21 U.S.C. 811(g)(3)(B) and in 21 CFR 1308.23. Accordingly, the Assistant

Administrator has determined that the chemical preparations or mixtures generally described in Chart II, below, and specifically described in the application materials received by DEA, are not exempt from application of any part of the CSA or from application of

any part of the CFR, with regard to the requested exemption pursuant to 21 CFR 1308.23, as of the date that was provided in the determination letters to the individual requesters.

CHART II

Supplier name	Product name	Form	Application date
Absolute Standards, Inc	Alprazolam PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Alprazolam, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Alprazolam-D5 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Clonazepam PT, 1–1000 µg/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Clonazepam-D4 PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Fentanyl, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Fentanyl-D5, 1000 ug/mL, in Methanol	Glass ampoule: 1 mL	6/21/2024
Absolute Standards, Inc	Lorazepam PT, 1–1000 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Lysergic acid diethylamide (LSD) PT, 1–100 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	12/6/2024
Absolute Standards, Inc	Lysergic acid diethylamide (LSD) PT, 1–1000 ug/mL, in Acetonitrile	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Lysergic acid diethylamide-D3 (LSD-D3) PT, 1–100 ug/mL, in Acetonitrile.	Glass ampoule: 1 mL	12/6/2024
Absolute Standards, Inc	Lysergic acid diethylamide-D3 (LSD-D3) PT, 1–1000 ug/mL, in Acetonitrile.	Glass ampoule: 1 mL	7/30/2024
Absolute Standards, Inc	Triazolam PT, 1–1000 ug/mL, in Methanol	Glass ampoule: 1 mL	7/30/2024
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC287	Glass vial/Plastic bottle: 5 mL, 10 mL, 20 mL, 25 mL, 50 mL.	11/8/2023
Cayman Chemical Company	Emergent Drug Panel—Internal Standard	96-well plate; individual removable tube wells, alpha-numeric labels; 0.75 mL each.	4/30/2024
Cayman Chemical Company	Phytocannabinoid Mixture California Potency (CRM) 1 mg/ml ea in Acetonitrile.	Glass ampoule: 1.0 mL	11/21/2023
Cliniq Corporation	80 µg/mL Phenobarbital, and non-controlled substances in human serum.	Vial/Bottle: 2,000 ml	1/12/2024
Cliniq Corporation	MCC Level 6, Part: 86052	Vial/Bottle: 2,000 ml	1/12/2024
LGC Clinical Diagnostics, Inc	TDM1 ab WrkBlk Level 5	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 au WrkBlk Level 5	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 bc WrkBlk Level 5	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 db WrkBlk level 5	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri GentC Set WrkBlk Level 5	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 ri TDM Set WrkBlk Level 5	Glass volumetric flask, 200–8000 mL.	9/5/2024
LGC Clinical Diagnostics, Inc	TDM1 vt WrkBlk Level 5	Glass volumetric flask, 200–8000 mL.	9/5/2024
Microgenics Corporation	Abaxis Thyroxine (T4) Antibody/Substrate Reagent, Catalog number: 10010877.	Kit: bottles, 1 L, 20 L	2/14/2025
Microgenics Corporation	Buffer T Up Enz/Conj, Catalog number: 0814	Plastic Carboy: 20 L, 25 L, 50L, 100L.	2/21/2025
Microgenics Corporation	Buffer T4 Ab/Sub, Catalog number: 0462	Plastic tank: 1000 L, 1500 L	2/21/2025
Microgenics Corporation	Cal Opiate 1000ng BCI, Catalog number: 1603	Glass bottle: 16–36 L; Plastic Bottle: 20–40 L.	3/8/2025

CHART II—Continued

Supplier name	Product name	Form	Application date
Microgenics Corporation	Cal Opiate 300ng BCI, Catalog number: 1601	Glass bottle: 36 L; Plastic Bottle: 43 L.	3/8/2025
Microgenics Corporation	CEDIA Buprenorphine I Spike Solution, Catalog number: 1007967	Plastic or Glass bottle: 1000 mL, 2000 mL.	1/24/2025
Microgenics Corporation	CEDIA Methadone Spike Solution, Catalog number: 1000302	Plastic or Glass bottle: 250 mL, 300 mL.	1/24/2025
Microgenics Corporation	Ctrl MD Clin Low AlqtdCtrl MD Clinical Hi Alqt, Catalog number: 10007727.	Glass bottle: 16–36 L; Plastic Bottle: 20–105 L.	3/8/2025
Microgenics Corporation	Ctrl MD Clinical Hi Alqt, Catalog number: 10007728	Glass bottle: 16–36 L; Plastic Bottle: 10–105 L.	3/8/2025
Microgenics Corporation	Ctrl MD High BCI, Catalog number: 1554	Glass bottle: 4–36 L; Plastic Bottle: 5–100 L.	3/8/2025
Microgenics Corporation	Ctrl MD High Bulk BCI, Catalog number: 1596	Glass bottle: 4–36 L; Plastic Bottle: 5–80 L.	3/8/2025
Microgenics Corporation	Ctrl MD Low BCI, Catalog number: 1552	Glass bottle: 8–36 L; Plastic Bottle: 5–105 L.	3/8/2025
Microgenics Corporation	Ctrl MD Low Bulk BCI, Catalog number: 1590	Glass bottle: 8–36 L; Plastic Bottle: 10–105 L.	3/8/2025
Microgenics Corporation	Ctrl Opiate 225ng BCI, Catalog number: 1605	Plastic Bottle: 50–60 L	3/8/2025
Microgenics Corporation	Ctrl Opiate 375ng BCI, Catalog number: 1607	Glass bottle: 36 L; Plastic Bottle: 50–680 L.	3/8/2025
Microgenics Corporation	Daiichi Phenobarbital 16mg/mL Stock Solution	Bottle: 50–110 mL	3/17/2025
Microgenics Corporation	DAU Clinical High Control Bulk	Kit: Glass bottles, 45 L, Plastic or Glass bottles, 25 L, 50 L, 100L, 180 L.	1/31/2025
Microgenics Corporation	DAU Clinical Low Control Bulk	Kit: Glass bottles, 45 L, Plastic or Glass bottles, 50 L, 100L, 180 L.	1/31/2025
Microgenics Corporation	DAU Primary High Control Bulk	Kit: Glass bottles, 20 L, 45 L, Plastic or Glass bottles, 20 L, 25 L, 50 L, 100L, 180 L.	1/31/2025
Microgenics Corporation	DAU Primary Low Control Bulk	Kit: Glass bottles, 45 L, Plastic or Glass bottles, 25 L, 50 L, 100L, 180 L.	1/31/2025
Microgenics Corporation	DAU Select High Control Bulk	Kit: Plastic or Glass bottles, 180 L, 300L.	1/31/2025
Microgenics Corporation	DAU Select Low Control Bulk	Plastic or Glass bottles, 300L	1/31/2025
Microgenics Corporation	DAU Specialty High Control Bulk	Kit: Glass bottles, 45 L, Plastic or Glass bottles, 50 L, 100 L.	1/31/2025
Microgenics Corporation	DAU Specialty Low Control Bulk	Kit: Glass bottles, 45 L, Plastic or Glass bottles, 50 L, 100 L.	1/31/2025
Microgenics Corporation	DRI Diazepam Spiking Solution, 1 mg/mL, Catalog number: 1255	Plastic or Glass bottle: 25 mL, 50 mL, 100 mL.	1/24/2025
Microgenics Corporation	DRI Oxazepam Spiking Solution, 1 mg/mL, Catalog number: 0451	Glass bottle: 100mL, 250 mL	1/24/2025
Microgenics Corporation	DRI Oxazepam Spiking Solution, 1 mg/mL, Catalog number: 10007712	Glass bottle: 50 mL, 100 mL	1/24/2025
Microgenics Corporation	DRI Oxycodone Spiking Solution, 100,000 ng/mL, Catalog number: 10008310.	Plastic or Glass bottle: 250 mL, 500 mL, 800 mL.	1/24/2025
Microgenics Corporation	DRI Thyroxine (T4) Assay, Catalog number: 0454	Bottle, 100 mL	2/14/2025
Microgenics Corporation	DRI Thyroxine (T4) Assay, Catalog number: 10013070	Bottle, 500 mL	2/14/2025
Microgenics Corporation	DRI T-Uptake Assay, Catalog number: 0723	Bottle, 100 mL	2/14/2025
Microgenics Corporation	MAS Barb Solution 5mg/mL, Catalog number: 10007710	Glass bottle, 50 mL	2/14/2025
Microgenics Corporation	MAS Benzoylcegonine Soln, 1 mg/mL Catalog number: 432	Plastic or Glass bottle: 50 mL, 100 mL, 250 mL, 500 mL, 700 mL.	1/24/2025
Microgenics Corporation	MAS d-Methamphetamine Soln, 1 mg/mL Catalog number: 925	Plastic or Glass bottle: 25 mL, 50 mL, 100 mL, 250 mL, 500 mL, 1000 mL, 2000 mL, 2500 mL.	1/24/2025
Microgenics Corporation	MAS Methadone Soln, 1 mg/mL Catalog number: 924	Plastic or Glass bottle: 25 mL, 50 mL, 100 mL, 250 mL, 500 mL, 950 mL.	1/24/2025
Microgenics Corporation	MAS Morphine Solution 1 mg/mL Catalog number: 00434	Kit: Glass bottles, 250 mL, 500 mL, 1 L, 2 L.	2/14/2025
Microgenics Corporation	MAS Nitrazepam Soln, 1 mg/mL Catalog number: 10013058	Plastic or Glass bottle: 50 mL, 100 mL, 250 mL, 400 mL.	1/24/2025
Microgenics Corporation	MAS Nordiazepam Stock Soln, Catalog number: 431	Kit: Glass bottles, 50mL, 100 mL, 250 mL, 500 mL, 1L, 2L.	2/14/2025
Microgenics Corporation	MAS Oxazepam Soln, 1 mg/mL Catalog number: 10013059	Plastic or Glass bottle: 50 mL, 100 mL, 250 mL, 500 mL.	1/24/2025
Microgenics Corporation	MAS Oxycodone Soln, 1 mg/mL Catalog number: 10013065	Plastic or Glass bottle: 50 mL, 100 mL, 250 mL 500 mL, 700 mL.	1/24/2025
Microgenics Corporation	MAS PCP Soln, 0.1 mg/mL Catalog number: 923	Plastic or Glass bottle: 250 mL, 500 mL, 870 mL.	1/24/2025
Microgenics Corporation	MAS Phenobarbital Soln, 50 mg/mL Catalog number: 418	Plastic or Glass bottle: 50 mL, 100 mL, 250 mL, 500 mL, 1000 mL, 2000 mL, 2500 mL.	1/24/2025
Microgenics Corporation	MAS Phenobarbital Stock Soln, Catalog number: 745	Kit: Glass bottles, 50 mL, 100 mL, 250 mL, 500 mL, 1 L, 2 L, 5L.	2/14/2025
Microgenics Corporation	MAS PPX Solution 5mg/mL, Catalog number: 0453	Glass bottle, 100 mL	2/14/2025
Microgenics Corporation	MAS PPX Solution 5mg/mL, Catalog number: 10007722	Kit: Glass bottles, 50 mL, 100 mL ..	2/14/2025
Microgenics Corporation	MAS Propoxyphene Stock Soln, Catalog number: 920	Kit: Glass bottles, 100 mL, 250 mL, 500 mL.	2/14/2025
Microgenics Corporation	MAS Secobarbital Solution 5mg/mL Catalog number: 0450	Glass bottle, 100 mL	2/14/2025

CHART II—Continued

Supplier name	Product name	Form	Application date
Microgenics Corporation	MAS Secobarbital Stock Soln, Catalog number: 921	Kit: Glass bottles, 250 mL, 500 mL	2/14/2025
Microgenics Corporation	MAS Testosterone Stock Soln, Catalog number: 748	Kit: Glass bottles, 1 L, 2 L	2/14/2025
Microgenics Corporation	MGC MD Calibrator 1, Bulk	Kit: Glass bottles, 45 L, Plastic or Glass bottles, 50 L, 100L, 180 L.	1/31/2025
Microgenics Corporation	MGC MD Calibrator 2, Bulk	Kit: Glass bottles, 20 L, 45 L, Plastic or Glass bottles, 50 L, 100L.	1/31/2025
Microgenics Corporation	MGC MD Calibrator 3, Bulk	Kit: Glass bottles, 10 L, 20 L, 45 L, Plastic or Glass bottles, 20 L, 25 L, 50L, 100 L.	1/31/2025
Microgenics Corporation	MGC MD Calibrator 4, Bulk	Kit: Glass bottles, 10 L, 20 L, 45 L, Plastic or Glass bottles, 20 L, 25 L, 50L, 100 L.	1/31/2025
Restek Corporation	Cannabinoids 11 (1000) Standard	Glass ampoule: 1.3 mL	1/30/2025
Roche Diagnostics	Control Set iCSTDMA cobas I	HDPE Bottle: 16 bottles, 2.5 mL each.	5/1/2024
Technopath Clinical Diagnostics	Multichem MS TDMS Level 2 09922580529	Plastic Bottle: 12 bottles, 4.5 mL each.	5/1/2024
Thermo Fisher Scientific	Contact Pool, Catalog Number: JB350308	HDPE Tank: 30 L	11/6/2024
Thermo Fisher Scientific	Contact Reagent Bulk	HDPE Tank, 10 L	2/19/2025
Thermo Fisher Scientific	PCT Reference Calibrator A JY6P22AREF	Kit: 529 LDPE Bottles, 4.42 mL each.	11/7/2024
Thermo Fisher Scientific	PCT Reference Calibrator A JY6P22AREF	Kit: 529 LDPE Bottle, 4.42 mL each	10/23/2024

Opportunity for Comment

Pursuant to 21 CFR 1308.23(e), any interested person may submit written comments on or objections to any chemical preparation in this order that has been approved or denied as exempt. If any comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which this order is based, the Assistant Administrator will immediately suspend the effectiveness of any applicable part of this order until she may reconsider the application in light of the comments and objections filed. Thereafter, the Assistant Administrator shall reinstate, revoke, or amend his original order as she determines appropriate.

Approved Exempt Chemical Preparations Are Posted on DEA's Website

A list of all current exemptions, including those listed in this order, is available on DEA's website at http://www.DEAdiversion.usdoj.gov/schedules/exempt/exempt_chemlist.pdf. The dates of applications of all current exemptions are posted for easy reference.

Thomas Prevoznik,

Assistant Administrator.

[FR Doc. 2025–12198 Filed 6–30–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB 1140–0075]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Explosives Transactions Involving Limited Permittees—(ATF Forms 5400.4 and 5400.30)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 2, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, contact: Michael O'Lena, EIPB, either by mail at 99 New York Avenue NE, Room 6.N.518, Washington, DC 20226, by email at eipb-informationcollection@atf.gov, or telephone at (202) 648–7120.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information

are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: Specific requirements for licensees and permittees to distribute explosives and materials in transactions involving limited permittees, and to report lost or stolen Intrastate Purchase of Explosives Coupons. This information collection is contained in 27 CFR 555.34, 555.105, and 555.125, and 555.126. Information Collection (IC) OMB 1140–0075 is being revised to streamline the collections involving explosives limited permittees. There previously were four collections (OMB control numbers 1140–0025, 1140–0075, 1140–0077, and 1140–0079), which have been combined, simplified, and updated to remove duplicative

elements, and adjusted to reflect a regulatory change currently being finalized. These changes reduced the collective burden arising from these four ICRs. This ICR now includes three collection requirements: submitting an authorized persons list, completing the Form 5400.4, Limited Permittee Transaction Report (LPTR), and reporting lost or stolen ATF Form 5400.30s, Intrastate Purchase of Explosives Coupons (IPECs). Distributors and carriers no longer have to verify the identity of the person accepting explosives delivered by common carriers, and distributors can note the identification information they do collect directly on the LPTR, thereby reducing the burden. The LPTR has also been substantially revised to reflect the streamlined information collection requirements, decreasing the amount of time for record-keeping. In addition, the number of limited permittees has decreased significantly since the previous renewal periods for the original ICRs, from 100 respondents to 13, and the number of responses has

also significantly decreased. The time burden for this combined ICR has therefore decreased, due both to streamlining the combined collections and to the decrease in respondents and responses, from 1 hour per respondent or 254 hours total per year, to 25 minutes per respondent or 9.75 hours total per year.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.
2. *The Title of the Form/Collection:* Explosives Transactions Involving Limited Permittees.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: ATF Forms 5400.4 and 5400.30. Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.
4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: Individuals or households, Private

- Sector-for or not for profit institutions. The obligation to respond is required to obtain/retain a benefit, voluntary.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 13 respondents will respond to this collection once annually (by submitting an authorized persons list) and twice annually (by submitting a completed 5400.4) for a total number of 13 sets of responses. It will take each respondent approximately 0.75 hours to complete their responses.
6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 9.75 hours, which is equal to 13 total response sets (13 submitted authorized persons list and 26 completed 5400.4) * 0.75 hours (0.0833 hours for authorized persons list and 0.33 to complete form 5400.4).
7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Submit authorized persons list.	13	1	13	0.0833	1.083
Complete LPTR	13	2	26	0.33	8.667
Report coupon theft/ loss.	13	0	0	0.33 (if done; but since no responses, this is 0).	0
Total	13	1 (set of responses per respondent).	13 (sets of responses).	0.75 hours (per response set)	9.75

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: June 26, 2025.
Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.
[FR Doc. 2025–12225 Filed 6–30–25; 8:45 am]
BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB 1140–0066]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Licensee Record-Keeping Requirements for Armor-Piercing Ammunition

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.
ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 2, 2025.
FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, contact: Gary Griffin, FIPB, either by mail at Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 2022, by email at fipb-informationcollection@atf.gov, or telephone at 202–648–7190.
SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Licensed manufacturers, importers, dealers, and collectors are required to create and maintain disposition records on armor-piercing

ammunition. These records are used primarily for law enforcement purposes and may be used to trace ammunition collected as evidence during a criminal investigation or court presentation. The records are required by 18 U.S.C. 922 and are necessary to support ATF's mission to enforce the Gun Control Act, particularly tracing ammunition used in crimes. Information Collection (IC) OMB # 1140–0066 is being revised to change the title of the ICR to reflect that the record-keeping requirement applies to licensed manufacturers, importers, dealers, and collectors.

Overview of This Information collection

1. *Type of Information Collection:*

Revision of a previously approved collection.

2. *The Title of the Form/Collection:*

Licensee Record-keeping Requirements for Armor-Piercing Ammunition.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: Individuals or households, Private Sector-for or not for profit institutions. The obligation to respond is required to obtain or retain a benefit.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 398 respondents will respond to this collection once annually, and it will take each respondent approximately 0.033 hours to complete their responses.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 13 total hours, which is equal to 398 (total respondents) * 1 (# of response per respondent) * 0.0333 (2 minutes).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Complete disposition transaction record.	398	1/annually	398	0.033	13

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: June 26, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–12226 Filed 6–30–25; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0002]

Agency Information Collection Activities; Proposed Collection eComments Requested; Revision and Extension of a Previously Approved Collection; Notice of Appeal From a Decision of an Immigration Judge (Form EOIR–26)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review (EOIR) at the Department of Justice (DOJ) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 2, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments

especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Justine Fuga, Associate General Counsel, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, telephone: (703) 305–0265, Justine.Fuga@usdoj.gov, eoir.pra.comments@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: A party (either the U.S. Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) or the individual (Respondent/Applicant) who is the subject of the EOIR immigration proceeding) affected by a decision of an Immigration Judge may appeal that decision to the Board of Immigration Appeals (Board or BIA), provided the Board has jurisdiction pursuant to 8 CFR 1003.1. An appeal from an Immigration Judge’s decision is taken by completing the Form EOIR–26 and submitting it to the Board. *See* 8 CFR 1003.3, 1003.38. The form requests information necessary for the Board to

process an appeal of an Immigration Judge decision, such as the Respondent’s/Applicant’s name and alien registration number (A-number), the mailing addresses for parties and the attorney or representative of record, the basis for the appeal, and proof of service of the notice of appeal. EOIR is revising this form to implement several changes. Formatting and textual revisions were made throughout the form and instructions to improve organization, clarity, and readability. EOIR also updated references to online materials. Changes were made to clarify filing instructions for paper and electronic submissions. EOIR removed references and collection of information pertaining to the BIA Pro Bono Project, which currently is not an active agency program. An option was added to the form for an appellant to specify that he or she is filing an interlocutory appeal from an Immigration Judge decision. Finally, EOIR added a field to collect the email address for the appellant’s attorney or authorized representative.

Overview of This Information Collection

1. *Type of Information Collection:* Revision and extension of a previously approved collection.

2. *The Title of the Form/Collection:* Notice of Appeal from a Decision of an Immigration Judge.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The agency form number is EOIR–26, and the sponsoring component is EOIR.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* The Affected Public are the parties to EOIR immigration proceedings, which includes individuals who are the subject of EOIR immigration proceedings as well as DHS ICE. This information collection is required to obtain/retain the benefit of administratively appealing a decision of an Immigration Judge.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that an average of 45,473 respondents will complete the form annually with an average of 30 minutes per response.

6. *An estimate of the total annual burden (in hours) associated with the collection:* EOIR estimates an average of 22,736 hours total annual burden for form respondents.

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
EOIR–26—individuals	42,816	1	42,816	0.5	21,408
EOIR–26—DHS ICE	2,657	1	2,657	0.5	1,328
Totals	45,473	1	45,473	0.5	22,736

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The total estimated annual public cost is \$1,516,731. Of the total

number of responses received annually, 12,487 responses are submitted by mail or hand delivery from respondents/applicants subject to the \$110 filing fee

requirement and 647 responses are submitted by mail or hand delivery from DHS ICE representatives exempted from the \$110 filing fee requirement.

Cost	Individual	DHS ICE
Printing	\$0.80 per response	\$0.80 per response.
Postage	\$10.10 per response	\$10.10 per response.
Filing Fee	\$110 per response	\$0 per response.
Total per Response	\$120.90	\$10.90.
Total for All Paper Responses Filed	\$120.90 × 12,487 = \$1,509,679	\$10.90 × 647 = \$7,052.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: June 26, 2025.
Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.
[FR Doc. 2025–12197 Filed 6–30–25; 8:45 am]
BILLING CODE 4410–30–P

LEGAL SERVICES CORPORATION
Sunshine Act Meetings
TIME AND DATE: The Finance and the Governance and Performance Review Committees of the Legal Services Corporation Board of Directors will meet virtually on July 8 and 9, 2025,

respectively. The Finance Committee meeting will begin on July 8 at 1:30 p.m. Eastern Time and will continue until the conclusion of the Committee's agenda. On July 9, the Governance and Performance Review Committee meeting will begin at 2:00 p.m. Eastern Time and will continue until the conclusion of the Committee's agenda.

PLACE: Public notice of virtual meeting.

LSC will conduct the July 8 and July 9, 2025, meetings via videoconference. Unless otherwise noted herein, the meetings will be open to public observation via LSC's YouTube channel: <https://www.youtube.com/@LegalServicesCorp/streams>.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Tuesday, July 8, 2025—Finance Committee Meeting

1. Approval of Meeting Agenda
2. Continue Discussion Regarding LSC's Fiscal Year 2027 Budget Appropriation Request
3. Consider and Act on Recommendation for Full Board Approval: *Resolution #2025-XXX: Adopting LSC's Appropriation Request for Fiscal Year 2027*
4. Consider and Act on Other Business
5. Consider and Act on Adjournment of Meeting

Wednesday, July 9, 2025—Governance and Performance Review Committee Meeting

1. Approval of Agenda
2. Approval of Minutes of the Committee's Meeting on March 24, 2025
3. Approval of Minutes of the Committee's Closed Session Meeting on March 24, 2025
4. Report on U.S. Department of Justice's Access to Justice Office and White House Legal Aid Interagency Roundtable (LAIR)
5. Consider and Act on Other Business
6. Consider and Act on Motion to Adjourn the Committee Meeting

CONTACT PERSON FOR MORE INFORMATION: Jessica Wechter, Special Assistant to the President, at (202) 295-1500. Questions may also be sent by electronic mail to the Office of the Corporate Secretary at updates@lsc.gov.

Non-Confidential Meeting Materials: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC website, at <https://www.lsc.gov/about-lsc/board-meeting-materials>.

(Authority: 5 U.S.C. 552b.)

Dated: June 26, 2025.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2025-12229 Filed 6-27-25; 11:15 am]

BILLING CODE 7050-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 25-019]

Name of Information Collection: NASA Contractor Financial Management Records

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of renewal information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, under the Paperwork Reduction Act, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by July 31, 2025.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hault, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, phone 256-714-8575, or email stayce.d.hault@nasa.gov or hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The NASA Contractor Financial Management Reporting System is the basic financial medium for contractor reporting of estimated and incurred costs, providing essential data for projecting costs and hours to ensure that contractor performance is realistically planned and supported by dollar and labor resources. The data provided by these reports is an integral part of the Agency's accrual accounting and cost-based budgeting system. Respondents are reimbursed for associated cost to

provide the information, per their negotiated contract price and associated terms of the contract. There are no "total capital and start-up" or "total operation and maintenance and purchase of services" costs associated since NASA policy requires that data reported is generated from the contractors' existing system. The contractors' internal management system shall be relied upon to the maximum extent possible.

NASA is committed to effectively performing the Agency's communication function in accordance with the Space Act Section 203 (a)(3) to "provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof," and to enhance public understanding of, and participation in, the nation's aeronautical and space program in accordance with the NASA Strategic Plan.

II. Methods of Collection

NASA collects this information electronically and that is the preferred manner, however information may also be collected via mail or fax.

III. Data

Title: NASA Contractor Financial Management Reports.

OMB Number: 2700-0003.

Type of Review: Renewal of a previously approved collection.

Affected Public: Business or other for profit or not-for-profit institutions.

Estimated Annual Number of Activities: 500.

Estimated Number of Respondents per Activity: 12.

Annual Responses: 6,000.

Estimated Time per Response: 9 hours.

Estimated Total Annual Burden Hours: 54,000 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB

approval of this information collection. They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2025–12213 Filed 6–30–25; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 25–020]

Guidance on Referrals for Potential Criminal Enforcement

ACTION: Notice.

SUMMARY: This notice describes the National Aeronautics and Space Administration's (NASA) plans to address criminally liable regulatory offenses under the recent executive order on Fighting Overcriminalization in Federal Regulations.

FOR FURTHER INFORMATION CONTACT:

Emily Pellegrino, Federal Register Liaison Officer, Office of the Executive Secretariat, NASA Headquarters, Washington, DC 20546, via email at emily.a.pellegrino@nasa.gov or hq-nasa-regactions@mail.nasa.gov or (202) 358–1525.

SUPPLEMENTARY INFORMATION: On May 9, 2025, the President issued Executive Order (“E.O.”) 14294, Fighting Overcriminalization in Federal Regulations, 90 FR 20363 (published May 14, 2025). Section 7 of E.O. 14294 provides that within 45 days of the order, and in consultation with the Attorney General, each agency should publish guidance in the **Federal Register** describing its plan to address criminally liable regulatory offenses.

Consistent with that requirement, NASA advises the public that by May 9, 2026, the Agency, in consultation with the Attorney General, will provide to the Director of the Office of Management and Budget (“OMB”) a report containing: (1) a list of all criminal regulatory offenses¹ enforceable by the Department of Justice (“DOJ”) via a referral by NASA; and (2) for each such criminal regulatory offense, the range of potential criminal penalties for a violation and the applicable mens rea standard² for the criminal regulatory offense.

This notice also announces a general policy, subject to appropriate exceptions and to the extent consistent with law, that when NASA is deciding whether to refer alleged violations of criminal regulatory offenses to DOJ, officers and employees of NASA should consider, among other factors:

- the harm or risk of harm, pecuniary or otherwise, caused by the alleged offense;
- the potential gain to the putative defendant that could result from the offense;
- whether the putative defendant held specialized knowledge, expertise, or was licensed in an industry related to the rule or regulation at issue; and
- evidence, if any is available, of the putative defendant's general awareness of the unlawfulness of his conduct as well as his knowledge or lack thereof of the regulation at issue.

This general policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Emily A. Pellegrino,

Federal Register Liaison Officer, National Aeronautics and Space Administration.

[FR Doc. 2025–12176 Filed 6–30–25; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 21 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Lara Allee, Office of Guidelines & Panel

Operations, National Endowment for the Arts, Washington, DC 20506; alleel@arts.gov, or call 202–682–5698.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chair of March 11, 2022, these sessions will be closed to the public pursuant to 5 U.S.C. 10.

The upcoming meetings are:

Dance (review of applications): This meeting will be closed.

Date and time: August 1, 2025; 12:00 p.m. to 2:00 p.m.

Dance (review of applications): This meeting will be closed.

Date and time: August 1, 2025; 3:00 p.m. to 5:00 p.m.

Presenting & Multidisciplinary Works (review of applications): This meeting will be closed.

Date and time: August 4, 2025; 12:00 p.m. to 2:00 p.m.

Literary Arts (review of applications): This meeting will be closed.

Date and time: August 4, 2025; 1:00 p.m. to 3:00 p.m.

Presenting & Multidisciplinary Works (review of applications): This meeting will be closed.

Date and time: August 4, 2025; 3:00 p.m. to 5:00 p.m.

Literary Arts (review of applications): This meeting will be closed.

Date and time: August 5, 2025; 12:00 p.m. to 2:00 p.m.

Presenting & Multidisciplinary Works (review of applications): This meeting will be closed.

Date and time: August 5, 2025; 12:00 p.m. to 2:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: August 5, 2025; 1:30 p.m. to 3:30 p.m.

Presenting & Multidisciplinary Works (review of applications): This meeting will be closed.

Date and time: August 5, 2025; 3:00 p.m. to 5:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: August 6, 2025; 1:30 p.m. to 3:30 p.m.

Presenting & Multidisciplinary Works (review of applications): This meeting will be closed.

Date and time: August 7, 2025; 12:00 p.m. to 2:00 p.m.

¹ “Criminal regulatory offense” means a Federal regulation that is enforceable by a criminal penalty. E.O. 14294, sec. 3(b).

² “Mens rea” means the state of mind that by law must be proven to convict a particular defendant of a particular crime. E.O. 14294, sec. 3(c).

Arts Education (review of applications): This meeting will be closed.

Date and time: August 7, 2025; 1:30 p.m. to 3:30 p.m.

Presenting & Multidisciplinary Works (review of applications): This meeting will be closed.

Date and time: August 7, 2025; 3:00 p.m. to 5:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: August 8, 2025; 11:30 a.m. to 1:30 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: August 8, 2025; 2:30 p.m. to 4:30 p.m.

Folk & Traditional Arts (review of applications): This meeting will be closed.

Date and time: August 11, 2025; 1:00 p.m. to 3:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: August 12, 2025; 2:30 p.m. to 4:30 p.m.

Folk & Traditional Arts (review of applications): This meeting will be closed.

Date and time: August 13, 2025; 1:00 p.m. to 3:00 p.m.

Folk & Traditional Arts (review of applications): This meeting will be closed.

Date and time: August 15, 2025; 1:00 p.m. to 3:00 p.m.

Literature Fellowships: Translation (review of applications): This meeting will be closed.

Date and time: August 20, 2025; 1:00 p.m. to 3:00 p.m.

Literature Fellowships: Translation (review of applications): This meeting will be closed.

Date and time: August 21, 2025; 1:00 p.m. to 3:00 p.m.

Dated: June 27, 2025.

Lara Allee,

Program Analyst, National Endowment for the Arts.

[FR Doc. 2025-12250 Filed 6-30-25; 8:45 am]

BILLING CODE 7537-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Federal Advisory Committee on International Exhibitions

AGENCY: National Endowment for the Arts.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 1 meeting of the Federal Advisory Committee on International Exhibitions will be held by teleconference or videoconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC, 20506.

FOR FURTHER INFORMATION CONTACT:

Further information with reference to these meetings can be obtained from Lara Allee, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506; *alleel@arts.gov*, or call 202-682-5698.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chair of March 11, 2022, these sessions will be closed to the public pursuant to 5 U.S.C. 10.

The upcoming meetings are:
Federal Advisory Committee on International Exhibitions (review of applications):

This meeting will be closed.
Date and time: August 26, 2025; 2:00 p.m. to 4:00 p.m.

Dated: June 27, 2025.

Lara Allee,

Program Analyst, National Endowment for the Arts.

[FR Doc. 2025-12249 Filed 6-30-25; 8:45 am]

BILLING CODE 7537-01-P

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewals

The National Science Foundation (NSF) management officials having responsibility for the advisory committees listed below have determined that renewing these groups for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* NSF completed the necessary consultation with the Committee Management Secretariat, General Services Administration.

Committees

Alan T. Waterman Award Committee, #1172
Advisory Committee for Technology, Innovation and Partnerships, #84684
Proposal Review Panel for Atmospheric and Geospace Sciences, #10751
Proposal Review Panel for Behavioral and Cognitive Sciences, #10747
Proposal Review Panel for Biological Infrastructure, #10743
Proposal Review Panel for Earth Sciences, #1569
Proposal Review Panel for Emerging Frontiers in Biological Sciences, #44011
Proposal Review Panel for Environmental Biology, #10744
Proposal Review Panel for Geosciences, #1756
Proposal Review Panel for Integrative Organismal Systems, #10745
Proposal Review Panel for Molecular and Cellular Biosciences, #10746
Proposal Review Panel for Ocean Sciences, #10752
Proposal Review Panel for Research on Learning in Formal and Informal Settings, #59
Proposal Review Panel for Social, Behavioral and Economic Sciences, #1766
Proposal Review Panel for Social and Economic Sciences, #10748
Proposal Review Panel for Integrative Activities, #2469
Proposal Review Panel for International Science and Engineering, #10749
Proposal Review Panel for Innovation and Technology Ecosystems, #84685
Proposal Review Panel Translational Impacts, #84683
Effective date for renewal is June 27, 2025. For more information, please contact Crystal Robinson, NSF, at (703) 292-8687.

Dated: June 27, 2025.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2025-12238 Filed 6-30-25; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-26; NRC-2022-0220]

Pacific Gas and Electric Company; Diablo Canyon Independent Spent Fuel Storage Installation; License Renewal

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a

renewed license to Pacific Gas and Electric Company (PG&E, the licensee) for Special Nuclear Materials (SNM) License No. SNM-2511 for the receipt, possession, transfer, and storage of spent nuclear fuel from the Diablo Canyon Power Plant and associated radioactive material at the Diablo Canyon Independent Spent Fuel Storage Installation (ISFSI), located in San Luis Obispo County, California. The renewed license authorizes operation of the Diablo Canyon ISFSI in accordance with the provisions of the renewed license and its technical specifications. The renewed license expires on March 22, 2064.

DATES: The license referenced in this document is available as of June 20, 2025.

ADDRESSES: Please refer to Docket ID NRC-2022-0220 when contacting the NRC about the availability of information regarding this action. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for NRC-2022-0220. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at

301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Christopher T. Markley, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6293; email: Christopher.Markley@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

Based upon the application dated March 9, 2022, as supplemented August 10, 2023, September 21, 2023, April 30, 2024, and March 14, 2025, the NRC has issued a renewed license to the licensee for the Diablo Canyon ISFSI, located in San Luis Obispo County, California. The renewed license SNM-2511 authorizes and requires operation of the Diablo Canyon ISFSI in accordance with the provisions of the renewed license and its technical specifications. The renewed license will expire on March 22, 2064.

The licensee's application for a renewed license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. The NRC has made appropriate findings as required by the Act and the NRC's regulations in Chapter 1 of title 10 of the *Code of*

Federal Regulations (10 CFR) and sets forth those findings in the renewed license. The agency afforded an opportunity for a hearing in the notice of opportunity for a hearing published in the **Federal Register** on January 10, 2023 (88 FR 1431). An adjudicatory proceeding on the application was then conducted in response to a petition to intervene filed by San Luis Obispo Mothers for Peace (petitioner) regarding the adequacy of the license renewal application. An Atomic Safety and Licensing Board (Board) considered the petition and admitted one contention. The petitioner subsequently withdrew the contention after the licensee supplemented its application with information that the contention had noted was missing. The Board subsequently issued LBP-23-08, terminating the adjudicatory proceeding.

The NRC staff prepared a safety evaluation report for the renewal of the ISFSI license and concluded, based on that evaluation, that the ISFSI will continue to meet the regulations in 10 CFR part 72. The NRC staff also prepared an environmental assessment and finding of no significant impact for the renewal of this license, which was published on November 12, 2024 (89 FR 89056). The NRC staff's environmental assessment included the impacts of continued storage of spent nuclear fuel (as documented in NUREG-2157, "Generic Environmental Impact Statement for Continued Storage of Spent Fuel"). The NRC staff concluded that renewal of this ISFSI license will not have a significant impact on the quality of the human environment.

II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENT description	ADAMS accession No. or Federal Register citation
Letter—PG&E's License Renewal Application, dated March 9, 2022.	ML22068A189
Letter—PG&E's License Renewal Application, Revision 1, dated August 10, 2023	ML23222A287
Letter—PG&E's Response to Request for Additional Information, Round 1, dated September 21, 2023	ML23264A859
Letter—PG&E's Response to Request for Additional Information, Round 2, dated April 30, 2024	ML24121A179
Email PG&E's Supplement to License Renewal Application, dated March 14, 2025	ML25076A435
<i>Federal Register</i> notice, "Pacific Gas and Electric Company; Diablo Canyon Independent Spent Fuel Storage Installation," published January 10, 2023.	88 FR 1431
Memorandum and Order (Dismissing Contention and Terminating Proceeding) (LBP-23-08), dated September 15, 2023.	ML23258A211
Special Nuclear Materials License No. SNM-2511, dated June 20, 2025	ML24310A119, ML24310A120 ML24310A121 ML24310A125 ML24296A038
SNM-2511 Technical Specifications, dated June 20, 2025.	89 FR 89056
NRC Safety Evaluation Report, dated June 20, 2025.	
NRC Environmental Assessment, dated October 2024.	
<i>Federal Register</i> notice, "Pacific Gas and Electric Company; Diablo Canyon Independent Spent Fuel Storage Installation; Environmental Assessment and Finding of No Significant Impact," published November 12, 2024.	

DOCUMENT description	ADAMS accession No. or Federal Register citation
NUREG-2157, "Generic Environmental Impact Statement for Continued Storage of Spent Fuel," dated September 2014.	ML14196A105, ML14196A107

Dated: June 26, 2025.

For the Nuclear Regulatory Commission.

Yaira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2025-12237 Filed 6-30-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 99902056; NRC-2024-0146]

Tennessee Valley Authority; Clinch River Nuclear Site; Construction Permit Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week for four consecutive weeks of receipt and availability of an application for a construction permit (CP) from Tennessee Valley Authority (TVA) for the Clinch River Nuclear Site in Roane County, Tennessee. The application, proposing to construct a GE-Hitachi BWRX-300 reactor, was received in two parts on April 25 and May 20, 2025. This notice is being provided to make the public and other stakeholders aware that the CP application is available for inspection.

DATES: July 01, 2025.

ADDRESSES: Please refer to Docket ID NRC-2024-0146 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0146. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/>

adams.html. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Allen Fetter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-8556; email: Allen.Fetter@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

In response to a letter from TVA dated August 17, 2023 (NNP-23-003, ADAMS Accession No. ML23229A569), the Commission on November 21, 2023 granted an exemption from certain requirements of paragraph 2.101(a)(5) of title 10 of the *Code of Federal Regulations* (10 CFR), which allowed TVA to submit a construction permit application in two parts with the information required under 10 CFR 50.34(a)(1) included in the second part of the application (ADAMS Accession No. ML23045A008).

Tennessee Valley Authority filed with the NRC, pursuant to 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," both parts of the application for a construction permit to construct a GEH BWRX-300 reactor at the Clinch River Nuclear Site in Roane County, Tennessee, on April 28, 2025 (NNP-25-003, ADAMS Accession No. ML25118A209), and May 20, 2025, (NPP-25-004, ADAMS Package Accession No. ML25140A062), respectively. These notices are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

The NRC staff is currently undertaking its acceptance review of

both parts of the application. If both parts of the application are accepted for docketing, a subsequent **Federal Register** notice will be issued that addresses the acceptability of the construction permit application for docketing and provisions for participation of the public in the permitting process.

For the Nuclear Regulatory Commission.

Dated: June 12, 2025.

Mahmoud Jardaneh,

Chief, New Reactor Licensing and Infrastructure Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2025-11037 Filed 6-30-25; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2025-55; MC2025-1541 and K2025-1535; MC2025-1542 and K2025-1536]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 3, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the

Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39

CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s)*: K2025–55; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 456, with Materials Filed Under Seal; *Filing Acceptance Date*: June 25, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Kenneth Moeller; *Comments Due*: July 3, 2025.

2. *Docket No(s)*: MC2025–1541 and K2025–1535; *Filing Title*: USPS Request to Add Priority Mail Contract 896 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 25, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Evan Wise; *Comments Due*: July 3, 2025.

3. *Docket No(s)*: MC2025–1542 and K2025–1536; *Filing Title*: USPS Request to Add Priority Mail Contract 897 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 25, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Elsie Lee-Robbins; *Comments Due*: July 3, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–12200 Filed 6–30–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2022–148; MC2025–1537 and K2025–1531; MC2025–1543 and K2025–1537; MC2025–1544 and K2025–1538; MC2025–1545 and K2025–1539; MC2025–1547 and K2025–1541]

New Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This

notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 7, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

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The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).*: CP2022–148; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 54, with Material Filed Under Seal; *Filing Acceptance Date*: June 26, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Jennaca Upperman; *Comments Due*: July 7, 2025.

2. *Docket No(s).*: MC2025–1537 and K2025–1531; *Filing Title*: USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 74 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: July 7, 2025.

3. *Docket No(s).*: MC2025–1543 and K2025–1537; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 791 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing*

Acceptance Date: June 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Cherry Yao; *Comments Due*: July 7, 2025.

4. *Docket No(s).*: MC2025–1544 and K2025–1538; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 792 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: July 7, 2025.

5. *Docket No(s).*: MC2025–1545 and K2025–1539; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 793 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: July 7, 2025.

6. *Docket No(s).*: MC2025–1547 and K2025–1541; *Filing Title*: USPS Request to Add Priority Mail Contract 898 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory Stanton; *Comments Due*: July 7, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025–12254 Filed 6–30–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103332; File No. SR–NYSENAT–2025–13]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc.

June 26, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that on June 16, 2025, NYSE National, Inc. (“NYSE National” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. (“ICE”) and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. (“ICE Holdings”) to reflect regulations relating to security-based swap execution facilities (“SBSEFs”), update the registered office in the State of Delaware, and make non-substantive and conforming changes. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ For compliance with **Federal Register** publication requirements, the Commission slightly edited note 9, *infra*.

and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the ICE Current Certificate of Incorporation and ICE Holdings Current Certificate of Incorporation (together, the "Current Certificates") to reflect regulations relating to SBSEFs, update the registered office in the State of Delaware, and make non-substantive and conforming changes.⁵ No change is proposed to the certificate of incorporation or bylaws of the Exchange.

The changes to the ICE Current Certificate of Incorporation described herein would become operative upon the proposed Seventh Amended and Restated Certificate of Incorporation ("ICE Proposed Certificate of Incorporation") becoming effective pursuant to its filing with the Secretary of State of the State of Delaware. The changes to the ICE Holdings Current Certificate of Incorporation described herein would become operative upon the proposed Tenth Amended and Restated Certificate of Incorporation ("ICE Holdings Proposed Certificate of Incorporation" and, together with the ICE Proposed Certificate of Incorporation, the "Proposed Certificates") becoming effective pursuant to its filing with the Secretary of State of the State of Delaware.

Changes Related to SBSEFs

Securities and Exchange Commission ("Commission") regulations extend limitations on stockholder voting and ownership to SBSEFs.⁶ Because ICE's subsidiary ICE Swap Trade, LLC ("IST") has registered with the Commission as

an SBSEF, these Commission regulations apply.

IST has adopted Rule 410 (Ownership Limitation),⁷ which IST has advised the Exchange was designed to incorporate the requirements of 17 CFR 242.834 ("Rule 834") into the rules of the SBSEF. Additionally, ICE and ICE Holdings intend to amend their Current Certificates as described below.

ICE Proposed Certificate of Incorporation

The ICE Current Certificate of Incorporation would be amended as follows.

First, Article V (Limitations on Voting and Ownership) has limitations on stockholder voting and ownership that apply so long as ICE directly or indirectly controls a national securities exchange registered under the Act, such as the Exchange. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act, as follows:

- The first sentence of Article V(A)(1) (Voting Limitation), would be amended to add "or a security-based swap execution facility registered under Section 3D of the Exchange Act" immediately prior to (a).
- The end of Article V(A)(2) would be modified by adding "(and, with respect to a security-based swap execution facility registered under Section 3D of the Exchange Act, such resolution shall have been submitted to the SEC under Rule 242.806 or 242.807 under Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)" to the existing (c).
- Article V(A)(3)(a) would be modified by adding text to the start of (i) as follows (proposed additions italicized):

(i) will not impair the ability of any national securities exchange registered under Section 6 of the Exchange Act or any security-based swap execution facility registered under Section 3D of the Exchange Act, in any case that is directly or indirectly controlled by the Corporation (each such national securities exchange or security-based swap execution facility so controlled, an "Exchange").

- The definition of "Member" in Article V(A)(8) would be modified as follows (proposed additions italicized): "Member" shall mean, with respect to any national securities exchange, a Person that is a "member" of an Exchange within the meaning of Section

3(a)(3)(A) of the Exchange Act or, with respect to a security-based swap execution facility, a Person that is a "member" within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.

- The definition of "Related Persons" in Article V(A)(10) would be modified as follows (proposed additions italicized):

(d) in the case of a Person that is a Member, any Person that is associated with such Person (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Exchange Act (with references therein to a national securities exchange being deemed to include a security-based swap execution facility));

(e) in the case of a Person that is a natural person and is a Member, any broker or dealer that is also a Member with which such Person is associated (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Exchange Act (with references therein to a national securities exchange being deemed to include a security-based swap execution facility));

- The end of the concentration limits in Article V(B)(2) (Ownership Concentration Limitation) would be modified by adding the following parenthetical to the existing (c): "(and, with respect to an Exchange that is a security-based swap execution facility, such resolution shall have been submitted to the SEC pursuant to Rule 242.806 or 242.807 of Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)".

Second, Article X (Amendments) of the ICE Current Certificate of Incorporation requires any amendment to, or repeal of any provision in, the ICE Current Certification of Incorporation to be filed with, or filed with and approved by, the Commission. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act.

To do so, the second sentence of Article X would be amended to add "(or, in the case of a security-based swap execution facility, Rule 242.806 or 242.807 under Regulation SE under the Exchange Act)" immediately following "the rules promulgated thereunder". In this way, the ICE Proposed Certificate of Incorporation would provide that, if the board of directors of any controlled SBSEF determines that any amendment or repeal must be filed with or filed with and approved by the Commission

⁵ ICE is the sole shareholder of ICE Holdings. ICE Holdings is the parent company of ICE Swap Trade, LLC. ICE Holdings is also the sole shareholder of NYSE Holdings LLC, which is the sole shareholder of NYSE Group, Inc., the parent company of the Exchange.

⁶ See 17 CFR 242.834. See also Securities Exchange Act Release No. 98845 (November 2, 2023), 88 FR 87156 (December 15, 2023) (Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities) (adopting new Regulation SE, consisting of 17 CFR 242.800 through 17 CFR 242.835), effective February 13, 2024).

⁷ See ICE Swap Trade, LLC Submission No. 25-02 (SBSF-ICES-2025-002).

under Rule 242.806 or 242.807 of Regulation SE before such amendment or repeal may be effectuated, then such amendment or repeal shall not be effectuated until so filed with or filed with and approved by the Commission.

ICE Holdings Proposed Certificate of Incorporation

The ICE Holdings Current Certificate of Incorporation would be amended as follows.

- A new paragraph would be added to Article V(A) (Voting Limitations) as follows (all text new):

4. In addition to the limitations in subsections 1–3 above of this Section A of Article V, for so long as the Corporation shall directly or indirectly control a security-based swap execution facility registered under Section 3D of the Exchange Act (each security-based swap execution facility so controlled, an “*SBSEF*”), no SBSEF Member (as defined below), either alone or together with its Related Persons, shall be entitled directly or indirectly to vote, cause the voting of, or give any consent or proxy with respect to the voting of, any interest that exceeds 20% of the voting power of any class of securities or of other ownership interest in the Corporation (such threshold being hereinafter referred to as the “*SBSEF Voting Limitation*”), and the Corporation shall disregard any such votes purported to be cast in excess of the SBSEF Voting Limitation.

- The text after “enforced against such Record Owner” in current Article V(A)(5) (Article V(A)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

in a manner that will accomplish the Voting Limitation, [and] the Recalculated Voting Limitation *and the SBSEF Voting Limitation applicable to such Person and its Related Persons.*

- Paragraphs (d) and (e) of the definition of “Related Persons” in current Article V(A)(10) (Article V(A)(11) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized):

(d) in the case of a Person that is a Member *or SBSEF Member*, any Person that is associated with such Person (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

(e) in the case of a Person that is a natural person and is a Member *or*

SBSEF Member, any broker or dealer that is also a Member *or SBSEF Member* with which such Person is associated (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

- The definition of “SBSEF Member” would be added as new Article V(A)(12), as follows (all text new):

12. “*SBSEF Member*” means, with respect to a security-based swap execution facility, a Person that is a “member” within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.

- A new paragraph would be added to Article V(B) (Ownership Concentration Limitation) as follows (all text new):

5. In addition to the limitations in subsections 1–4 above of this Section B of Article V, for so long as the Corporation shall directly or indirectly control any SBSEF, no SBSEF Member, either alone or together with its Related Persons, shall be permitted at any time to own, directly or indirectly, 20% or more of any class of voting securities or of other voting interest in the Corporation (the “*SBSEF Concentration Limitation*”). If any SBSEF Member, either alone or together with its Related Persons, at any time beneficially owns voting securities or other voting interest in the Corporation in excess of the SBSEF Concentration Limitation, such SBSEF Member and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, at a price equal to the par value of such voting securities or other voting interest and to the extent funds are legally available therefor, that number of voting securities or other voting interest of the Corporation necessary so that such SBSEF Member, together with its Related Persons, shall beneficially own, directly or indirectly, less than 20% of any class of voting securities or of other voting interest in the Corporation, after taking into account that such repurchased voting securities or other voting interest shall become treasury shares and shall no longer be deemed to be outstanding.

- The second clause of current Article V(B)(5) (Article V(B)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized):

provided, however, that, if any Transfer of any shares of stock of the Corporation shall cause any Person, either alone or together with its Related Persons, at any time to beneficially own

shares of stock of the Corporation in excess of the Concentration Limitation *or SBSEF Concentration Limitation*, such Person and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, shares of stock of the Corporation as specified in Section B.4 *or B.5, as applicable*, of this ARTICLE V.

- The first sentence of current Article V(B)(6) (Article V(A)(7) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed addition italicized):

If any share of Common Stock shall be represented by a certificate, a legend shall be placed on such certificate to the effect that such share of Common Stock is subject to the Concentration Limitations *and SBSEF Concentration Limitation* as set in Section B of this Article V.

- The final clause of Article V(C)(2) (Procedure for Repurchasing Stock) would be amended to add “*or SBSEF Concentration Limitation*” after “Concentration Limitation”.

- Subclauses (i) and (ii) of the first sentence of Article V(D) (Right to Information; Determinations by the Board of Directors) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

(i) to be subject to the Voting Limitation, [or] the Recalculated Voting Limitation *or the SBSEF Voting Limitation*, (ii) to own beneficially (within the meaning of Rules 13d–3 and 13d–5 under the Exchange Act) shares of stock of the Corporation entitled to vote on any matter in excess of the Concentration Limitation *or SBSEF Concentration Limitation*,

- The parenthetical in the first sentence of Article IX(B) (Quorum) would be amended as follows (proposed deletions in brackets, proposed additions italicized):

(it being understood that any shares in excess of the Voting Limitation, [or] the Recalculated Voting Limitation *or the SBSEF Voting Limitation* shall not be counted as present at the meeting and shall not be counted as outstanding shares of stock of the Corporation for purposes of determining whether there is a quorum, unless and only to the extent that the Voting Limitation or the Recalculated Voting Limitation, as applicable, shall have been duly waived pursuant to Section A or Section B of ARTICLE V).

Change in Registered Office

ICE and ICE Holdings are corporations organized under the laws of the State of Delaware. As such, they are both required to have and maintain a

registered office and registered agent in the State of Delaware.⁸

The Exchange proposes to change the address of the registered office in both Proposed Certificates to reflect the move of the office of the registered agent. No change is proposed to the registered agent. Accordingly, Article II of both Proposed Certificates would be amended to provide that the address of the registered office in the State of Delaware, County of New Castle, is 1521 Concord Pike, Suite 201, Wilmington, Delaware 19803.

Other Changes

The Exchange proposes to make changes that are conforming or technical in nature. All are non-substantive.

ICE Proposed Certificate of Incorporation

References to the “Sixth Amended and Restated Certificate of Incorporation” and the “Fifth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Seventh Amended and Restated Certificate of Incorporation” and “Sixth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

ICE Holdings Proposed Certificate of Incorporation

References to the “Ninth Amended and Restated Certificate of Incorporation” and the “Eighth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Tenth Amended and Restated Certificate of Incorporation” and “Ninth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

To conform to one style, those terms that are not already underlined when defined would be underlined [sic].⁹ In addition to the definitions that would be added, the already existing definitions are in the introductory paragraph, the numbered certifications that

immediately follow it, Article IV(A) (Classes and Series of Stock), Article IV(C) (Transfer Restrictions on Stock), and Article V(A)(1).

The word “commission” in Article IV(C) would be capitalized.

Paragraphs after proposed Article V(A)(4) and proposed Article V(B)(5) would be renumbered.

The cross reference in Article V(A)(6) would be renumbered from “Section A of ARTICLE VI” to “Section A of ARTICLE V”.

In Article X (Amendments), the parenthetical “(or the boards of directors of their successors)” would be deleted as unnecessary, because “Exchange” includes all ICE Holdings-controlled national securities exchanges.¹⁰

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(1)¹² in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

Together, the Proposed Certificates and IST Rule 410¹³ are consistent with the Act and the rules promulgated under the Act.

The Exchange believes that the proposed rule change would contribute to the orderly operation of the Exchange and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members because none of the proposed changes to the Proposed Certificates substantively would impact the Exchange. Rather the proposed changes are solely concerned with SBSEFs, updating the address of the registered office in Delaware of ICE and ICE Holdings and making conforming changes.

Additionally, IST has advised the Exchange that IST Rule 410 would,

independently of these changes to the Proposed Certificates, provide the means to ensure that IST is in compliance with Rule 834(b).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address any competitive issue but rather is concerned solely with ensuring that IST is in compliance with Regulation SE, updating the address of the registered office in Delaware of ICE and ICE Holdings, and making non-substantive and conforming changes to the Current Certificates. No change is proposed to the certificate of incorporation or bylaws of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

⁸ See Del. Code tit 8, §§ 131 and 132.

⁹ For example, “(the ‘Corporation’)” would become underlined [sic]. For compliance with Federal Register publication requirements, the Commission added the term “underlined” here in place of a depiction of the term “Corporation” becoming underlined [sic].

¹⁰ See the definition of “Exchange” in ICE Holdings Current Certificate of Incorporation, Article V(A)(1). No change to the definition is proposed.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(1).

¹³ See ICE Swap Trade, LLC Submission No. 25-02 (SBSF-ICES-2025-002).

protection of investors and the public interest.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) ¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSENAT-2025-13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSENAT-2025-13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also

will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSENAT-2025-13 and should be submitted on or before July 22, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-12216 Filed 6-30-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103331; File No. SR-NYSEAMER-2025-35]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc.

June 26, 2025.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 ("Act") ² and Rule 19b-4 thereunder,³ notice is hereby given that on June 16, 2025, NYSE American LLC ("NYSE American" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental

Exchange, Inc. ("ICE") and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. ("ICE Holdings") to reflect regulations relating to security-based swap execution facilities ("SBSEFs"), update the registered office in the State of Delaware, and make non-substantive and conforming changes. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the ICE Current Certificate of Incorporation and ICE Holdings Current Certificate of Incorporation (together, the "Current Certificates") to reflect regulations relating to SBSEFs, update the registered office in the State of Delaware, and make non-substantive and conforming changes.⁵ No change is proposed to the operating agreement of the Exchange.

The changes to the ICE Current Certificate of Incorporation described herein would become operative upon the proposed Seventh Amended and Restated Certificate of Incorporation ("ICE Proposed Certificate of Incorporation") becoming effective pursuant to its filing with the Secretary of State of the State of Delaware. The changes to the ICE Holdings Current Certificate of Incorporation described herein would become operative upon the proposed Tenth Amended and

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ For compliance with **Federal Register** publication requirements, the Commission slightly edited note 9, *infra*.

⁵ ICE is the sole shareholder of ICE Holdings. ICE Holdings is the parent company of ICE Swap Trade, LLC. ICE Holdings is also the sole shareholder of NYSE Holdings LLC, which is the sole shareholder of NYSE Group, Inc., the parent company of the Exchange.

¹⁸ 15 U.S.C. 78s(b)(2)(B).

Restated Certificate of Incorporation (“ICE Holdings Proposed Certificate of Incorporation” and, together with the ICE Proposed Certificate of Incorporation, the “Proposed Certificates”) becoming effective pursuant to its filing with the Secretary of State of the State of Delaware.

Changes Related to SBSEFs

Securities and Exchange Commission (“Commission”) regulations extend limitations on stockholder voting and ownership to SBSEFs.⁶ Because ICE’s subsidiary ICE Swap Trade, LLC (“IST”) has registered with the Commission as an SBSEF, these Commission regulations apply.

IST has adopted Rule 410 (Ownership Limitation),⁷ which IST has advised the Exchange was designed to incorporate the requirements of 17 CFR 242.834 (“Rule 834”) into the rules of the SBSEF. Additionally, ICE and ICE Holdings intend to amend their Current Certificates as described below.

ICE Proposed Certificate of Incorporation

The ICE Current Certificate of Incorporation would be amended as follows.

First, Article V (Limitations on Voting and Ownership) has limitations on stockholder voting and ownership that apply so long as ICE directly or indirectly controls a national securities exchange registered under the Act, such as the Exchange. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act, as follows:

- The first sentence of Article V(A)(1) (Voting Limitation), would be amended to add “or a security-based swap execution facility registered under Section 3D of the Exchange Act” immediately prior to (a).

- The end of Article V(A)(2) would be modified by adding “(and, with respect to a security-based swap execution facility registered under Section 3D of the Exchange Act, such resolution shall have been submitted to the SEC under Rule 242.806 or 242.807 under Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)” to the existing (c).

- Article V(A)(3)(a) would be modified by adding text to the start of (i) as follows (proposed additions italicized):

(i) will not impair the ability of any national securities exchange registered under Section 6 of the Exchange Act *or any security-based swap execution facility registered under Section 3D of the Exchange Act, in any case that is directly or indirectly controlled by the Corporation (each such national securities exchange or security-based swap execution facility so controlled, an “Exchange”)*.

- The definition of “Member” in Article V(A)(8) would be modified as follows (proposed additions italicized): “Member” shall mean, *with respect to any national securities exchange, a Person that is a “member” of an Exchange within the meaning of Section 3(a)(3)(A) of the Exchange Act or, with respect to a security-based swap execution facility, a Person that is a “member” within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.*

- The definition of “Related Persons” in Article V(A)(10) would be modified as follows (proposed additions italicized):

(d) in the case of a Person that is a Member, any Person that is associated with such Person (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

(e) in the case of a Person that is a natural person and is a Member, any broker or dealer that is also a Member with which such Person is associated (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

- The end of the concentration limits in Article V(B)(2) (Ownership Concentration Limitation) would be modified by adding the following parenthetical to the existing (c): “(and, with respect to an Exchange that is a security-based swap execution facility, such resolution shall have been submitted to the SEC pursuant to Rule 242.806 or 242.807 of Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)”.

Second, Article X (Amendments) of the ICE Current Certificate of

Incorporation requires any amendment to, or repeal of any provision in, the ICE Current Certification of Incorporation to be filed with, or filed with and approved by, the Commission. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act.

To do so, the second sentence of Article X would be amended to add “(or, in the case of a security-based swap execution facility, Rule 242.806 or 242.807 under Regulation SE under the Exchange Act)” immediately following “the rules promulgated thereunder”. In this way, the ICE Proposed Certificate of Incorporation would provide that, if the board of directors of any controlled SBSEF determines that any amendment or repeal must be filed with or filed with and approved by the Commission under Rule 242.806 or 242.807 of Regulation SE before such amendment or repeal may be effectuated, then such amendment or repeal shall not be effectuated until so filed with or filed with and approved by the Commission.

ICE Holdings Proposed Certificate of Incorporation

The ICE Holdings Current Certificate of Incorporation would be amended as follows.

- A new paragraph would be added to Article V(A) (Voting Limitations) as follows (all text new):

4. In addition to the limitations in subsections 1–3 above of this Section A of Article V, for so long as the Corporation shall directly or indirectly control a security-based swap execution facility registered under Section 3D of the Exchange Act (each security-based swap execution facility so controlled, an “SBSEF”), no SBSEF Member (as defined below), either alone or together with its Related Persons, shall be entitled directly or indirectly to vote, cause the voting of, or give any consent or proxy with respect to the voting of, any interest that exceeds 20% of the voting power of any class of securities or of other ownership interest in the Corporation (such threshold being hereinafter referred to as the “SBSEF Voting Limitation”), and the Corporation shall disregard any such votes purported to be cast in excess of the SBSEF Voting Limitation.

- The text after “enforced against such Record Owner” in current Article V(A)(5) (Article V(A)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

in a manner that will accomplish the Voting Limitation, [and] the

⁶ See 17 CFR 242.834. See also Securities Exchange Act Release No. 98845 (November 2, 2023), 88 FR 87156 (December 15, 2023) (Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities) (adopting new Regulation SE, consisting of 17 CFR 242.800 through 17 CFR 242.835), effective February 13, 2024).

⁷ See ICE Swap Trade, LLC Submission No. 25–02 (SBSF–ICES–2025–002).

Recalculated Voting Limitation *and the SBSEF Voting Limitation applicable to* such Person and its Related Persons.

- Paragraphs (d) and (e) of the definition of “Related Persons” in current Article V(A)(10) (Article V(A)(11) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized):

(d) in the case of a Person that is a Member *or SBSEF Member*, any Person that is associated with such Person (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

(e) in the case of a Person that is a natural person and is a Member *or SBSEF Member*, any broker or dealer that is also a Member *or SBSEF Member* with which such Person is associated (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

- The definition of “SBSEF Member” would be added as new Article V(A)(12), as follows (all text new):

12. “*SBSEF Member*” means, with respect to a security-based swap execution facility, a Person that is a “member” within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.

- A new paragraph would be added to Article V(B) (Ownership Concentration Limitation) as follows (all text new):

5. In addition to the limitations in subsections 1–4 above of this Section B of Article V, for so long as the Corporation shall directly or indirectly control any SBSEF, no SBSEF Member, either alone or together with its Related Persons, shall be permitted at any time to own, directly or indirectly, 20% or more of any class of voting securities or of other voting interest in the Corporation (the “*SBSEF Concentration Limitation*”). If any SBSEF Member, either alone or together with its Related Persons, at any time beneficially owns voting securities or other voting interest in the Corporation in excess of the SBSEF Concentration Limitation, such SBSEF Member and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, at a price equal to the par value of such voting securities or other voting interest and to the extent funds are legally available therefor, that

number of voting securities or other voting interest of the Corporation necessary so that such SBSEF Member, together with its Related Persons, shall beneficially own, directly or indirectly, less than 20% of any class of voting securities or of other voting interest in the Corporation, after taking into account that such repurchased voting securities or other voting interest shall become treasury shares and shall no longer be deemed to be outstanding.

- The second clause of current Article V(B)(5) (Article V(B)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized):

provided, however, that, if any Transfer of any shares of stock of the Corporation shall cause any Person, either alone or together with its Related Persons, at any time to beneficially own shares of stock of the Corporation in excess of the Concentration Limitation *or SBSEF Concentration Limitation*, such Person and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, shares of stock of the Corporation as specified in Section B.4 *or B.5, as applicable*, of this ARTICLE V.

- The first sentence of current Article V(B)(6) (Article V(A)(7) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed addition italicized):

If any share of Common Stock shall be represented by a certificate, a legend shall be placed on such certificate to the effect that such share of Common Stock is subject to the Concentration Limitations *and SBSEF Concentration Limitation* as set in Section B of this Article V.

- The final clause of Article V(C)(2) (Procedure for Repurchasing Stock) would be amended to add “*or SBSEF Concentration Limitation*” after “Concentration Limitation”.

- Subclauses (i) and (ii) of the first sentence of Article V(D) (Right to Information; Determinations by the Board of Directors) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

(i) to be subject to the Voting Limitation, [or] the Recalculated Voting Limitation *or the SBSEF Voting Limitation*, (ii) to own beneficially (within the meaning of Rules 13d–3 and 13d–5 under the Exchange Act) shares of stock of the Corporation entitled to vote on any matter in excess of the Concentration Limitation *or SBSEF Concentration Limitation*,

- The parenthetical in the first sentence of Article IX(B) (Quorum) would be amended as follows (proposed

deletions in brackets, proposed additions italicized):

(it being understood that any shares in excess of the Voting Limitation, [or] the Recalculated Voting Limitation *or the SBSEF Voting Limitation* shall not be counted as present at the meeting and shall not be counted as outstanding shares of stock of the Corporation for purposes of determining whether there is a quorum, unless and only to the extent that the Voting Limitation or the Recalculated Voting Limitation, as applicable, shall have been duly waived pursuant to Section A or Section B of ARTICLE V).

Change in Registered Office

ICE and ICE Holdings are corporations organized under the laws of the State of Delaware. As such, they are both required to have and maintain a registered office and registered agent in the State of Delaware.⁸

The Exchange proposes to change the address of the registered office in both Proposed Certificates to reflect the move of the office of the registered agent. No change is proposed to the registered agent. Accordingly, Article II of both Proposed Certificates would be amended to provide that the address of the registered office in the State of Delaware, County of New Castle, is 1521 Concord Pike, Suite 201, Wilmington, Delaware 19803.

Other Changes

The Exchange proposes to make changes that are conforming or technical in nature. All are non-substantive.

ICE Proposed Certificate of Incorporation

References to the “Sixth Amended and Restated Certificate of Incorporation” and the “Fifth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Seventh Amended and Restated Certificate of Incorporation” and “Sixth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

ICE Holdings Proposed Certificate of Incorporation

References to the “Ninth Amended and Restated Certificate of Incorporation” and the “Eighth Amended and Restated Certificate of Incorporation” in the titles, introductory

⁸ See Del. Code tit 8, §§ 131 and 132.

paragraphs, and signature lines would be changed to refer to the “Tenth Amended and Restated Certificate of Incorporation” and “Ninth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

To conform to one style, those terms that are not already underlined when defined would be underlined [sic].⁹ In addition to the definitions that would be added, the already existing definitions are in the introductory paragraph, the numbered certifications that immediately follow it, Article IV(A) (Classes and Series of Stock), Article IV(C) (Transfer Restrictions on Stock), and Article V(A)(1).

The word “commission” in Article IV(C) would be capitalized.

Paragraphs after proposed Article V(A)(4) and proposed Article V(B)(5) would be renumbered.

The cross reference in Article V(A)(6) would be renumbered from “Section A of ARTICLE VI” to “Section A of ARTICLE V”.

In Article X (Amendments), the parenthetical “(or the boards of directors of their successors)” would be deleted as unnecessary, because “Exchange” includes all ICE Holdings-controlled national securities exchanges.¹⁰

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(1)¹² in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

Together, the Proposed Certificates and IST Rule 410¹³ are consistent with

the Act and the rules promulgated under the Act.

The Exchange believes that the proposed rule change would contribute to the orderly operation of the Exchange and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members because none of the proposed changes to the Proposed Certificates substantively would impact the Exchange. Rather the proposed changes are solely concerned with SBSEFs, updating the address of the registered office in Delaware of ICE and ICE Holdings and making conforming changes.

Additionally, IST has advised the Exchange that IST Rule 410 would, independently of these changes to the Proposed Certificates, provide the means to ensure that IST is in compliance with Rule 834(b).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address any competitive issue but rather is concerned solely with ensuring that IST is in compliance with Regulation SE, updating the address of the registered office in Delaware of ICE and ICE Holdings, and making non-substantive and conforming changes to the Current Certificates. No change is proposed to the operating agreement of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become

effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEAMER-2025-35. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

⁹ For example, “(the ‘Corporation’)” would become underlined [sic]. For compliance with Federal Register publication requirements, the Commission added the term “underlined” here in place of a depiction of the term “Corporation” becoming underlined [sic].

¹⁰ See the definition of “Exchange” in ICE Holdings Current Certificate of Incorporation, Article V(A)(1). No change to the definition is proposed.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(1).

¹³ See ICE Swap Trade, LLC Submission No. 25-02 (SBSF-ICES-2025-002).

only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEAMER-2025-35 and should be submitted on or before July 22, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-12215 Filed 6-30-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103335; File No. SR-NYSEARCA-2025-44]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc.

June 26, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on June 16,

2025, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. ("ICE") and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. ("ICE Holdings") to reflect regulations relating to security-based swap execution facilities ("SBSEFs"), update the registered office in the State of Delaware, and make non-substantive and conforming changes. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the ICE Current Certificate of Incorporation and ICE Holdings Current Certificate of Incorporation (together, the "Current Certificates") to reflect regulations relating to SBSEFs, update the registered office in the State of Delaware, and make non-substantive

and conforming changes.⁵ No change is proposed to the certificate of incorporation or bylaws of the Exchange.

The changes to the ICE Current Certificate of Incorporation described herein would become operative upon the proposed Seventh Amended and Restated Certificate of Incorporation ("ICE Proposed Certificate of Incorporation") becoming effective pursuant to its filing with the Secretary of State of the State of Delaware. The changes to the ICE Holdings Current Certificate of Incorporation described herein would become operative upon the proposed Tenth Amended and Restated Certificate of Incorporation ("ICE Holdings Proposed Certificate of Incorporation" and, together with the ICE Proposed Certificate of Incorporation, the "Proposed Certificates") becoming effective pursuant to its filing with the Secretary of State of the State of Delaware.

Changes Related to SBSEFs

Securities and Exchange Commission ("Commission") regulations extend limitations on stockholder voting and ownership to SBSEFs.⁶ Because ICE's subsidiary ICE Swap Trade, LLC ("IST") has registered with the Commission as an SBSEF, these Commission regulations apply.

IST has adopted Rule 410 (Ownership Limitation),⁷ which IST has advised the Exchange was designed to incorporate the requirements of 17 CFR 242.834 ("Rule 834") into the rules of the SBSEF. Additionally, ICE and ICE Holdings intend to amend their Current Certificates as described below.

ICE Proposed Certificate of Incorporation

The ICE Current Certificate of Incorporation would be amended as follows.

First, Article V (Limitations on Voting and Ownership) has limitations on stockholder voting and ownership that apply so long as ICE directly or indirectly controls a national securities exchange registered under the Act, such

⁵ ICE is the sole shareholder of ICE Holdings. ICE Holdings is the parent company of ICE Swap Trade, LLC. ICE Holdings is also the sole shareholder of NYSE Holdings LLC, which is the sole shareholder of NYSE Group, Inc., the parent company of the Exchange.

⁶ See 17 CFR 242.834. See also Securities Exchange Act Release No. 98845 (November 2, 2023), 88 FR 87156 (December 15, 2023) (Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities) (adopting new Regulation SE, consisting of 17 CFR 242.800 through 17 CFR 242.835), effective February 13, 2024).

⁷ See ICE Swap Trade, LLC Submission No. 25-02 (SBSF-ICES-2025-002).

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ For compliance with **Federal Register** publication requirements, the Commission slightly edited note 9, *infra*.

as the Exchange. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act, as follows:

- The first sentence of Article V(A)(1) (Voting Limitation), would be amended to add “or a security-based swap execution facility registered under Section 3D of the Exchange Act” immediately prior to (a).

- The end of Article V(A)(2) would be modified by adding “(and, with respect to a security-based swap execution facility registered under Section 3D of the Exchange Act, such resolution shall have been submitted to the SEC under Rule 242.806 or 242.807 under Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)” to the existing (c).

- Article V(A)(3)(a) would be modified by adding text to the start of (i) as follows (proposed additions italicized):

(i) will not impair the ability of any national securities exchange registered under Section 6 of the Exchange Act *or any security-based swap execution facility registered under Section 3D of the Exchange Act, in any case that is directly or indirectly controlled by the Corporation (each such national securities exchange or security-based swap execution facility so controlled, an “Exchange”)*,

- The definition of “Member” in Article V(A)(8) would be modified as follows (proposed additions italicized): “Member” shall mean, *with respect to any national securities exchange, a Person that is a “member” of an Exchange within the meaning of Section 3(a)(3)(A) of the Exchange Act or, with respect to a security-based swap execution facility, a Person that is a “member” within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.*

- The definition of “Related Persons” in Article V(A)(10) would be modified as follows (proposed additions italicized):

(d) in the case of a Person that is a Member, any Person that is associated with such Person (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

(e) in the case of a Person that is a natural person and is a Member, any broker or dealer that is also a Member with which such Person is associated (as determined using the definition of

“person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

- The end of the concentration limits in Article V(B)(2) (Ownership Concentration Limitation) would be modified by adding the following parenthetical to the existing (c): “(and, with respect to an Exchange that is a security-based swap execution facility, such resolution shall have been submitted to the SEC pursuant to Rule 242.806 or 242.807 of Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)”.

Second, Article X (Amendments) of the ICE Current Certificate of Incorporation requires any amendment to, or repeal of any provision in, the ICE Current Certification of Incorporation to be filed with, or filed with and approved by, the Commission. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act.

To do so, the second sentence of Article X would be amended to add “(or, in the case of a security-based swap execution facility, Rule 242.806 or 242.807 under Regulation SE under the Exchange Act)” immediately following “the rules promulgated thereunder”. In this way, the ICE Proposed Certificate of Incorporation would provide that, if the board of directors of any controlled SBSEF determines that any amendment or repeal must be filed with or filed with and approved by the Commission under Rule 242.806 or 242.807 of Regulation SE before such amendment or repeal may be effectuated, then such amendment or repeal shall not be effectuated until so filed with or filed with and approved by the Commission.

ICE Holdings Proposed Certificate of Incorporation

The ICE Holdings Current Certificate of Incorporation would be amended as follows.

- A new paragraph would be added to Article V(A) (Voting Limitations) as follows (all text new):

4. In addition to the limitations in subsections 1–3 above of this Section A of Article V, for so long as the Corporation shall directly or indirectly control a security-based swap execution facility registered under Section 3D of the Exchange Act (each security-based swap execution facility so controlled, an “SBSEF”), no SBSEF Member (as defined below), either alone or together

with its Related Persons, shall be entitled directly or indirectly to vote, cause the voting of, or give any consent or proxy with respect to the voting of, any interest that exceeds 20% of the voting power of any class of securities or of other ownership interest in the Corporation (such threshold being hereinafter referred to as the “*SBSEF Voting Limitation*”), and the Corporation shall disregard any such votes purported to be cast in excess of the SBSEF Voting Limitation.

- The text after “enforced against such Record Owner” in current Article V(A)(5) (Article V(A)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

in a manner that will accomplish the Voting Limitation, [and] the Recalculated Voting Limitation *and the SBSEF Voting Limitation applicable to such Person and its Related Persons.*

- Paragraphs (d) and (e) of the definition of “Related Persons” in current Article V(A)(10) (Article V(A)(11) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized):

(d) in the case of a Person that is a Member *or SBSEF Member*, any Person that is associated with such Person (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

(e) in the case of a Person that is a natural person and is a Member *or SBSEF Member*, any broker or dealer that is also a Member *or SBSEF Member* with which such Person is associated (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

- The definition of “SBSEF Member” would be added as new Article V(A)(12), as follows (all text new):

12. “*SBSEF Member*” means, with respect to a security-based swap execution facility, a Person that is a “member” within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.

- A new paragraph would be added to Article V(B) (Ownership Concentration Limitation) as follows (all text new):

5. In addition to the limitations in subsections 1–4 above of this Section B

of Article V, for so long as the Corporation shall directly or indirectly control any SBSEF, no SBSEF Member, either alone or together with its Related Persons, shall be permitted at any time to own, directly or indirectly, 20% or more of any class of voting securities or of other voting interest in the Corporation (the “*SBSEF Concentration Limitation*”). If any SBSEF Member, either alone or together with its Related Persons, at any time beneficially owns voting securities or other voting interest in the Corporation in excess of the SBSEF Concentration Limitation, such SBSEF Member and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, at a price equal to the par value of such voting securities or other voting interest and to the extent funds are legally available therefor, that number of voting securities or other voting interest of the Corporation necessary so that such SBSEF Member, together with its Related Persons, shall beneficially own, directly or indirectly, less than 20% of any class of voting securities or of other voting interest in the Corporation, after taking into account that such repurchased voting securities or other voting interest shall become treasury shares and shall no longer be deemed to be outstanding.

- The second clause of current Article V(B)(5) (Article V(B)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized): provided, however, that, if any Transfer of any shares of stock of the Corporation shall cause any Person, either alone or together with its Related Persons, at any time to beneficially own shares of stock of the Corporation in excess of the Concentration Limitation or *SBSEF Concentration Limitation*, such Person and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, shares of stock of the Corporation as specified in Section B.4 or B.5, as applicable, of this ARTICLE V.

- The first sentence of current Article V(B)(6) (Article V(A)(7) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed addition italicized):

If any share of Common Stock shall be represented by a certificate, a legend shall be placed on such certificate to the effect that such share of Common Stock is subject to the Concentration Limitations and *SBSEF Concentration Limitation* as set in Section B of this Article V.

- The final clause of Article V(C)(2) (Procedure for Repurchasing Stock)

would be amended to add “or SBSEF Concentration Limitation” after “Concentration Limitation”.

- Subclauses (i) and (ii) of the first sentence of Article V(D) (Right to Information; Determinations by the Board of Directors) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

(i) to be subject to the Voting Limitation, [or] the Recalculated Voting Limitation or the *SBSEF Voting Limitation*, (ii) to own beneficially (within the meaning of Rules 13d–3 and 13d–5 under the Exchange Act) shares of stock of the Corporation entitled to vote on any matter in excess of the Concentration Limitation or *SBSEF Concentration Limitation*,

- The parenthetical in the first sentence of Article IX(B) (Quorum) would be amended as follows (proposed deletions in brackets, proposed additions italicized):

(it being understood that any shares in excess of the Voting Limitation, [or] the Recalculated Voting Limitation or the *SBSEF Voting Limitation* shall not be counted as present at the meeting and shall not be counted as outstanding shares of stock of the Corporation for purposes of determining whether there is a quorum, unless and only to the extent that the Voting Limitation or the Recalculated Voting Limitation, as applicable, shall have been duly waived pursuant to Section A or Section B of ARTICLE V).

Change in Registered Office

ICE and ICE Holdings are corporations organized under the laws of the State of Delaware. As such, they are both required to have and maintain a registered office and registered agent in the State of Delaware.⁸

The Exchange proposes to change the address of the registered office in both Proposed Certificates to reflect the move of the office of the registered agent. No change is proposed to the registered agent. Accordingly, Article II of both Proposed Certificates would be amended to provide that the address of the registered office in the State of Delaware, County of New Castle, is 1521 Concord Pike, Suite 201, Wilmington, Delaware 19803.

Other Changes

The Exchange proposes to make changes that are conforming or technical in nature. All are non-substantive.

⁸ See Del. Code tit 8, §§ 131 and 132.

ICE Proposed Certificate of Incorporation

References to the “Sixth Amended and Restated Certificate of Incorporation” and the “Fifth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Seventh Amended and Restated Certificate of Incorporation” and “Sixth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

ICE Holdings Proposed Certificate of Incorporation

References to the “Ninth Amended and Restated Certificate of Incorporation” and the “Eighth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Tenth Amended and Restated Certificate of Incorporation” and “Ninth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

To conform to one style, those terms that are not already underlined when defined would be underlined [sic].⁹ In addition to the definitions that would be added, the already existing definitions are in the introductory paragraph, the numbered certifications that immediately follow it, Article IV(A) (Classes and Series of Stock), Article IV(C) (Transfer Restrictions on Stock), and Article V(A)(1).

The word “commission” in Article IV(C) would be capitalized.

Paragraphs after proposed Article V(A)(4) and proposed Article V(B)(5) would be renumbered.

The cross reference in Article V(A)(6) would be renumbered from “Section A of ARTICLE VI” to “Section A of ARTICLE V”.

In Article X (Amendments), the parenthetical “(or the boards of directors of their successors)” would be deleted as unnecessary, because “Exchange” includes all ICE Holdings-

⁹ For example, “(the ‘Corporation’)” would become underlined [sic]. For compliance with Federal Register publication requirements, the Commission added the term “underlined” here in place of a depiction of the term “Corporation” becoming underlined [sic].

controlled national securities exchanges.¹⁰

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(1)¹² in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

Together, the Proposed Certificates and IST Rule 410¹³ are consistent with the Act and the rules promulgated under the Act.

The Exchange believes that the proposed rule change would contribute to the orderly operation of the Exchange and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members because none of the proposed changes to the Proposed Certificates substantively would impact the Exchange. Rather the proposed changes are solely concerned with SBSEFs, updating the address of the registered office in Delaware of ICE and ICE Holdings and making conforming changes.

Additionally, IST has advised the Exchange that IST Rule 410 would, independently of these changes to the Proposed Certificates, provide the means to ensure that IST is in compliance with Rule 834(b).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address any competitive issue but rather is concerned solely with ensuring that IST is in compliance with Regulation SE, updating the address of the registered office in Delaware of ICE and

ICE Holdings, and making non-substantive and conforming changes to the Current Certificates. No change is proposed to the certificate of incorporation or bylaws of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEARCA-2025-44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2025-44 and should be submitted on or before July 22, 2025.

¹⁰ See the definition of "Exchange" in ICE Holdings Current Certificate of Incorporation, Article V(A)(1). No change to the definition is proposed.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(1).

¹³ See ICE Swap Trade, LLC Submission No. 25-02 (SBSF-ICES-2025-002).

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-12219 Filed 6-30-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103334; File No. SR-FINRA-2025-001]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Partial Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Partial Amendment No. 1, To Exempt Certain Business Development Companies From FINRA Rules 5130 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings) and 5131 (New Issue Allocations and Distributions)

June 26, 2025.

I. Introduction

On March 25, 2025, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities Exchange Commission (“SEC” or “Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”) ¹ and Rule 19b-4 thereunder,² a proposed rule change (SR-FINRA-2025-001) to exempt certain business development companies, as that term is defined in Section 2(a)(48) of the Investment Company Act of 1940 (“Investment Company Act”), each a “BDC,” from FINRA Rule 5130 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings) and from paragraph (b) (Spinning) of FINRA Rule 5131 (New Issue Allocations and Distributions).³ The proposed rule change was published for comment in the **Federal Register** on March 31, 2025.

On May 13, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the

proposed rule change.⁵ On June 12, 2025, FINRA filed a partial amendment to the proposed rule change (“Partial Amendment No. 1”).⁶ The Commission received two comment letters in response to the publication of the Notice,⁷ as well as a response letter from FINRA.⁸ The Commission is publishing this Order to provide notice of the filing of, and to solicit from interested persons comments on, Partial Amendment No. 1, and is approving on an accelerated basis the proposed rule change, as modified by Partial Amendment No. 1 (“Amended Proposal”).

II. Description of the Proposed Rule Change

As described in more detail in the Notice,⁹ FINRA proposed to amend FINRA Rule 5130 by adding a categorical exemption for non-traded BDCs in new paragraph (c)(12) and, by reference, in FINRA Rule 5131(b)(2) (together, the “proposed exemption”). The proposed exemption, as originally included in the Notice, would have applied to a BDC, “the shares of which are registered under the Securities Act [of 1933].” ¹⁰ FINRA stated in the Notice that the proposed exemption would allow non-traded BDCs, and therefore investors in non-traded BDCs, to more easily obtain access to new issues in so much as they could be included in the allowable 30 percent of a non-traded BDC’s portfolio.¹¹ In addition, the proposed exemption would expand the pool of investors who can participate in initial public offerings (“IPOs”) through their investment in a non-traded BDC and would allow non-traded BDCs to

more easily diversify their portfolios with new issues to the extent that such investments are consistent with all other applicable regulations.¹²

III. Summary of Comments, FINRA’s Response, and Commission Findings

After reviewing the Notice, Partial Amendment No. 1, and comment letters received, the Commission finds that the Amended Proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities association.¹³ In particular, the Commission finds that the Amended Proposal is consistent with Section 15A(b)(6) of the Exchange Act,¹⁴ which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Commission also finds that the Amended Proposal, is consistent, in particular, with Section 15A(b)(9) of the Exchange Act,¹⁵ which requires that FINRA rules not impose any burdens on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The Amended Proposal will protect investors and the public interest by allowing non-traded and private BDCs,¹⁶ which are subject to the investor protections provided by the Investment Company Act and the applicable rules adopted thereunder, to more easily invest in new issues and to diversify their portfolios, without diminishing investor protection. It will promote capital formation by expanding access to IPOs through the entities of non-traded BDCs and private BDCs. The Amended Proposal is designed to prevent fraudulent and manipulative acts and practices by maintaining the integrity of the public offering process through the requirement that BDCs not be formed or maintained for the specific purpose of permitting restricted persons to invest in new issues.¹⁷

¹² See Notice, 90 FR 14286.

¹³ In approving this rule change, the Commission has considered the rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁴ 15 U.S.C. 78o-3(b)(6).

¹⁵ 15 U.S.C. 78o-3(b)(9).

¹⁶ FINRA stated that the term “private BDC” refers to a BDC that is offered in a private placement. See Partial Amendment No. 1, *supra* note 6, at 3 n.4.

¹⁷ See *Regulatory Notice* 23-09 (May 2023) (“FINRA promotes the capital raising process through appropriately tailored rules for its members that are designed to promote transparency and to establish important standards of conduct for the benefit of all market participants, including

Continued

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102723 (March 25, 2025), 90 FR 14284 (March 31, 2025) (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 103033 (May 13, 2025), 90 FR 21377 (May 19, 2025). The Commission designated June 29, 2025, as the date by which the Commission shall approve or disapprove or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

⁶ See Partial Amendment No. 1, available at https://www.finra.org/sites/default/files/2025-06/FINRA-2025-001_Partial_A-1.pdf. In Partial Amendment No. 1, FINRA requested that the Commission find good cause pursuant to Section 19(b)(2) of the Exchange Act for approving the proposed rule change, as modified by Partial Amendment No. 1, prior to the thirtieth day after its publication in the **Federal Register**.

⁷ Comments are available at: <https://www.sec.gov/comments/sr-finra-2025-001/srfinra2025001.htm>.

⁸ See Letter from Ilana Reid, Associate General Counsel, FINRA (June 12, 2025) (“FINRA Response”), available at <https://www.sec.gov/comments/sr-finra-2025-001/srfinra2025001.htm>.

⁹ See Notice, 90 FR 14284-88.

¹⁰ See Notice, 90 FR 14285. As discussed below, in Part III, Partial Amendment No. 1 changed this text to state “provided that the business development company was not formed or maintained for the specific purpose of permitting restricted persons to invest in new issues.” See Partial Amendment No. 1, *supra* note 6, at 5.

¹¹ See Notice, 90 FR 14286.

The Commission received two comment letters on the proposed rule change.¹⁸ Both commenters stated their general support for the proposed rule change,¹⁹ one of which suggested that the proposed exemption should be expanded to cover all BDCs, including privately offered BDCs.²⁰ ICI stated that it is “difficult, if not impossible” for private BDCs, similar to non-traded BDCs, to satisfy the representation requirements of FINRA Rules 5130 and 5131.²¹ In addition, ICI stated that BDCs are subject to “extensive” regulation by the Commission under the Investment Company Act and that “[i]t does not logically flow” that privately offered closed-end funds can avail themselves of an exemption from FINRA Rules 5130 and 5131 while a private BDC cannot qualify for the proposed exemption.²² ICI also stated that extending the proposed exemption to private BDCs would not impact the integrity of the public offering process because private BDCs are subject to the same investment limitations under Section 55(a) of the Investment Company Act as non-traded BDCs are and are therefore unlikely to be formed for the purpose of investing in new issues.²³

In response, Partial Amendment No. 1 amended the proposed rule change to include private BDCs. FINRA stated that it generally agrees with ICI that extending the proposed exemption to private BDCs would not impact the integrity of the public offering process because private BDCs are subject to extensive regulation under the Investment Company Act, including the same investment limitations to which non-traded BDCs are subject.²⁴ FINRA stated that it was therefore amending the proposed rule change to exempt from FINRA Rule 5130 and FINRA Rule 5131(b) all BDCs, provided that the BDC was not formed or maintained for the specific purpose of permitting restricted persons to invest in new issues. According to FINRA, for purposes of the

exemption, the requirement that exempted BDCs not be formed or maintained for the specific purpose of permitting restricted persons to invest in new issues would further preserve the integrity of the public offering process.²⁵ FINRA stated that similar language appears in the exemption for foreign investment companies under FINRA Rule 5130(c)(6)(C).²⁶

The Commission agrees with FINRA that conditioning the proposed exemption on the requirement that a BDC not be formed or maintained for the purpose of circumventing the prohibition in FINRA Rule 5130 or 5131(b) will help to further mitigate the unlikely risk that an otherwise restricted or covered person may invest in a non-traded or private BDC for the purpose of investing in new issues.²⁷ Further, for the reasons discussed above, in this Part III, the Amended Proposal is designed to prevent fraudulent and manipulative acts and practices, as well as to promote just and equitable principles of trade, and does not impose any burdens on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

IV. Solicitation of Comments on Partial Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning whether Partial Amendment No. 1 is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-FINRA-2025-001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-FINRA-2025-001. This file number should be included on the subject line if used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendment, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to the file number SR-FINRA-2025-001 and should be submitted on or before July 22, 2025.

V. Accelerated Approval of the Amended Proposal

The Commission finds good cause to approve Amended Proposal prior to the thirtieth day after the date of publication of notice of the filing of Partial Amendment No. 1 in the **Federal Register**.²⁸ In Partial Amendment No. 1, FINRA modified the proposed rule change—in direct response to comment received—to promote capital formation while maintaining the protections that FINRA Rules 5130 and 5131(b) are designed to provide. FINRA did not propose to change the substantive intent of the proposed rule change. To reduce ambiguity regarding the scope of the proposed rule change, FINRA instead proposed to remove the text “the shares of which are registered under the Securities Act” and replace it with “provided that the business development company was not formed or maintained for the specific purpose of permitting restricted persons to invest in new issues.” The basis for this partial amendment is the same as the basis for the original proposed rule change, which the Commission previously noticed for public comment.

After consideration of the two comments received on the proposed rule change, the Commission concludes

investors and issuers.”). See also Notice, 90 FR 14286.

¹⁸ See Letter from Kevin Ercoline, Assistant General Counsel, Investment Company Institute (April 21, 2025) (“ICI”); Letter from Anya Coverman, President and CEO, Institute for Portfolio Alternatives (April 21, 2025) (“IPA”).

¹⁹ See ICI, at 2; IPA, at 2.

²⁰ See ICI, at 2–3.

²¹ See ICI, at 2.

²² See ICI, at 3. ICI stated that a private fund is not subject to the Investment Company Act (and generally has a much higher investment standard reflecting the associated investor sophistication and risk tolerance attributes) while a BDC is subject to “extensive” regulation under the Investment Company Act. See ICI, at 3.

²³ ICI, at 3.

²⁴ See FINRA Response, *supra* note 8, at 3. See also Partial Amendment No. 1, *supra* note 6, at 4.

²⁵ See FINRA Response, *supra* note 8, at 4.

²⁶ In Partial Amendment No. 1, FINRA proposed to add the words “or maintained” to subparagraph (C) of FINRA Rule 5130(c)(6) to clarify that a foreign company cannot be formed or maintained for the purpose of circumventing the prohibition. See Partial Amendment No. 1, *supra* note 6, at 6.

²⁷ See FINRA Response, *supra* note 8, at 2.

²⁸ 15 U.S.C. 78s(b)(2).

that Partial Amendment No. 1 responds to comments received, adds clarity to the proposed rule change, and does not raise any novel regulatory concerns. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,²⁹ to approve the proposed rule change, SR-FINRA-2025-001, as modified by Partial Amendment No. 1, on an accelerated basis.

VI. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule change, as modified by Partial Amendment No. 1, is consistent with Section 15A(b)(6) of the Exchange Act,³⁰ which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and, in general, protect investors and the public interest.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act³¹ that the proposed rule change (SR-FINRA-2025-001), as amended by Partial Amendment No. 1, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-12218 Filed 6-30-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103333; File No. SR-NYSE-2025-22]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc.

June 26, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that on June 16,

2025, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. (“ICE”) and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. (“ICE Holdings”) to reflect regulations relating to security-based swap execution facilities (“SBSEFs”), update the registered office in the State of Delaware, and make non-substantive and conforming changes. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the ICE Current Certificate of Incorporation and ICE Holdings Current Certificate of Incorporation (together, the “Current Certificates”) to reflect regulations relating to SBSEFs, update the registered office in the State of Delaware, and make non-substantive

and conforming changes.⁵ No change is proposed to the operating agreement of the Exchange.

The changes to the ICE Current Certificate of Incorporation described herein would become operative upon the proposed Seventh Amended and Restated Certificate of Incorporation (“ICE Proposed Certificate of Incorporation”) becoming effective pursuant to its filing with the Secretary of State of the State of Delaware. The changes to the ICE Holdings Current Certificate of Incorporation described herein would become operative upon the proposed Tenth Amended and Restated Certificate of Incorporation (“ICE Holdings Proposed Certificate of Incorporation” and, together with the ICE Proposed Certificate of Incorporation, the “Proposed Certificates”) becoming effective pursuant to its filing with the Secretary of State of the State of Delaware.

Changes Related to SBSEFs

Securities and Exchange Commission (“Commission”) regulations extend limitations on stockholder voting and ownership to SBSEFs.⁶ Because ICE’s subsidiary ICE Swap Trade, LLC (“IST”) has registered with the Commission as an SBSEF, these Commission regulations apply.

IST has adopted Rule 410 (Ownership Limitation),⁷ which IST has advised the Exchange was designed to incorporate the requirements of 17 CFR 242.834 (“Rule 834”) into the rules of the SBSEF. Additionally, ICE and ICE Holdings intend to amend their Current Certificates as described below.

ICE Proposed Certificate of Incorporation

The ICE Current Certificate of Incorporation would be amended as follows.

First, Article V (Limitations on Voting and Ownership) has limitations on stockholder voting and ownership that apply so long as ICE directly or indirectly controls a national securities exchange registered under the Act, such as the Exchange. These would be

⁵ ICE is the sole shareholder of ICE Holdings. ICE Holdings is the parent company of ICE Swap Trade, LLC. ICE Holdings is also the sole shareholder of NYSE Holdings LLC, which is the sole shareholder of NYSE Group, Inc., the parent company of the Exchange.

⁶ See 17 CFR 242.834. See also Securities Exchange Act Release No. 98845 (November 2, 2023), 88 FR 87156 (December 15, 2023) (Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities) (adopting new Regulation SE, consisting of 17 CFR 242.800 through 17 CFR 242.835), effective February 13, 2024).

⁷ See ICE Swap Trade, LLC Submission No. 25-02 (SBSF-ICES-2025-002).

²⁹ 15 U.S.C. 78s(b)(2).

³⁰ 15 U.S.C. 78o-3(b)(6).

³¹ 15 U.S.C. 78s(b)(2).

³² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ For compliance with Federal Register publication requirements, the Commission slightly edited note 9, *infra*.

amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act, as follows:

- The first sentence of Article V(A)(1) (Voting Limitation), would be amended to add “or a security-based swap execution facility registered under Section 3D of the Exchange Act” immediately prior to (a).

- The end of Article V(A)(2) would be modified by adding “(and, with respect to a security-based swap execution facility registered under Section 3D of the Exchange Act, such resolution shall have been submitted to the SEC under Rule 242.806 or 242.807 under Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)” to the existing (c).

- Article V(A)(3)(a) would be modified by adding text to the start of (i) as follows (proposed additions italicized):

(i) will not impair the ability of any national securities exchange registered under Section 6 of the Exchange Act or any security-based swap execution facility registered under Section 3D of the Exchange Act, in any case that is directly or indirectly controlled by the Corporation (each such national securities exchange or security-based swap execution facility so controlled, an “Exchange”),

- The definition of “Member” in Article V(A)(8) would be modified as follows (proposed additions italicized): “Member” shall mean, with respect to any national securities exchange, a Person that is a “member” of an Exchange within the meaning of Section 3(a)(3)(A) of the Exchange Act or, with respect to a security-based swap execution facility, a Person that is a “member” within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.

- The definition of “Related Persons” in Article V(A)(10) would be modified as follows (proposed additions italicized):

(d) in the case of a Person that is a Member, any Person that is associated with such Person (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act (with references therein to a national securities exchange being deemed to include a security-based swap execution facility));

(e) in the case of a Person that is a natural person and is a Member, any broker or dealer that is also a Member with which such Person is associated (as determined using the definition of “person associated with a member” as

defined under Section 3(a)(21) of the Exchange Act (with references therein to a national securities exchange being deemed to include a security-based swap execution facility));

- The end of the concentration limits in Article V(B)(2) (Ownership Concentration Limitation) would be modified by adding the following parenthetical to the existing (c): “(and, with respect to an Exchange that is a security-based swap execution facility, such resolution shall have been submitted to the SEC pursuant to Rule 242.806 or 242.807 of Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)”.

Second, Article X (Amendments) of the ICE Current Certificate of Incorporation requires any amendment to, or repeal of any provision in, the ICE Current Certification of Incorporation to be filed with, or filed with and approved by, the Commission. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act.

To do so, the second sentence of Article X would be amended to add “(or, in the case of a security-based swap execution facility, Rule 242.806 or 242.807 under Regulation SE under the Exchange Act)” immediately following “the rules promulgated thereunder”. In this way, the ICE Proposed Certificate of Incorporation would provide that, if the board of directors of any controlled SBSEF determines that any amendment or repeal must be filed with or filed with and approved by the Commission under Rule 242.806 or 242.807 of Regulation SE before such amendment or repeal may be effectuated, then such amendment or repeal shall not be effectuated until so filed with or filed with and approved by the Commission.

ICE Holdings Proposed Certificate of Incorporation

The ICE Holdings Current Certificate of Incorporation would be amended as follows.

- A new paragraph would be added to Article V(A) (Voting Limitations) as follows (all text new):

4. In addition to the limitations in subsections 1–3 above of this Section A of Article V, for so long as the Corporation shall directly or indirectly control a security-based swap execution facility registered under Section 3D of the Exchange Act (each security-based swap execution facility so controlled, an “SBSEF”), no SBSEF Member (as defined below), either alone or together with its Related Persons, shall be

entitled directly or indirectly to vote, cause the voting of, or give any consent or proxy with respect to the voting of, any interest that exceeds 20% of the voting power of any class of securities or of other ownership interest in the Corporation (such threshold being hereinafter referred to as the “SBSEF Voting Limitation”), and the Corporation shall disregard any such votes purported to be cast in excess of the SBSEF Voting Limitation.

- The text after “enforced against such Record Owner” in current Article V(A)(5) (Article V(A)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

in a manner that will accomplish the Voting Limitation, [and] the Recalculated Voting Limitation and the SBSEF Voting Limitation applicable to such Person and its Related Persons.

- Paragraphs (d) and (e) of the definition of “Related Persons” in current Article V(A)(10) (Article V(A)(11) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized):

(d) in the case of a Person that is a Member or SBSEF Member, any Person that is associated with such Person (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act (with references therein to a national securities exchange being deemed to include a security-based swap execution facility));

(e) in the case of a Person that is a natural person and is a Member or SBSEF Member, any broker or dealer that is also a Member or SBSEF Member with which such Person is associated (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Exchange Act (with references therein to a national securities exchange being deemed to include a security-based swap execution facility));

- The definition of “SBSEF Member” would be added as new Article V(A)(12), as follows (all text new):

12. “SBSEF Member” means, with respect to a security-based swap execution facility, a Person that is a “member” within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.

- A new paragraph would be added to Article V(B) (Ownership Concentration Limitation) as follows (all text new):

5. In addition to the limitations in subsections 1–4 above of this Section B of Article V, for so long as the

Corporation shall directly or indirectly control any SBSEF, no SBSEF Member, either alone or together with its Related Persons, shall be permitted at any time to own, directly or indirectly, 20% or more of any class of voting securities or of other voting interest in the Corporation (the “*SBSEF Concentration Limitation*”). If any SBSEF Member, either alone or together with its Related Persons, at any time beneficially owns voting securities or other voting interest in the Corporation in excess of the SBSEF Concentration Limitation, such SBSEF Member and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, at a price equal to the par value of such voting securities or other voting interest and to the extent funds are legally available therefor, that number of voting securities or other voting interest of the Corporation necessary so that such SBSEF Member, together with its Related Persons, shall beneficially own, directly or indirectly, less than 20% of any class of voting securities or of other voting interest in the Corporation, after taking into account that such repurchased voting securities or other voting interest shall become treasury shares and shall no longer be deemed to be outstanding.

- The second clause of current Article V(B)(5) (Article V(B)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized): provided, however, that, if any Transfer of any shares of stock of the Corporation shall cause any Person, either alone or together with its Related Persons, at any time to beneficially own shares of stock of the Corporation in excess of the Concentration Limitation or *SBSEF Concentration Limitation*, such Person and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, shares of stock of the Corporation as specified in Section B.4 or B.5, as applicable, of this ARTICLE V.

- The first sentence of current Article V(B)(6) (Article V(A)(7) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed addition italicized):

If any share of Common Stock shall be represented by a certificate, a legend shall be placed on such certificate to the effect that such share of Common Stock is subject to the Concentration Limitations and *SBSEF Concentration Limitation* as set in Section B of this Article V.

- The final clause of Article V(C)(2) (Procedure for Repurchasing Stock) would be amended to add “or SBSEF

Concentration Limitation” after “Concentration Limitation”.

- Subclauses (i) and (ii) of the first sentence of Article V(D) (Right to Information; Determinations by the Board of Directors) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

(i) to be subject to the Voting Limitation, [or] the Recalculated Voting Limitation or the *SBSEF Voting Limitation*, (ii) to own beneficially (within the meaning of Rules 13d–3 and 13d–5 under the Exchange Act) shares of stock of the Corporation entitled to vote on any matter in excess of the Concentration Limitation or *SBSEF Concentration Limitation*,

- The parenthetical in the first sentence of Article IX(B) (Quorum) would be amended as follows (proposed deletions in brackets, proposed additions italicized):

(it being understood that any shares in excess of the Voting Limitation, [or] the Recalculated Voting Limitation or the *SBSEF Voting Limitation* shall not be counted as present at the meeting and shall not be counted as outstanding shares of stock of the Corporation for purposes of determining whether there is a quorum, unless and only to the extent that the Voting Limitation or the Recalculated Voting Limitation, as applicable, shall have been duly waived pursuant to Section A or Section B of ARTICLE V).

Change in Registered Office

ICE and ICE Holdings are corporations organized under the laws of the State of Delaware. As such, they are both required to have and maintain a registered office and registered agent in the State of Delaware.⁸

The Exchange proposes to change the address of the registered office in both Proposed Certificates to reflect the move of the office of the registered agent. No change is proposed to the registered agent. Accordingly, Article II of both Proposed Certificates would be amended to provide that the address of the registered office in the State of Delaware, County of New Castle, is 1521 Concord Pike, Suite 201, Wilmington, Delaware 19803.

Other Changes

The Exchange proposes to make changes that are conforming or technical in nature. All are non-substantive.

ICE Proposed Certificate of Incorporation

References to the “Sixth Amended and Restated Certificate of

Incorporation” and the “Fifth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Seventh Amended and Restated Certificate of Incorporation” and “Sixth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

ICE Holdings Proposed Certificate of Incorporation

References to the “Ninth Amended and Restated Certificate of Incorporation” and the “Eighth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Tenth Amended and Restated Certificate of Incorporation” and “Ninth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

To conform to one style, those terms that are not already underlined when defined would be underlined [sic].⁹ In addition to the definitions that would be added, the already existing definitions are in the introductory paragraph, the numbered certifications that immediately follow it, Article IV(A) (Classes and Series of Stock), Article IV(C) (Transfer Restrictions on Stock), and Article V(A)(1).

The word “commission” in Article IV(C) would be capitalized.

Paragraphs after proposed Article V(A)(4) and proposed Article V(B)(5) would be renumbered.

The cross reference in Article V(A)(6) would be renumbered from “Section A of ARTICLE VI” to “Section A of ARTICLE V”.

In Article X (Amendments), the parenthetical “(or the boards of directors of their successors)” would be deleted as unnecessary, because “Exchange” includes all ICE Holdings-controlled national securities exchanges.¹⁰

⁹ For example, “(the ‘Corporation’)” would become underlined [sic]. For compliance with Federal Register publication requirements, the Commission added the term “underlined” here in place of a depiction of the term “Corporation” becoming underlined [sic].

¹⁰ See the definition of “Exchange” in ICE Holdings Current Certificate of Incorporation, Article V(A)(1). No change to the definition is proposed.

⁸ See Del. Code tit 8, §§ 131 and 132.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(1)¹² in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

Together, the Proposed Certificates and IST Rule 410¹³ are consistent with the Act and the rules promulgated under the Act.

The Exchange believes that the proposed rule change would contribute to the orderly operation of the Exchange and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members because none of the proposed changes to the Proposed Certificates substantively would impact the Exchange. Rather the proposed changes are solely concerned with SBSEFs, updating the address of the registered office in Delaware of ICE and ICE Holdings and making conforming changes.

Additionally, IST has advised the Exchange that IST Rule 410 would, independently of these changes to the Proposed Certificates, provide the means to ensure that IST is in compliance with Rule 834(b).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address any competitive issue but rather is concerned solely with ensuring that IST is in compliance with Regulation SE, updating the address of the registered office in Delaware of ICE and ICE Holdings, and making non-substantive and conforming changes to the Current Certificates. No change is proposed to the operating agreement of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSE-2025-22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSE-2025-22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSE-2025-22 and should be submitted on or before July 22, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-12217 Filed 6-30-25; 8:45 am]

BILLING CODE 8011-01-P

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(1).

¹³ See ICE Swap Trade, LLC Submission No. 25-02 (SBSF-ICES-2025-002).

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

¹⁹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103336; File No. SR–NYSETEX–2025–17]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc.

June 26, 2025.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (“Act”) ² and Rule 19b–4 thereunder, ³ notice is hereby given that on June 16, 2025, the NYSE Texas, Inc. (“NYSE Texas” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. ⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Sixth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. (“ICE”) and Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. (“ICE Holdings”) to reflect regulations relating to security-based swap execution facilities (“SBSEFs”), update the registered office in the State of Delaware, and make non-substantive and conforming changes. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change

and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the ICE Current Certificate of Incorporation and ICE Holdings Current Certificate of Incorporation (together, the “Current Certificates”) to reflect regulations relating to SBSEFs, update the registered office in the State of Delaware, and make non-substantive and conforming changes. ⁵ No change is proposed to the certificate of formation or bylaws of the Exchange.

The changes to the ICE Current Certificate of Incorporation described herein would become operative upon the proposed Seventh Amended and Restated Certificate of Incorporation (“ICE Proposed Certificate of Incorporation”) becoming effective pursuant to its filing with the Secretary of State of the State of Delaware. The changes to the ICE Holdings Current Certificate of Incorporation described herein would become operative upon the proposed Tenth Amended and Restated Certificate of Incorporation (“ICE Holdings Proposed Certificate of Incorporation” and, together with the ICE Proposed Certificate of Incorporation, the “Proposed Certificates”) becoming effective pursuant to its filing with the Secretary of State of the State of Delaware.

Changes Related to SBSEFs

Securities and Exchange Commission (“Commission”) regulations extend limitations on stockholder voting and ownership to SBSEFs. ⁶ Because ICE’s subsidiary ICE Swap Trade, LLC (“IST”) has registered with the Commission as

an SBSEF, these Commission regulations apply.

IST has adopted Rule 410 (Ownership Limitation), ⁷ which IST has advised the Exchange was designed to incorporate the requirements of 17 CFR 242.834 (“Rule 834”) into the rules of the SBSEF. Additionally, ICE and ICE Holdings intend to amend their Current Certificates as described below.

ICE Proposed Certificate of Incorporation

The ICE Current Certificate of Incorporation would be amended as follows.

First, Article V (Limitations on Voting and Ownership) has limitations on stockholder voting and ownership that apply so long as ICE directly or indirectly controls a national securities exchange registered under the Act, such as the Exchange. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act, as follows:

- The first sentence of Article V(A)(1) (Voting Limitation), would be amended to add “or a security-based swap execution facility registered under Section 3D of the Exchange Act” immediately prior to (a).
- The end of Article V(A)(2) would be modified by adding “(and, with respect to a security-based swap execution facility registered under Section 3D of the Exchange Act, such resolution shall have been submitted to the SEC under Rule 242.806 or 242.807 under Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)” to the existing (c).
- Article V(A)(3)(a) would be modified by adding text to the start of (i) as follows (proposed additions italicized):

(i) will not impair the ability of any national securities exchange registered under Section 6 of the Exchange Act or *any security-based swap execution facility registered under Section 3D of the Exchange Act, in any case that is directly or indirectly controlled by the Corporation (each such national securities exchange or security-based swap execution facility so controlled, an “Exchange”)*.

- The definition of “Member” in Article V(A)(8) would be modified as follows (proposed additions italicized): “Member” shall mean, *with respect to any national securities exchange, a Person that is a “member” of an Exchange within the meaning of Section*

⁷ See ICE Swap Trade, LLC Submission No. 25–02 (SBSF–ICES–2025–002).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ For compliance with Federal Register publication requirements, the Commission slightly edited note 9, *infra*.

⁵ ICE is the sole shareholder of ICE Holdings. ICE Holdings is the parent company of ICE Swap Trade, LLC. ICE Holdings is also the sole shareholder of NYSE Holdings LLC, which is the sole shareholder of NYSE Group, Inc. NYSE Group, Inc. is the sole shareholder of NYSE Texas Holdings, Inc., the parent company of the Exchange.

⁶ See 17 CFR 242.834. See also Securities Exchange Act Release No. 98845 (November 2, 2023), 88 FR 87156 (December 15, 2023) (Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities) (adopting new Regulation SE, consisting of 17 CFR 242.800 through 17 CFR 242.835), effective February 13, 2024).

3(a)(3)(A) of the Exchange Act *or, with respect to a security-based swap execution facility, a Person that is a "member" within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.*

- The definition of "Related Persons" in Article V(A)(10) would be modified as follows (proposed additions italicized):

(d) in the case of a Person that is a Member, any Person that is associated with such Person (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

(e) in the case of a Person that is a natural person and is a Member, any broker or dealer that is also a Member with which such Person is associated (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

- The end of the concentration limits in Article V(B)(2) (Ownership Concentration Limitation) would be modified by adding the following parenthetical to the existing (c): "(and, with respect to an Exchange that is a security-based swap execution facility, such resolution shall have been submitted to the SEC pursuant to Rule 242.806 or 242.807 of Regulation SE under the Exchange Act, shall have been approved by the SEC (if applicable) and shall have become effective thereunder)".

Second, Article X (Amendments) of the ICE Current Certificate of Incorporation requires any amendment to, or repeal of any provision in, the ICE Current Certification of Incorporation to be filed with, or filed with and approved by, the Commission. These would be amended to also apply so long as ICE directly or indirectly controls a SBSEF registered under the Exchange Act.

To do so, the second sentence of Article X would be amended to add "(or, in the case of a security-based swap execution facility, Rule 242.806 or 242.807 under Regulation SE under the Exchange Act)" immediately following "the rules promulgated thereunder". In this way, the ICE Proposed Certificate of Incorporation would provide that, if the board of directors of any controlled SBSEF determines that any amendment or repeal must be filed with or filed with and approved by the Commission

under Rule 242.806 or 242.807 of Regulation SE before such amendment or repeal may be effectuated, then such amendment or repeal shall not be effectuated until so filed with or filed with and approved by the Commission.

ICE Holdings Proposed Certificate of Incorporation

The ICE Holdings Current Certificate of Incorporation would be amended as follows.

- A new paragraph would be added to Article V(A) (Voting Limitations) as follows (all text new):

4. In addition to the limitations in subsections 1–3 above of this Section A of Article V, for so long as the Corporation shall directly or indirectly control a security-based swap execution facility registered under Section 3D of the Exchange Act (each security-based swap execution facility so controlled, an "SBSEF"), no SBSEF Member (as defined below), either alone or together with its Related Persons, shall be entitled directly or indirectly to vote, cause the voting of, or give any consent or proxy with respect to the voting of, any interest that exceeds 20% of the voting power of any class of securities or of other ownership interest in the Corporation (such threshold being hereinafter referred to as the "SBSEF Voting Limitation"), and the Corporation shall disregard any such votes purported to be cast in excess of the SBSEF Voting Limitation.

- The text after "enforced against such Record Owner" in current Article V(A)(5) (Article V(A)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

in a manner that will accomplish the Voting Limitation, [and] the Recalculated Voting Limitation *and the SBSEF Voting Limitation applicable to such Person and its Related Persons.*

- Paragraphs (d) and (e) of the definition of "Related Persons" in current Article V(A)(10) (Article V(A)(11) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized):

(d) in the case of a Person that is a Member *or SBSEF Member*, any Person that is associated with such Person (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

(e) in the case of a Person that is a natural person and is a Member *or*

SBSEF Member, any broker or dealer that is also a Member *or SBSEF Member* with which such Person is associated (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Exchange Act *(with references therein to a national securities exchange being deemed to include a security-based swap execution facility)*);

- The definition of "SBSEF Member" would be added as new Article V(A)(12), as follows (all text new):

12. "SBSEF Member" means, with respect to a security-based swap execution facility, a Person that is a "member" within the meaning of Rule 242.802 of Regulation SE under the Exchange Act.

- A new paragraph would be added to Article V(B) (Ownership Concentration Limitation) as follows (all text new):

5. In addition to the limitations in subsections 1–4 above of this Section B of Article V, for so long as the Corporation shall directly or indirectly control any SBSEF, no SBSEF Member, either alone or together with its Related Persons, shall be permitted at any time to own, directly or indirectly, 20% or more of any class of voting securities or of other voting interest in the Corporation (the "SBSEF Concentration Limitation"). If any SBSEF Member, either alone or together with its Related Persons, at any time beneficially owns voting securities or other voting interest in the Corporation in excess of the SBSEF Concentration Limitation, such SBSEF Member and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, at a price equal to the par value of such voting securities or other voting interest and to the extent funds are legally available therefor, that number of voting securities or other voting interest of the Corporation necessary so that such SBSEF Member, together with its Related Persons, shall beneficially own, directly or indirectly, less than 20% of any class of voting securities or of other voting interest in the Corporation, after taking into account that such repurchased voting securities or other voting interest shall become treasury shares and shall no longer be deemed to be outstanding.

- The second clause of current Article V(B)(5) (Article V(B)(6) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed additions italicized):

provided, however, that, if any Transfer of any shares of stock of the Corporation shall cause any Person, either alone or together with its Related Persons, at any time to beneficially own

shares of stock of the Corporation in excess of the Concentration Limitation or *SBSEF Concentration Limitation*, such Person and its Related Persons shall be obligated to sell promptly, and the Corporation shall be obligated to purchase promptly, shares of stock of the Corporation as specified in Section B.4 or B.5, as applicable, of this ARTICLE V.

- The first sentence of current Article V(B)(6) (Article V(A)(7) of the ICE Holdings Proposed Certificate of Incorporation) would be amended as follows (proposed addition italicized):

If any share of Common Stock shall be represented by a certificate, a legend shall be placed on such certificate to the effect that such share of Common Stock is subject to the Concentration Limitations and *SBSEF Concentration Limitation* as set in Section B of this Article V.

- The final clause of Article V(C)(2) (Procedure for Repurchasing Stock) would be amended to add “or *SBSEF Concentration Limitation*” after “Concentration Limitation”.

- Subclauses (i) and (ii) of the first sentence of Article V(D) (Right to Information; Determinations by the Board of Directors) would be amended as follows (proposed deletion in brackets, proposed additions italicized):

(i) to be subject to the Voting Limitation, [or] the Recalculated Voting Limitation or the *SBSEF Voting Limitation*, (ii) to own beneficially (within the meaning of Rules 13d–3 and 13d–5 under the Exchange Act) shares of stock of the Corporation entitled to vote on any matter in excess of the Concentration Limitation or *SBSEF Concentration Limitation*,

- The parenthetical in the first sentence of Article IX(B) (Quorum) would be amended as follows (proposed deletions in brackets, proposed additions italicized):

(it being understood that any shares in excess of the Voting Limitation, [or] the Recalculated Voting Limitation or the *SBSEF Voting Limitation* shall not be counted as present at the meeting and shall not be counted as outstanding shares of stock of the Corporation for purposes of determining whether there is a quorum, unless and only to the extent that the Voting Limitation or the Recalculated Voting Limitation, as applicable, shall have been duly waived pursuant to Section A or Section B of ARTICLE V).

Change in Registered Office

ICE and ICE Holdings are corporations organized under the laws of the State of Delaware. As such, they are both required to have and maintain a

registered office and registered agent in the State of Delaware.⁸

The Exchange proposes to change the address of the registered office in both Proposed Certificates to reflect the move of the office of the registered agent. No change is proposed to the registered agent. Accordingly, Article II of both Proposed Certificates would be amended to provide that the address of the registered office in the State of Delaware, County of New Castle, is 1521 Concord Pike, Suite 201, Wilmington, Delaware 19803.

Other Changes

The Exchange proposes to make changes that are conforming or technical in nature. All are non-substantive.

ICE Proposed Certificate of Incorporation

References to the “Sixth Amended and Restated Certificate of Incorporation” and the “Fifth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Seventh Amended and Restated Certificate of Incorporation” and “Sixth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

ICE Holdings Proposed Certificate of Incorporation

References to the “Ninth Amended and Restated Certificate of Incorporation” and the “Eighth Amended and Restated Certificate of Incorporation” in the titles, introductory paragraphs, and signature lines would be changed to refer to the “Tenth Amended and Restated Certificate of Incorporation” and “Ninth Amended and Restated Certificate of Incorporation,” respectively.

The date of effectiveness and execution in the introductory certifications and signature line would be updated.

To conform to one style, those terms that are not already underlined when defined would be underlined [sic].⁹ In addition to the definitions that would be added, the already existing definitions are in the introductory paragraph, the numbered certifications that

immediately follow it, Article IV(A) (Classes and Series of Stock), Article IV(C) (Transfer Restrictions on Stock), and Article V(A)(1).

The word “commission” in Article IV(C) would be capitalized.

Paragraphs after proposed Article V(A)(4) and proposed Article V(B)(5) would be renumbered.

The cross reference in Article V(A)(6) would be renumbered from “Section A of ARTICLE VI” to “Section A of ARTICLE V”.

In Article X (Amendments), the parenthetical “(or the boards of directors of their successors)” would be deleted as unnecessary, because “Exchange” includes all ICE Holdings-controlled national securities exchanges.¹⁰

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(1)¹² in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

Together, the Proposed Certificates and IST Rule 410¹³ are consistent with the Act and the rules promulgated under the Act.

The Exchange believes that the proposed rule change would contribute to the orderly operation of the Exchange and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members because none of the proposed changes to the Proposed Certificates substantively would impact the Exchange. Rather the proposed changes are solely concerned with SBSEFs, updating the address of the registered office in Delaware of ICE and ICE Holdings and making conforming changes.

Additionally, IST has advised the Exchange that IST Rule 410 would,

¹⁰ See the definition of “Exchange” in ICE Holdings Current Certificate of Incorporation, Article V(A)(1). No change to the definition is proposed.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(1).

¹³ See ICE Swap Trade, LLC Submission No. 25–02 (SBSF–ICES–2025–002).

⁸ See Del. Code tit 8, §§ 131 and 132.

⁹ For example, “(the ‘Corporation’)” would become underlined [sic]. For compliance with Federal Register publication requirements, the Commission added the term “underlined” here in place of a depiction of the term “Corporation” becoming underlined [sic].

independently of these changes to the Proposed Certificates, provide the means to ensure that IST is in compliance with Rule 834(b).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address any competitive issue but rather is concerned solely with ensuring that IST is in compliance with Regulation SE, updating the address of the registered office in Delaware of ICE and ICE Holdings, and making non-substantive and conforming changes to the Current Certificates. No change is proposed to the certificate of formation or bylaws of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the

protection of investors and the public interest.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSETEX-2025-17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NYSETEX-2025-17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also

will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSETEX-2025-17 and should be submitted on or before July 22, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-12220 Filed 6-30-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103328; File No. SR-ICC-2025-008]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to Clearance of Additional Credit Default Swap Contracts

June 26, 2025.

I. Introduction

On April 30, 2025, ICE Clear Credit LLC ("ICC") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to clear an additional credit default swap ("CDS") contract. The proposed rule change was published for comment in the **Federal Register** on May 14, 2025.³ The Commission did not receive comments regarding the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

ICC is registered with the Commission as a clearing agency for the purpose of clearing CDS contracts. Chapter 26 of ICC's Rulebook covers the CDS contracts that ICC clears, with each subchapter of Chapter 26 defining the characteristics and additional Rules applicable to the

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 103003 (May 8, 2025), 90 FR 20536 (May 14, 2025) (File No. SR-ICC-2025-008) ("Notice").

various specific categories of CDS contracts that ICC clears. Among other CDS contracts, ICC currently clears Standard Emerging Market Sovereign Single Name CDS (“SES”) contracts. The purpose of the proposed rule change is to amend ICC’s rules to permit ICC to clear an additional SES contract, specifically, SES contracts on the Republic of Côte d’Ivoire.

To carry out this change, the proposed rule change would amend Subchapter 26D of Chapter 26. In Rule 26D–102 (“Definitions”), under the “Eligible SES Reference Entities” definition, the proposed rule change would add the Republic of Côte d’Ivoire to the list of specific Eligible SES Reference Entities to be cleared by ICC.

As discussed below, this additional SES contract has terms consistent with the other SES contracts that ICC is already clearing. Likewise, to clear this additional contract, ICC will be able to rely on its existing Risk Management Framework and other policies and procedures without making any changes.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.⁴ Under the Commission’s Rules of Practice, the “burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization [‘SRO’] that proposed the rule change.”⁵

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,⁶ and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.⁷ Moreover, “unquestioning reliance” on an SRO’s representations in a proposed rule change is not sufficient to justify

Commission approval of a proposed rule change.⁸

After carefully considering the proposed rule change, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC. More specifically, for the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act⁹ and Rule 17Ad–22(e)(1) thereunder.¹⁰

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICC be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.¹¹

The proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.¹² The terms and conditions of the additional SES contract proposed for clearing are substantially similar to the terms and conditions of the other contracts listed in Subchapter 26D of ICC’s Rules, all of which ICC currently clears, with the key difference being the underlying reference obligations. The underlying reference obligations will be issuances by the Republic of Côte d’Ivoire.

A review of the Notice and ICC’s Rules, policies, and procedures shows that ICC would be able to clear the additional SES contract pursuant to its existing clearing arrangements and related financial safeguards, protections, and risk management procedures. Furthermore, a review of data on volume, open interest, and the number of ICC Clearing Participants (“CPs”) that currently trade in the SES contracts, as well as certain model parameters for the additional contracts, show that ICC’s rules, policies, and procedures are reasonably designed to price and measure the potential risk presented by the additional SES contract, collect financial resources in proportion to such risk, and liquidate the additional contracts in the event of a CP default. This should help ensure ICC’s ability to maintain the financial resources it needs to provide its critical services and function as a central counterparty, thereby promoting the prompt and

accurate settlement of the additional SES contracts and other credit default swap transactions.

Therefore, clearance of the additional SES contract would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.¹³

B. Consistency With Rule 17Ad–22(e)(1)

Rule 17Ad–22(e)(1) requires ICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.¹⁴

The proposed rule change would help provide a well-founded, clear, transparent, and enforceable legal basis for ICC’s clearance of SES contracts on the Republic of Côte d’Ivoire. By amending Rule 26D–102 to add the Republic of Côte d’Ivoire to the list of specific Eligible SES Reference Entities to be cleared by ICC, the proposed rule change would help to ensure that ICC can clear SES contracts on that country pursuant to its existing rules in Subchapter 26D. The revised Subchapter 26D would provide a well-founded, clear, transparent, and enforceable legal basis for ICC to clear these contracts, consistent with the requirements of Rule 17Ad–22(e)(1).¹⁵

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act,¹⁶ and Rule 17Ad–22(e)(1)¹⁷ thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Act¹⁸ that the proposed rule change (SR–ICC–2025–008) be, and hereby is, approved.¹⁹

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–12214 Filed 6–30–25; 8:45 am]

BILLING CODE 8011–01–P

¹³ 15 U.S.C. 78q–1(b)(3)(F).

¹⁴ 17 CFR 240.17Ad–22(e)(1).

¹⁵ 17 CFR 240.17Ad–22(e)(1).

¹⁶ 15 U.S.C. 78q–1(b)(3)(F).

¹⁷ 17 CFR 240.17Ad–22(e)(1).

¹⁸ 15 U.S.C. 78s(b)(2).

¹⁹ In approving the proposed rule change, the Commission considered the proposal’s impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

²⁰ 17 CFR 200.30–3(a)(12).

⁴ 15 U.S.C. 78s(b)(2)(C).

⁵ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

⁶ *Id.*

⁷ *Id.*

⁸ *Susquehanna Int’l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017).

⁹ 15 U.S.C. 78q–1(b)(3)(F).

¹⁰ 17 CFR 240.17Ad–22(e)(1).

¹¹ 15 U.S.C. 78q–1(b)(3)(F).

¹² 15 U.S.C. 78q–1(b)(3)(F).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103338; File No. SR–CBOE–2025–020]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Eliminate Position and Exercise Limits for Options on the S&P 500 Equal Weight Index and the S&P 500 Scored and Screened Index

June 26, 2025.

I. Introduction

On March 14, 2025, Cboe Exchange, Inc. (“Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (“Act”) ² and Rule 19b–4 thereunder, ³ a proposed rule change to eliminate position and exercise limits for options that overlie the S&P 500 Equal Weight Index (based on both the full value (“SPEQF options”) and one-tenth the value of the index (“SPEQX options”)) and options that overlie the S&P 500 Scored and Screened Index (formerly known as the S&P 500 ESG Index) (“SPESG options”). The proposed rule change was published for comment in the **Federal Register** on March 31, 2025. ⁴ On May 9, 2025, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act, ⁵ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change. ⁶ The Commission has not received any comments on the proposal. Pursuant to Section 19(b)(2)(B) of the Act, ⁷ the Commission is hereby instituting proceedings to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange is proposing to eliminate position and exercise limits for standardized and FLEX positions in SPEQF options, SPEQX options, and

SPESG options. The current position and exercise limit for standardized positions in each of these three options is 25,000 contracts. ⁸ The current position and exercise limit for FLEX positions in each of these three options is 200,000 contracts. ⁹ Under the proposal, these limits would be eliminated such that standardized and FLEX SPEQF, SPEQX and SPESG options have no position or exercise limits. ¹⁰

In support of its proposal, the Exchange states that currently there are no standardized or FLEX position or exercise limits for many other broad-based index options, including options that overlie the S&P 500 Index (SPX and XSP options) and options that overlie the S&P 500 Dividend Index. ¹¹ The Exchange also states that the same index components that underlie SPX and XSP options underlie SPEQF and SPEQX options, ¹² and that each constituent of the S&P 500 Scored and Screened Index is a constituent of the S&P 500 Index. ¹³ Furthermore, the Exchange states that FLEX SPEQF, SPEQX, and SPESG options will be subject to the same reporting requirements triggered for other FLEX options traded on the Exchange. ¹⁴

In addition, the Exchange states that SPEQF and SPEQX options provide market participants with alternative tools to manage their risk and diversify their exposure to the stocks comprising the S&P 500 Index by permitting them to gain broad exposure to these stocks using options that would be less impacted by a shift in concentration and market momentum. ¹⁵ Because capitalization-weighted indexes such as the S&P 500 Index are more impacted by larger capitalized stocks, options overlying an equal-weighted index (such as the S&P 500 Equal Weight Index) would benefit investors, according to the Exchange, by permitting them to hedge against potential swings in the largest stocks comprising the S&P 500 Index while maintaining the ability to hedge across

the entire span of S&P 500 constituent securities. ¹⁶ Similarly, the Exchange states, SPESG options provide investors with an alternative tool to manage their risk and diversify their exposure to stocks comprising the S&P 500 Index that meet specified sustainability criteria. ¹⁷ According to the Exchange, given the relationship among the S&P 500 Equal Weight Index, the S&P 500 Scored and Screened Index, and the S&P 500 Index, market participants’ investment and hedging strategies may consist of options overlying any or all of these options. ¹⁸ The Exchange believes imposing lower position and exercise position limits on SPEQF, SPEQX, and SPESG options may unnecessarily restrict investors’ abilities to use these options to achieve their investment goals. ¹⁹ In addition, the Exchange states that it is appropriate for these options to be subject to the same position and exercise limits to provide them with the ability to execute these strategies with sufficient flexibility and in a consistent manner. ²⁰

III. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change

The Commission hereby institutes proceedings pursuant to Section 19(b)(2)(B) of the Act ²¹ to determine whether the Exchange’s proposed rule change should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission’s analysis of whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act, ²² the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the consistency of the proposed rule change with the Act and, in particular, Section 6(b)(5) of the Act, ²³ which requires that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable

⁸ See Notice, *supra* note 4, at 14298.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* The Exchange also states that, as of January 8, 2025, the total market capitalization of the S&P 500 Index was \$49.788 trillion, and the average daily trading volume for its underlying components for the six months preceding January 8, 2025, was 2.7 billion shares. According to the Exchange, this demonstrates that there is substantial liquidity in the components of the S&P 500 Equal Weight Index since its components are the same as the S&P 500 Index. *Id.* at 14299 n. 8.

¹³ *Id.* at 14298.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ 15 U.S.C. 78s(b)(2)(B).

²² *Id.*

²³ 15 U.S.C. 78f(b)(5).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ See Securities Exchange Act Release No. 102720 (March 25, 2025), 90 FR 14297 (“Notice”).

⁵ See 15 U.S.C. 78s(b)(2)(A)(ii)(I).

⁶ See Securities Exchange Act Release No. 103017, 90 FR 14297 (May 15, 2025). The Commission designated June 29, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁷ 15 U.S.C. 78s(b)(2)(B).

principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change."²⁴ The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,²⁵ and any failure of a self-regulatory organization to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.²⁶

Position and exercise limits serve as a regulatory tool designed to address manipulative schemes and adverse market impact surrounding the use of options.²⁷ As discussed above, currently, the position and exercise limit for standardized positions in SPEQF, SPEQX, and SPESG options is 25,000 contracts and for FLEX positions in each of these products is 200,000 contracts.²⁸ The Exchange's proposed elimination of these limits would permit market participants to significantly increase the size of unidirectional, unhedged positions in these products, and raises the potential for adverse market impacts and manipulative schemes. Against this backdrop, the proposal does not provide an adequate basis at this time for the Commission to conclude that the proposed elimination of position and exercise limits for standardized or FLEX positions in these products would be consistent with the Act.

Broadly, the Exchange does not adequately address how the potential risks posed by trading in standardized and FLEX SPEQF, SPEQX or SPESG options without position or exercise limits would be mitigated. More specifically, the S&P 500 Index

underlying SPX and XSP options is capitalization-weighted whereas the S&P 500 Equal Weight Index underlying SPEQF and SPEQX is equal-weighted. While the Exchange states that the components underlying these two indexes are the same and substantially liquid, the Exchange does not address the potential risks of adverse market impact or manipulation that could be presented by the equal weighting of the underlying index components for SPEQF and SPEQX options if the Commission were to approve trading in such options without position or exercise limits. Likewise, while each constituent of the S&P 500 Scored and Screened Index is a constituent of the S&P 500 Index, the S&P 500 Index has additional components that are not components of the S&P 500 Scored and Screened Index. In other words, the S&P 500 Scored and Screened Index components are a subset of the S&P 500 Index components. The Exchange does not address the potential risks of adverse market impact or manipulation that could be presented by the smaller number of underlying index components for SPESG options if the Commission were to approve trading in such options without position or exercise limits. The Exchange also does not demonstrate that there is sufficient liquidity in the components of the S&P 500 Scored and Screened Index to support SPESG options trading without position or exercise limits, or that the current limits applicable to SPESG options inhibit market participants' ability to establish positions in these options consistent with their trading and hedging strategies.

Accordingly, the Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposal is consistent with the Act.²⁹

IV. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by July 22, 2025. Rebuttal comments should be submitted by August 5, 2025. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any

request for an opportunity to make an oral presentation.³⁰

The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CBOE-2025-020 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CBOE-2025-020. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions;

²⁴ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

²⁵ *Id.*

²⁶ *Id.*

²⁷ See, e.g., Securities Exchange Act Release No. 68086 (October 23, 2012), 77 FR 65600 (October 29, 2012) (SR-CBOE-2012-066).

²⁸ See Notice, *supra* note 4, at 14298.

²⁹ See 15 U.S.C. 78f(b)(5) and (8).

³⁰ 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. See Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2025–020 and should be submitted on or before July 22, 2025. Rebuttal comments should be submitted by August 5, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–12221 Filed 6–30–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21061 and #21062; Kentucky Disaster Number KY–20019]

Presidential Declaration Amendment of a Major Disaster for the State of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Kentucky (FEMA–4864–DR), dated April 24, 2025.

Incident: Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides.

DATES: Issued on June 25, 2025.

Incident Period: April 2, 2025 through May 16, 2025.

Physical Loan Application Deadline Date: July 25, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: January 26, 2026.

ADDRESSES:

Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Kentucky, dated April 24, 2025, is hereby amended to update the incident period for this disaster as beginning 04/02/2025 and continuing through May 16, 2025.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025–12209 Filed 6–30–25; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The U.S. Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for a new information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before July 31, 2025.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting “Small Business Administration”; “Currently Under Review,” then select the “Only Show ICR for Public Comment” checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at Alethea.TenEyck-Sanders@sba.gov; (202) 996–4329, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION:

This voluntary collection form enables the program office to assess both the quality of the Boots to Business courses and outcomes achieved by participants after attending Boots to Business. The data will be used for overall program management, continuous improvement initiatives, and reporting outcomes to better serve veteran entrepreneurs. Information used for reporting will be done in the aggregate and will not include Personally Identifiable Information (PII).

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245–0390.

Title: Boots to Business Post Course Surveys.

Description of Respondents: Boots to Business Program Participants.

SBA Form Number: None.

Estimated Number of Respondents: 4,000.

Estimated Annual Responses: 4,000.

Estimated Annual Hour Burden: 667.

Alethea Ten Eyck-Sanders,

Agency Clearance Officer.

[FR Doc. 2025–12269 Filed 6–30–25; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21165 and #21166; OREGON Disaster Number OR–20011]

Administrative Declaration of a Disaster for the State of Oregon

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Oregon dated June 25, 2025.

Incident: Harney County Flooding.

DATES: Issued on June 25, 2025.

Incident Period: March 12, 2025

through April 15, 2025.

Physical Loan Application Deadline Date: August 25, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: March 25, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or

³¹ 17 CFR 200.30–3(a)(57).

other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Harney.

Contiguous Counties:

Oregon: Crook, Deschutes, Grant, Lake, Malheur.

Nevada: Humboldt, Washoe.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.500
Homeowners without Credit Available Elsewhere	2.750
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 211656 and for economic injury is 211660.

The States which received an EIDL Declaration are Nevada, Oregon.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025-12041 Filed 6-30-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21157 and #21158; TENNESSEE Disaster Number TN-20023]

Presidential Declaration of a Major Disaster for the State of Tennessee

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA-4878-DR), dated June 19, 2025.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

DATES: Issued on June 19, 2025.

Incident Period: April 2, 2025 through April 24, 2025.

Physical Loan Application Deadline Date: August 19, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: March 19, 2026.

ADDRESSES: Visit the MySBA Loan

Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on June 19, 2025, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Cheatham, Davidson, Dickson, Dyer, Hardeman, McNairy, Montgomery, Obion, Wilson.

Contiguous Counties (Economic Injury Loans Only):

Tennessee: Cannon, Chester, Crockett, Dekalb, Fayette, Gibson, Hardin, Haywood, Hickman, Houston, Humphreys, Lake, Lauderdale, Madison, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Weakley, Williamson.

Arkansas: Mississippi.

Kentucky: Christian, Fulton,

Hickman, Todd.

Mississippi: Alcorn, Benton, Tippah.

Missouri: Pemiscot.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.500
Homeowners without Credit Available Elsewhere	2.750
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625

	Percent
Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21157C and for economic injury is 211580.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025-12040 Filed 6-30-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before September 2, 2025.

ADDRESSES: Send all comments to Tamara Edge, Acting Chief, Disaster Loan Division, Office of Financial Assistance, Small Business Administration at 409 3rd Street SW, Washington, DC 20416 or email tamara.edge@sba.gov.

FOR FURTHER INFORMATION CONTACT:

Tamara Edge, Acting Chief, Disaster Loan Division, (202) 205-6674, tamara.edge@sba.gov or Shauniece Carter, Agency Clearance Officer, (202) 205-6536, Shauniece.carter@sba.gov.

SUPPLEMENTARY INFORMATION: The SBA is required to survey affected disaster areas within a state upon request by the Governor of that state to determine if there is sufficient damage to warrant issuing a disaster declaration. Information is obtained from

individuals, businesses, and government officials reporting disaster related damages.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245–0136.

Title: Disaster Survey Worksheet.

Description of Respondents:

Individuals, businesses, and government officials reporting disaster related damages.

Form Number: SBA Form 987.

Total Estimated Annual Responses: 2,760.

Total Estimated Annual Hour Burden: 229.

Alethea Ten Eyck-Sanders,

Director, Records and Information Management Branch.

[FR Doc. 2025–12256 Filed 6–30–25; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21096 and #21097; ARKANSAS Disaster Number AR–20027]

Presidential Declaration Amendment of a Major Disaster for the State of Arkansas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Arkansas (FEMA–4873–DR), dated May 21, 2025.

Incident: Severe Storms, Tornadoes and Flooding.

DATES: Issued on June 24, 2025.

Incident Period: April 2, 2025 through April 22, 2025.

Physical Loan Application Deadline Date: July 22, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: February 23, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small

Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Arkansas, dated May 21, 2025, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Greene.

Contiguous Counties (Economic Injury Loans Only): No additional contiguous counties are designated.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025–12038 Filed 6–30–25; 11:15 am]

BILLING CODE 8026–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36862]

Port Harbor Railroad, Inc.—Lease and Operation Exemption—America's Central Port District

Port Harbor Railroad, Inc. (Port Harbor), a Class III railroad, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to lease from America's Central Port District (ACPD) and operate approximately 2.97 miles of rail line from milepost 0.00 to milepost 2.97 within the cities of Granite City, and Madison, in Madison County, Ill. (the Line).

According to the verified notice, Port Harbor first entered into an agreement with Tri-City Regional Port District (now known as ACPD) to lease and operate the Line in 2010. *Port Harbor R.R.—Lease & Operation Exemption—Line of Tri-City Reg'l Port Dist.*, FD 35374 (STB served May 7, 2010). In 2016, Port Harbor and ACPD agreed to extend the term of the original lease but did not seek Board authority for the extension. Port Harbor and ACPD have now agreed to a new lease to continue operating on the Line and to make other commercial changes. Port Harbor certifies that the new lease does not include an interchange commitment. According to the verified notice, Port Harbor will begin operations under the new lease on or after the effective date of the exemption.

Port Harbor certifies that its projected annual revenues as a result of this transaction will not exceed those that

would qualify it as a Class III rail carrier and will not exceed \$5 million.

The transaction may be consummated on or after July 17, 2025, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 10, 2025 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36862, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Port Harbor's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103.

According to Port Harbor, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: June 27, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2025–12289 Filed 6–30–25; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in Georgia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the Georgia Department of Transportation (GDOT), is issuing this notice to announce actions taken by GDOT and other Federal agencies that are final agency actions. These actions relate to the proposed highway project, which extends on State Route (SR) 9 from its crossing of the Chattahoochee River northward to its intersection with SR 120 for a total length of 1.1 miles. The

project also includes improvements to a 0.4-mile east-west segment along Azalea Drive/Riverside Road from just west of SR 9 to Riviera Road. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of GDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before November 28, 2025. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: Finding of No Significant Impact (FONSI) and additional project documents can be viewed and downloaded from the project website at: [<https://south-atlanta-road-improvements-721010-gdot.hub.arcgis.com>] or by contacting GDOT Office of Environmental Services, One Georgia Building, 600 West Peachtree NW, Atlanta, GA 30308 during normal business hours of 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: For FHWA: Ms. Sabrina David, Division Administrator, Georgia Division, Federal Highway Administration, 75 Ted Turner Drive, Suite 1000, Atlanta, Georgia 30303; telephone 404-562-3630; email: Sabrina.David@dot.gov. FHWA's normal business hours are 8:00 a.m. to 5:00 p.m. (eastern time) Monday through Friday. For Georgia Department of Transportation (GDOT): Mr. Russell McMurtry, Commissioner, Georgia Department of Transportation, 600 West Peachtree Street, 22nd Floor, Atlanta, Georgia 30308; telephone (404) 631-1990; email: RMcMurray@dot.ga.gov. GDOT's normal business hours are 8:00 a.m. to 5:00 p.m. (eastern time) Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that GDOT and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by GDOT and other Federal agencies on the project, and the laws under which such actions were taken are described in the FONSI approved on June 26, 2025, and in other project records for the listed project. The FONSI and other documents for the listed project are available by contacting GDOT at the address provided above.

The project subject to this notice is:

Project Location: The project limits include removal of the existing three-lane reversible lane system along SR 9 and construction of a four-lane divided highway between the SR 9 bridge over the Chattahoochee River and SR 120/Marietta Highway, including grade separation of SR 9 over Azalea Road and Riverside Drive, as well as two dual-lane roundabouts on SR 9 and a single-lane roundabout on Riverside Road/Azalea Drive. This four-lane section of SR 9 will connect to the existing four-lane sections south of Riverside Road/Azalea Drive and north of SR 120/Marietta Highway. The project also will provide new and enhance existing sidewalks and multi-use trails along the project corridor.

Project Actions: This notice applies to the FONSI and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Approval and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air:* Clean Air Act (CAA) [42 U.S.C. 7401-7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901-4918]; 23 CFR part 772.

4. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302-200310].

5. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531-1544 and 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703-712].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)-470(ii)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501-312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013; 18 U.S.C. 1170].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000 d-2000d-1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

8. *Wetlands and Water Resources:* Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251-1387]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f-300j-26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001-4130].

9. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901-6992(k)].

10. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.025, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Sabrina S. David,

Division Administrator, Federal Highway Administration.

[FR Doc. 2025-12271 Filed 6-30-25; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0101]

Commercial Driver's License: Massachusetts Department of State Police; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on the Massachusetts Department of State Police's request for an exemption to conduct modified commercial driver's license (CDL) skills test exams on the island of Martha's Vineyard. According to the applicant, the island of Martha's Vineyard does not have the infrastructure for applicant drivers to demonstrate the two sets of lane changes required by the CDL skills test.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2025-0101 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the Public Participation and Request for Comments section below for further information.

- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200

New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2025–0101) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; (202) 366–9220; or richard.clemente@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0101), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0101/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov> insert FMCSA–2025–0101 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE,

Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant’s Request

Current Regulatory Requirements
Under 49 CFR 383.113(c)(2) and (4), concerning requirements for driving maneuvers that must be included in the CDL skills test, applicants must demonstrate the ability to signal appropriately when changing direction in traffic and to choose a safe gap for changing lanes, passing other vehicles, and crossing or entering traffic.

Applicant’s Request

The Massachusetts Department of State Police administers CDL road tests in the State of Massachusetts. To service Registry of Motor Vehicles customers on the island of Martha’s Vineyard, the Massachusetts Department of State Police requests authorization to conduct CDL road test exams on the island, using a test route that does not include the two sets of lane changes. According to the applicant, travel to and from the island with commercial motor vehicles is often difficult and expensive. The applicant states that the region does not

have the infrastructure to support two sets of lane changes required by the CDL Examiner's Manual and that there are no reasonable substitutions for lane change maneuvers on the island. The exemption application includes the proposed route plan for the modified CDL exams and a satellite image of the area, as well as a support letter from the Massachusetts Department of Transportation's Registry of Motor Vehicles.

A copy of the Massachusetts Department of State Police's application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on the Massachusetts Department of State Police's application for an exemption. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator of Policy.

[FR Doc. 2025-12202 Filed 6-30-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0103]

Hours of Service: Protein Transport of Indiana, L.L.C.; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on an exemption application submitted by Protein Transport of Indiana, L.L.C. (Protein Transport). Protein Transport's operation involves the transportation of chicken products. The company has requested an

exemption to allow it to operate under the agricultural operations provision in the hours-of-service (HOS) rules which provides regulatory relief from the requirements for drivers transporting certain agricultural commodities within a 150 air-mile radius from the source of the agricultural commodities.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments identified by Federal Docket Number FMCSA 2025-0103 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493-2251.

Each submission must include the Agency name and the docket number (FMCSA-2025-0103) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Ms. Bernadette Walker, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; (202) 366-9220; or Bernadette.walker@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2025-0103), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0103> document, click on this notice, click "Comment," and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey

Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov> insert FMCSA–2025–0103 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant’s Request

Applicant’s Request

Protein Transport is an interstate carrier of chicken products that travels to various agricultural facilities to process hens that have reached the end of their productive lives. Once the hens are processed onsite, the applicant transports that product to processing facilities to be used to make pet food and hog feed. Protein Transport is requesting that the chicken products it transports be considered an agricultural commodity so that it can operate under the agricultural commodity exemption.

The applicant states it has encountered difficulties in securing and keeping the required number of drivers to maintain its operations. According to the applicant, the ongoing avian influenza has drastically diminished the supply of chickens available for business, which in turn has increased the travel demands needed to meet its supply requirements. The applicant states that its operations are vital in creating the food supplies for pets and hog products necessary for the smooth operation of society and agricultural systems.

Applicant’s Equivalent Level of Safety

Protein Transport believes the exemption would not compromise safety because it will check and monitor its power units every 10,000 miles, and perform an oil change every 15,000 miles. The applicant states that by prioritizing operations within a 150-mile radius, the drivers will spend less time on the road covering fewer miles, thereby reducing the overall freight mileage by 20,000 to 30,000 miles each quarter of the year. The applicant further states it will continue to prioritize safety over transportation of the load because its drivers have been instructed to inform management when they need to take a break for any reason.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Protein Transport’s request that the chicken products it transports be considered an agricultural commodity so that it can operate under the agricultural commodity exemption. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent

practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator of Policy.

[FR Doc. 2025–12201 Filed 6–30–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0125]

Hours of Service: National Propane Gas Association; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on the application from the National Propane Gas Association (NPGA) for an exemption from various hours-of-service (HOS) requirements between December 15 and March 15 each year to enable the propane industry to better prepare and respond to emergencies threatening human health and safety during winter. The applicant requests the exemption to allow drivers to drive up to 12 hours per day and be on duty up to 15 hours per day, without weekly limits, and to replace the 34-hour restart with a 24-hour restart, with prior notice by NPGA to FMCSA.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0125 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.

- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2025–0125) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; (202) 366–9220; or richard.clemente@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0125), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0125/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov> insert FMCSA–2025–0125 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor

Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant’s Request

Current Regulatory Requirements

Under 49 CFR 395.3(a)(2) and (3), a property-carrying commercial motor vehicle (CMV) driver may drive only a total of 11 hours during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty. Under 49 CFR 395.3(b)(1) and (2), no motor carrier shall permit or require a driver of a property-carrying CMV to drive, nor shall any driver drive a property-carrying CMV, regardless of the number of motor carriers using the driver’s services, for any period after having been on duty 60 hours in any period of 7 consecutive days, or having been on duty 70 hours in any period of 8 consecutive days. Additionally, under 49 CFR 395.3(c)(1) or (2), any period of 7 or 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours.

Applicant’s Request

The NPGA requests a five-year exemption for its member company drivers to waive the requirements of 49 CFR 395.3 with prior notice to FMCSA, between the period of December 15th and March 15th, when the need for propane as heating fuel is most urgent. NPGA states that its request is based on the Agency’s prior approval of exemption applications for other industries that enable individual drivers to respond to specified conditions with

temporary waiver of certain provisions of the HOS regulations. NPGA is the national trade association of the propane industry which has a membership of nearly 2,400 companies, and 36 State and regional associations representing members in all 50 States. Their membership includes retail marketers of propane gas who deliver the fuel to the end user, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers, and appliances.

According to NPGA, the winter of 2024–2025 was the most disruptive in eleven years, as extreme cold snaps, polar vortexes, ice storms and other winter weather affected significant areas of the U.S. between January and late March 2025. The applicant therefore requests exemptions from several provisions.

First, NPGA requests that drivers covered by the exemption be allowed up to 15 hours of on-duty time daily, up to 12 hours of driving time daily, and be allowed to waive the limit on the number of consecutive days that a driver may utilize the exemption. With prior notice to FMCSA by NPGA, any period of six consecutive days during the exemption “window” may end with the beginning of an off-duty period of 24 or more consecutive hours, as opposed to the current option of 34 or more consecutive hours off duty to reset the “weekly” HOS limits.

The requested exemption would also remove the restriction on drivers who have been on duty for 60 hours over seven consecutive days, or 70 hours over eight consecutive days. NPGA believes these waivers would efficiently and effectively allow its members to respond to emergency crises, and indicate that drivers who utilize the special exemption, following prior notice by NPGA to FMCSA, must maintain appropriate documentation to demonstrate the threat to human health and safety within the scope of the special exemption.

NPGA states that the proposed exemption would allow for organizing driver schedules in advance, rather than reacting to an emergency, more efficient responses to critical concerns, and for propane marketers to improve planning before an emergency. Instead of waiting for a crisis to occur, marketers and transporters may secure and procure sufficient supplies in advance and organize their drivers to meet heating demands more efficiently and effectively. To clearly define the “scope” of the request, NPGA provides a brief outline of the Terms and Conditions in their application to apply to those individuals providing propane

services for periods of peak consumer demand. Included in this outline is that drivers and motor carriers utilizing the exemption must comply with all other provisions of the Federal Motor Carrier Safety Regulations, including adhering to all conditions in 49 CFR 390.3 not covered by the exemption, and that drivers must also complete the Fatigue and Wellness course provided by the Propane Education and Research Council.

A copy of NPGA’s application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on NPGA’s application for an exemption from various HOS requirements in 49 CFR 395.3. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator of Policy.

[FR Doc. 2025–12204 Filed 6–30–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0128]

Application for Employment: CloudTrucks, LLC., Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on the application submitted by CloudTrucks, LLC (CloudTrucks) for an exemption from certain requirements of the application for employment regulations. Specifically, CloudTrucks seeks an exemption from the

requirement to collect the following information from prospective drivers: list of employers’ names, addresses, dates of employment, reason for leaving, nature of the position the driver held, and if the driver was subject to the alcohol and controlled substances testing requirements. Instead, CloudTrucks proposes using its own verification process that consists of cross-referencing national databases to include HireRight’s Drive-A-Check (DAC) report, FMCSA’s Drug and Alcohol Clearinghouse (DACH), Pre-employment Screening Program (PSP), Commercial Driver’s License Information System (CDLIS).

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0128 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the Public Participation and Request for Comments section below for further information.

- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2025–0128) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Ms. Bernadette Walker, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; (202) 366–9220; or

bernadette.walker@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0128), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0128/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

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placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov> insert FMCSA–2025–0128 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR

381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant’s Request

Current Regulatory Requirement

Under 49 CFR 391.21(b)(10)(i)–(iv), prospective driver employees (meaning applicants) are required to provide prospective motor carrier employers with the following information: name and address of the driver’s employers during the 3 years preceding the date of the application, dates of employment, reason for leaving, and for any driver employed after October 29, 2004, confirmation whether the driver candidate held a position that was subject to the Federal Motor Carrier Safety Regulations or designated as safety sensitive by any DOT mode subject to controlled substance and alcohol testing. Under 391.21(b)(11), the information required in 49 CFR 391.21(b)(10) extends to 10 years if the applicant was an operator of a CMV proceeding the 3 years contained in paragraph 49 CFR 391.21(b)(1).

Applicant’s Request

CloudTrucks is a motor carrier based in Dallas, TX, that operates a national fleet consisting of over 700 owner-operator power units, transporting general freight, commodities, and retail products across the continental United States. CloudTrucks seeks a five-year exemption from the application for employment requirements in 49 CFR 391.21(b)(10)(i)–(iv) and 391.21(b)(11).

The applicant states that the requirements in 49 CFR 391.21(b)(10)(i)–(iv) and 391.21(b)(11) were created for paper applications and “single-fleet carriers.” The applicant asserts that these requirements are inefficient and yield low response rates, frequent errors, and long cycle times. According to the applicant, the exemption, if granted, would allow the recruiting of qualified drivers at a faster pace, decrease the administrative workload for prior employers, and, most crucially, enhance highway safety by relying on credible federal databases instead of unproductive paper processes.

Applicant’s Equivalent Level of Safety

CloudTrucks believes its streamlined approach ensures that an equivalent level of safety will be achieved. To streamline hiring without compromising safety, CloudTrucks currently validates each applicant’s background through national databases (PSP, CDLIS, and DACH). The applicant believes this process collectively provides a more accurate and timely safety profile than

what the regulations require. According to the applicant, the following actions will ensure that an equivalent or greater level of safety is achieved:

- Use of PSP crash/inspection reports, CDLIS carrier-code matching, and HireRight DAC (DAC) (which applicant asserts this captures every employer that triggered a roadside inspection or filed a DAC, will likely reveal safety problems and is an appropriate substitute for 49 CFR 391.21(b)(10));
- Real-time query of DACH (which applicant notes will ensure a definitive record);
- Obtaining DAC archives and motor vehicle records suspension dates (which applicant notes are fraud-resistant); and
- Bundling of all database reports on each driver into a single PDF document (which applicant asserts makes it easier for investigators to interpret drivers' records maintained by employers).

The applicant included the following additional safeguards it believes ensure it would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption:

- CloudTrucks Safety Score (0–100) is refreshed nightly, factoring in electronic logging device (ELD) compliance, speeding, harsh events, inspections, and crashes.
- A Three-Strikes Program that includes coaching, suspension, and termination for individuals who repeatedly engage in unsafe behavior.
- Continuous monitoring through in-cab telematics.
- A zero-tolerance Clearinghouse policy dictates that any prohibited status leads to immediate disqualification.

Lastly, CloudTrucks' application includes an explanation of a three-pillar safety program that consist of rigorous on-boarding, real-time safety scoring, and three strikes accountability. According to CloudTrucks, "these initiatives give CloudTrucks a proactive, data-rich safety net far exceeding the reactive, low-yield phone/fax processes envisioned in the 1970s-era 49 CFR 391.21."

A copy of the CloudTrucks LLC's application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on CloudTrucks LLC's application for an exemption from the requirements in 49 CFR 391.21(b)(10) and 49 CFR 391.21(b)(11) to allow the applicant to use its "streamlined verification"

process that consists of cross-referencing six nation-wide databases. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator of Policy.

[FR Doc. 2025–12205 Filed 6–30–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0081]

Inspection, Repair and Maintenance; Inspector Qualifications; Intermodal Association of North America (IANA) Application for Renewal of Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption renewal; request for comments.

SUMMARY: FMCSA requests public comment on an application from the Intermodal Association of North America (IANA) to renew its exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) that allows individuals who complete a training program consistent with IANA's Intermodal Recommended Practices (IRPs) to be considered qualified inspectors for purposes of the periodic inspection rule, or qualified brake inspectors for purposes of the brake system inspection, repair and maintenance requirements. The exemption was initially granted on August 18, 2020, and expires on August 18, 2025.

DATES: Comments must be received on or before July 31, 2025.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2020–0081 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the Public

Participation and Request for Comments section below for further information.

- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2020–0081) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, FMCSA Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety Standards; (202) 366–2551; MCPSV@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2020–0081), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an

email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2020-0081/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

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C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, insert FMCSA–2020–0081 in the keyword box, select the document tab and choose the document to review. To view

comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely maintain a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. IANA Application for Exemption

The FMCSRs require individuals performing (1) annual inspections of commercial motor vehicles (CMVs) under 49 CFR 396.17, or (2) inspections, maintenance, repairs, or service to the brake systems on CMVs under § 396.25, to be properly qualified to perform such inspections. Under §§ 396.19(a)(3)(ii) and 396.25(d)(3)(ii), an individual who has a combination of training or experience totaling at least one year as outlined in those sections is considered to be qualified to conduct those inspections.

On August 18, 2020 (85 FR 50876), FMCSA published a notice of final disposition granting IANA a limited 5-year exemption to allow individuals who complete a training program

consistent with a set of Intermodal Recommended Practices (IRPs) and associated requirements that has been developed by IANA to be considered a qualified inspector or qualified brake inspector for intermodal equipment (IME) under the Federal Motor Carrier Safety Regulations (FMCSR), in lieu of having one year of training or experience, or a combination thereof, prior to becoming a certified inspector/brake inspector. The Agency determined that granting the exemption to allow individuals who complete a performance-based training program consistent with the IRPs and associated requirements developed by IANA, instead of the time-based training and experience requirements specified in the FMCSRs, would likely achieve a level of safety equivalent to or greater than the level of safety achieved by compliance with the regulation.

IANA has requested the renewal of its exemption to continue to allow individuals who have successfully completed a training program consistent with IANA’s IRPs to be qualified inspectors or qualified brake inspectors without having the required one year of training or experience. A copy of the application for renewal is included in the docket referenced at the beginning of this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on IANA’s application for exemption from 49 CFR 396.19(a)(3)(ii) and 396.25(d)(3)(ii) of the FMCSRs. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator of Policy.

[FR Doc. 2025–12203 Filed 6–30–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2023–0190]

Proposed Revisions to DataQs Requirements for MCSAP Grant Funding

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice; response to public comments and request for comments on new proposal.

SUMMARY: FMCSA addresses comments received in response to the Agency's **Federal Register** notice titled, "Appeal Process: Requests for Data Review." In addition, FMCSA proposes revisions to the DataQs requirements for Motor Carrier Safety Assistance Program (MCSAP) Grant funding in response to the comments and announces a 60-day comment period.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by docket number FMCSA–2023–0190 using any of the following methods:

- **Federal eRulemaking Portal:** Go to: <https://www.regulations.gov/docket/FMCSA-2023-0190/document>. Follow the online instructions for submitting comments.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.
- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- **Fax:** (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Scott Valentine, Data Quality Program Manager, Analysis Division, Office of Analysis, Research and Technology, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4869, Scott.Valentine@dot.gov. If you have questions regarding viewing or

submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:**I. Public Participation and Request for Comments****A. Submitting Comments**

If you submit a comment, please include the docket number for this notice (FMCSA–2023–0190), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2023-0190/document>, click on this notice, click "Comment," and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA), 5 United States Code (U.S.C.) 552, CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy

of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2023-0190/document> and choose the document to review. To view comments, click this notice, then click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the System of Records Notices, DOT/ALL 14—Federal Docket Management System, which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

DataQs is the online system for motor carriers, commercial motor vehicle (CMV) drivers and other interested parties to request and track a review of Federal and State crash and inspection data submitted to and stored by FMCSA that the requester believes is incomplete or incorrect. This system is critical to allowing users to ensure the data FMCSA maintains on them is accurate and complete. Users can review their own data and request corrections to erroneous or incomplete data records.

On September 14, 2023, FMCSA proposed the development and implementation of a federal appeals process for Requests for Data Review (RDRs) submitted to the Agency through its DataQs system (88 FR 63195, FR notice).¹ FMCSA also announced a 60-day comment period in the FR notice. The comment period closed on

¹ You may view the notice and the comments received at <https://www.regulations.gov/docket/FMCSA-2023-0190>.

November 13, 2023. The proposed appeals process was intended to benefit users by ensuring appeals are reviewed in an independent and thorough manner, as well as providing timelines for when the initial request and appeals process should be completed.

III. Summary of Public Comments and Response

FMCSA received 54 docket comments in response to the FR notice. Of these, 42 submissions contained comments specifically on the changes proposed in that FR notice. The commenters included motor carriers, drivers, owner-operators, industry associations, safety consultants, and members of the enforcement community. The following entities submitted comments on the proposed changes: American Bus Association (ABA), American Trucking Associations (ATA), Coca-Cola Beverages Florida, LLC, Compass Coach Inc., Commercial Vehicle Safety Alliance (CVSA), Dedicated Logistics, LLC, Gateway RB Transport LLC, Gemini Motor Transport LP, Greyhound Lines, Inc. (Greyhound), Halvor Lines, Inc., Hampel Oil Distributors, Henry Seaton on behalf of a group of organizations,² Jacam Catalyst LLC, Legacy Express LLC, Minnesota Trucking Association (MTA), National Association of Small Trucking Companies (NASTC), National Tank Truck Carriers (NTTC), Owner-Operator Independent Drivers Association (OOIDA), Railsback HazMat Safety Professionals (Railsback), LLC, Rio Valley Biofuel Transport, Royal Logistics, INC, Safety Compliance & Training LLC, Suarez Transportation Inc., Trucker Nation, Truckload Carriers Association, United Motorcoach Association (UMA), Veolia North America, Lewis Britton, Timothy DeWitt, Richard Goins, Jim Morgan, Dennis Tant, Patrick Weinbauer, and Dan Willis. Comments outside the scope of this proposal are not discussed in this notice.

The majority of the comments were balanced in tone and supportive of FMCSA's proposal to develop and implement a federal appeals process for RDRs. Many of the commenters provided suggestions on improving the

proposed appeals process and DataQs program more broadly. These recommendations covered three categories: calls to improve the impartiality of the RDR process, suggested approaches for the federal appeals process and the DataQs program, and requests to enhance the timeliness of RDRs.

The following sections provide a summary of the comments received and the Agency's responses.

A. Impartiality of the RDR Process

Thirty commenters asked that FMCSA improve the impartiality of the RDR process. Of those, thirteen commenters (NASTC, NTTC, OOIDA, Trucker Nation, UMA, Railsback, Hampel Oil Distributors Inc., Jacam Catalyst LLC, Jim Morgan, Hotshot Trucking Shows USA, Legacy Express LLC, Rio Valley Biofuel Transport, and one anonymous commenter) took issue with RDRs being reviewed by the officer, inspector, or agency that performed the inspection or issued the violation. NTTC stated that "there are many times that an inspector refuses to make a correction despite evidence that they made a mistake," while NASTC and Trucker Nation offered recommendations to improve impartiality during the Initial RDR. NASTC stated that FMCSA should require States to "establish adjudication by independent third parties and to disallow involvement in adjudication by any state or local body or other party with [an] actual or appearance of conflict of interest, such as review by the issuing officer or his or her supervisor." Trucker Nation added that the "issuing officer [should] serve ONLY as an information source for the analyst/adjudicator who is assigned to the RDR" to enhance the objectivity of the RDR process.

Regarding requests asking that the RDR be reviewed again after the initial decision on the RDR (RDR reconsideration), six commenters (ABA, ATA, Gemini Motor Transport LP, Greyhound, OOIDA, and Veolia North America) recommended that FMCSA's proposed State guidelines include a requirement that RDR reconsideration requests be addressed by a reviewer(s) different than the initial reviewer. OOIDA stated "We feel the proposed guidelines must include requirements to ensure and certify that each reconsideration request is addressed by a different reviewer than the person who performed the initial review of the RDR." Other commenters above echoed this sentiment. In addition, four commenters (Lewis Britton, Richard Goins, Jim Morgan, and NTTC) indicated that these RDR

Reconsideration requests be handled by neutral independent parties or panels.

Eight commenters (ABA, ATA, CVSA, Greyhound, NTTC, OOIDA, Trucker Nation, and Royal Logistics INC) voiced concerns about the differences in how States address RDRs and called for a standard nationwide process. CVSA "concur[s] with the motor carrier community that there are inconsistencies in how the states treat DataQs and that additional standardization is appropriate." Greyhound added that "FMCSA should require, not just suggest, that all states adopt it. For nationwide carriers like Greyhound, such uniformity is necessary in order to avoid confusion and unnecessary administrative burdens." Trucker Nation echoed these comments stating "[e]stablishing a standardized review process at the State agencies is crucial for ensuring consistency, fairness, and transparency in decision-making across all State agencies." Trucker Nation also recommended that adoption of this standardized review process be a requirement for MCSAP Grant funding. ABA added that this standard process should include "both initial requests and reconsideration requests [because] there must be a uniform system of independent reconsideration at the State level, if the bias is to be addressed."

Seven commenters (Compass Coach Inc., Gemini Motor Transport LP, Hampel Oil Distributors Inc., Trucker Nation, and others) claimed to have RDRs closed without explanation, which led to assumptions of bias in the review process. Trucker Nation noted "motor carriers are often not afforded the explanation of what actions were taken to reach a determination because a lack of information is received from officers." Trucker Nation also recommended that FMCSA develop procedures to ensure RDRs are completed using the same process and that the process clearly shows carriers the steps taken to reach the decision.

FMCSA Response

FMCSA acknowledges commenters requested more impartiality, uniformity, and transparency in the RDR process. After careful review and consideration of these comments, FMCSA has determined its initial proposal for a federal-level appeals process would not sufficiently address the due process issues that currently exist with State-reviewed RDRs. Instead, FMCSA is proposing an approach to improve the fundamental fairness of the RDR process by implementing sufficient process guardrails for States. Changes would benefit users by ensuring appeals are

² Organizations include Air and Expedited Motor Carriers Association (AEMCA), Airforwarders Association (AfA), Alliance for Safe, Efficient, and Competitive Truck Transportation (ASECTT), American Home Furnishings Alliance (AHFA), Apex Capitol Corp, Auto Haulers Association of America (AHAA), CDL Drivers Unlimited, Specialized Furniture Carriers, The Expedite Association of North America (TEANA), Transportation & Logistics Council (T&LC) and Transportation Loss Prevention and Security Association (TLP&SA).

reviewed in an independent, impartial, uniform, and transparent manner, as well as providing timelines for the initial request and appeals process.

FMCSA is also proposing revisions to the MCSAP Grant requirements in Section IV of this notice in response to commenters' feedback regarding improving the impartiality, uniformity, and transparency in the RDR process. These revised requirements would provide necessary guardrails for the RDR process, accountability for States, and empower States to take more complete ownership of their DataQs programs.

B. Suggestions for RDR Process

Ten commenters (ABA, Coca-Cola Beverages Florida, LLC, CVSA, Gemini Motor Transport LP, Greyhound, MTA, OOIDA, Trucker Nation, UMA, and Veolia North America) called for FMCSA to expand the scope of RDRs eligible for the federal appeals process. CVSA stated, "it is [not] practical to go through the effort that will be involved in establishing and maintaining this federal appeals process if it will not address the majority of the RDRs that would be submitted." OOIDA recommended that RDRs eligible for the federal appeals process should include those "related to Crash/Inspection/Investigation/Audit, Registration (MCS-150)/Licensing & Insurance/Operating Authority (OP-1, OP2), Household Goods (HHG) Complaints, and Drug and Alcohol Clearinghouse Violation Petitions . . . [and] any factual disputes between parties that have not been settled during the initial review processes." Trucker Nation went a step further, stating that "ALL violation types should be afforded the opportunity for appeal."

Unlike the commenters above, ATA supported the limited scope of the federal appeals process proposed in the FR notice. ATA noted that "members raised concerns that allowing all RDRs could create a myriad of submissions that lead to an ineffective independent review process." ATA also suggested that the Agency treat DataQs like the Crash Preventability Determination Program (CPDP) and propose enhancements/expansion based on industry comment and feedback.

Six commenters (Gemini Transport LP, Lewis Britton, NTTC, OOIDA, Trucker Nation, and UMCA) recommended using review panels in the federal appeals process and suggested criteria for those panels. NTTC stated that the appeal panel should include members with "some level of ground transportation experience [and a] basic understanding

of mechanics, trucking, and maintenance." Both OOIDA and Trucker Nation added that the panel should include industry representation. OOIDA specifically outlined a five-member review panel with "two representatives of a state commercial motor vehicle enforcement agency, one representative of a state department of transportation, one representative of a motor carrier, and one representative of a driver." Gemini Transport LP suggested the panel could be made up of safety and compliance specialists or professionals trained to operate with a non-biased perspective.

Four commenters (ATA, CVSA, OOIDA, and Trucker Nation) requested that FMCSA share federal appeals decisions publicly. ATA "encourages the Agency to publish, on the DataQ website or other publicly-available site, summaries of RDRs that are received at the federal level for independent review and the resulting determination." ATA also recommended that the Agency publish quarterly statistics on determinations, similar to CPDP. CVSA and OOIDA echoed ATA's suggestion for public dissemination of RDR decisions and statistics. CVSA specifically suggested that these decisions be posted on the DataQs and CSA websites.

Four commenters (ABA, MTA, OOIDA, and UMA) recommended that FMCSA remove all data related to an active RDR from public websites until an outcome is decided. OOIDA stated "no data related to an active DataQs challenge should be posted on MCMIS, SMS, or any other Agency system." ABA, MTA, and UMA concurred with this view.

FMCSA Response

FMCSA acknowledges that the federal appeals process proposed in the FR notice was narrow in scope by only reviewing requests pertaining to interpretation of regulations and policies, leaving many RDRs to be reviewed under processes that exist today. Regarding the scope of eligible RDRs, FMCSA's proposal in Section IV of this notice (Proposal: Revised DataQs Requirements for MCSAP Funding) includes defined processes at each stage of review that will apply to all RDRs submitted for State-collected data in DataQs.

FMCSA concurs with the comments calling for the use of a panel in the RDR process. FMCSA's proposal outlined in Section IV of this notice includes requirements for the use of a panel of subject matter experts in the decision-making process for RDR

Reconsideration and Final Review requests.

FMCSA is committed to increasing awareness and understanding of the DataQs process among users. As part of FMCSA's proposal outlined in Section IV, the Agency would require that each State submit a DataQs Implementation Plan detailing their RDR processes and procedures. Approved plans would be made available to the public on the DataQs website to promote transparency and reasonable expectations. In addition, FMCSA is proposing that the responses for closed (those in which a decision has been issued) RDRs include explanatory reasons for the decision so that users can better understand the decision-making process and interpret the State's conclusions. As this proposal is State-centered and does not include centralized federal review, decisions from RDRs would not be posted publicly on FMCSA website but would be available to the parties involved with the RDR.

Finally, FMCSA does not agree with the suggestion to remove all data related to pending RDRs from public view. Removing this data creates opportunities for requestors to "improve" their safety records in the short term by submitting frivolous RDRs, which would impact the efficacy of the DataQs program and other FMCSA safety programs. FMCSA will continue to display all motor carrier safety data (*i.e.*, crashes, inspections, and investigations) on its websites.

C. Timeliness of RDR Process

Ten commenters (ABA, ATA, Dedicated Logistics, Greyhound, Halvor Lines, MTA, OOIDA, Trucker Nation, UMA, and Veolia North America) voiced concerns around the timeliness of the current RDR process. ABA, Greyhound, and Halvor Lines, Inc. all agreed that establishing deadlines would improve the effectiveness of the RDR process. ABA noted, "If appropriate deadlines are not established, the process will be ineffectual, and both the MCMIS data will suffer as well as the regulated community." Greyhound added that "reasonable time limits should be imposed on the initial RDR decision and the decision on reconsideration." OOIDA and MTA suggested specific timelines. OOIDA recommended that all RDRs be decided within 60 days of the initial request, the initial review and RDR Reconsideration be completed within 30 days, and the federal appeal review (if approved) should be completed within 30 days. MTA suggested that States have one week to complete their review of the RDR.

ATA went a step further and recommended that FMCSA provide “an outline of the expected review-time once the RDR is received at the federal level, the steps the Agency is taking to address the backlog of current RDRs, and how the program implementation will be handled.”

FMCSA Response

FMCSA agrees that the timeliness of RDRs is important to the DataQs program and other safety programs. Timely, accurate, and complete data advances the Agency’s safety mission and leads to safer roads. FMCSA’s proposal outlined in Section IV of this notice includes timeline standards for each stage of RDR review. These standards aim to improve the timeliness of the RDR process by requiring States to open, review, and communicate a decision within 21 days of the requestor’s submission of an RDR and RDR Reconsideration requests, and within 30 days of the requestor’s submission for Final Review requests.

IV. Proposal: Revised DataQs Requirements for MCSAP Funding

In response to the stakeholder feedback provided, FMCSA is proposing revisions to the DataQs requirements for MCSAP grant funding to ensure proper due process for users of the DataQs system. These requirements aim to improve the impartiality, timeliness, transparency, and fundamental fairness of the RDR process, thereby strengthening FMCSA’s ability to make data-driven decisions that inform resource allocation, policy changes, and new initiatives to prevent large truck and motorcoach-involved crashes and enhance safety on the nation’s roads. The requirements would apply to requests submitted in DataQs on State-owned data; they would not apply to federally-owned data, *i.e.*, requests submitted to CPDP, petitions submitted to the Drug and Alcohol Clearinghouse Program, or other FMCSA offices.

FMCSA’s proposal would require States to incorporate a multi-level review process for RDRs, escalating the review from the DataQs analyst in the State MCSAP Lead Agency to a responsible decision-maker or panel of subject matter experts. Each RDR would be evaluated based on the documentation and evidence provided by the submitter of the RDR, along with any State documents or evidence. States would be encouraged to adopt a multi-level review process appropriate for their agency(s) structure to support independent evaluation of the request. This multi-level review process would benefit the ability for requestors to get

a fair and thorough response with assessment from multiple evaluators within a State. Each State would be required to submit a DataQs Implementation Plan to FMCSA detailing how their agency will meet FMCSA’s requirements for each stage of the RDR review process. The proposed requirements for the RDR review process are outlined below.

General Requirements

- States must establish points of contact for crash and inspection RDRs.
- States must accept and conduct a good faith review of all inspection-related RDRs that are submitted within 3 years from the date of inspection and, for all crash-related RDRs, for 5 years from the date of a crash.
- States must follow FMCSA’s policy related to Adjudicated Citations.³
- State MCSAP Lead Agencies must submit a DataQs Implementation Plan for how the agency will meet the objectives and requirements of the Initial Review, Reconsideration Review, and Final Review processes. In addition, the plan must outline how the agency will address any existing backlog of RDRs and what steps they will take to prevent a potential backlog moving forward.
- States must submit an Initial DataQs Implementation Plan that must be approved by FMCSA. Updates to the plan must be submitted as part of the annual Commercial Vehicle Safety Plan (CVSP) process. If changes do not meet FMCSA’s requirements, FMCSA will notify the State, and the previous version of the plan will remain in effect until the State obtains FMCSA approval of any changes. Approved plans would be made available to the public through DataQs.
- States must participate in FMCSA program reviews of their DataQs processes and procedures, as required for current existing MCSAP programs.

State Plan Requirements

Initial Review Process Requirements

- States must open an RDR within seven days of submission. The status of the RDR would then change from “New” to “Open—In Review.”
- States must respond to the RDR, either to request additional information or communicate a decision, within 21 days of submission.
- If the State requests additional information from the requestor, the

requestor has 14 days to provide the information. These 14 days do not impact the timeline for the State’s review. The clock will stop while the requestor gathers additional information and will restart if the requestor responds to the State. If the requestor does not respond, the system will close the request with the status “Closed—No Requestor Response.” A request that is reopened after being closed for no response will be reviewed at the level it was closed, and not escalated.

- The issuing officer or inspector cannot be the sole decision-maker when the outcome of the RDR is “Closed—No Data Correction Made.”

- Each RDR closed with the status “Closed—No Data Correction Made” must adequately explain the facts and analysis supporting the decision. Responses must contain the following information:

- Description of or link to the State’s approved DataQs Implementation Plan;
- Decision-maker (name and title);
- List of evidence reviewed;
- Decision;
- Specific reason(s) for decision; and
- Next steps/directions for more information (RDR Reconsideration process).

RDR Reconsideration Review Process

- The RDR Reconsideration process is applicable to requests that received a full review and a decision during the Initial Review phase, and the requestor is seeking an additional level of review. It would not include requests that are closed due to lack of information, or those reopened without a valid reason.

- States must open a RDR Reconsideration request within 7 days of the request.

- As in the Initial Review process, if the State requests additional information from the requestor during the RDR Reconsideration, the requestor has 14 days to provide the information. These 14 days do not impact the timeline for the State’s review. The clock will stop while the requestor gathers additional information and will restart if the requestor responds to the State. If the requestor does not respond, the system will close the request with the status “Closed—No Requestor Response.”

- States must reach a decision and communicate it to the submitter within 21 days.

- The RDR Reconsideration must be reviewed and decided by a person or panel with appropriate subject matter expertise within the MCSAP Lead Agency.

- The RDR Reconsideration must not be reviewed or decided by the issuing

³ Further information about the FMCSA policy is available at <https://www.federalregister.gov/documents/2014/06/05/2014-13022/motor-carrier-management-information-system-mcmis-changes-to-improve-uniformity-in-the-treatment-of>.

officer or inspector, nor a direct supervisor of the issuing officer or inspector.

- Legal review should be incorporated, where applicable.
- Each RDR Reconsideration closed with the status “Closed—No Data Correction Made” must adequately explain the facts and analysis supporting the decision. Responses must contain the following information:
 - Decision-maker (name and title);
 - Description of evidence reviewed;
 - Decision;
 - Specific reason(s) for decision; and
 - Next steps/directions for more information (Final Review process).

Final Review Process Requirements

- The Final Review process is applicable to requests that received a full review and a decision during the Initial Review phase, RDR Reconsideration phase, and the requestor is seeking a third and final level of review. States must open a Final Review request within seven days of the request.
- As in the Initial Review and RDR Reconsideration processes, if the State requests additional information from the requestor during the Final Review, the requestor has 14 days to provide the information. These 14 days do not impact the timeline for the State’s review. The clock will stop while the requestor gathers additional information and will restart if the requestor responds to the State. If the requestor does not respond, the system will close the request with the status “Closed—No Requestor Response.”
- States must reach a decision on the Final Review and communicate it to the submitter within 30 days.
- The Final Review must be escalated for review by a responsible decision-maker identified by the State (e.g., Senior Leader in the MCSAP Office) who is outside the chain of command for the issuing officer or inspector. Alternatively, the review may be delegated to a panel that provides a recommendation to the decision-maker. Panels could include representatives from the State’s existing DataQs Review Council, CVSA, or the trucking industry, etc. However, the person(s) or panel reviewing and/or deciding the Final Review must not be anyone involved in the review or decision of the Initial RDR decision or RDR Reconsideration decision.
- The State’s decision would be considered final by FMCSA after the Final Review is completed.
- FMCSA will be available to consult during the RDR Reconsideration or Final Review processes if a State

requests FMCSA’s assistance or interpretation of the Federal Motor Carrier Safety Regulations, Hazardous Materials Regulations, or related policy.

Burden of Proof Applicable to RDRs, RDR Reconsideration Requests, and Final Review Requests

- The burden of proof for all requests within DataQs (RDRs, RDR Reconsideration Requests, and Final Review Requests) remains with the requester. Requests to remove or modify information that negatively impacts the requester or others will not be successful without factual and/or legal justification of why the information is incorrect or incomplete, providing documentation supporting the request when necessary.
- Unsubstantiated requests may be returned to the requester for more information or closed with no action taken. Requests that are closed for no response from the requester will not be deemed a substantive decision by the State and may be reopened once a sufficient response is received.
- For RDR Reconsideration Requests and Final Review Requests, requesters must address the State’s factual and/or legal basis for the decision and explain why the requestor believes the decision to be incorrect, with submission of additional documentation supporting the request when necessary.

V. Comments Sought

FMCSA seeks comments on the proposal described above. In addition, the Agency is asking for input on the following questions related to the proposal:

1. FMCSA outlined proposed revisions to DataQs requirements for MCSAP Grant funding in Section IV above. What are the potential benefits associated with this proposal? What are the potential challenges?
2. What challenges, if any, will States face in adhering to the timelines for each stage of the RDR process outlined above? Are there any other factors FMCSA should consider related to timelines?
 - a. FMCSA proposes that the time an RDR spends with the requestor when the State asks for additional information will not impact the timeline for the State’s review. The clock will stop while the requestor gathers additional information and will restart if the requestor responds. Is this approach reasonable?
 - b. When the State requests additional information from other State/local enforcement entities, how should FMCSA account for the time when the RDR needs input from State or Federal

personnel outside the MCSAP Lead Agency?

- c. FMCSA acknowledges that meeting the timeline standard for every RDR may not be achievable. How should delays by either the State or the requestor in the RDR process be handled? What are some examples of extenuating circumstances that would delay the review of an RDR?

3. The proposal outlined in Section IV revises MCSAP Grant requirements and would impact funding distributed by FMCSA. How should States be held accountable for compliance?

4. If the State does not receive information from the requestor when additional information is requested, or the additional information the requestor provides is inadequate, how should the RDR be handled? Should the State reserve the right to proceed with the review and come to a decision? Should the previous round of review get another chance to reconsider their previous decision when new information is provided?

5. To what extent should FMCSA prescriptively define the criteria for a “valid reason” for the Reconsideration Review Process described in Section IV versus leaving this determination to the States? If FMCSA were to define the process, what specific information should a submitter be required to provide to meet that standard?

VI. Next Steps

FMCSA thanks industry stakeholders and enforcement personnel for engaging in the comment period to continually improve the RDR process and the DataQs program. These processes help ensure complete and accurate data is available to focus FMCSA resources where they will have the greatest impact on safety. A follow-up notice in the **Federal Register** will respond to any comments received and announce the revised MCSAP Grant requirements with ample time prior to implementation.

Sue Lawless,

Assistant Administrator.

[FR Doc. 2025–12059 Filed 6–27–25; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons who have been removed from OFAC's List of Specially Designated Nationals and Blocked Persons (SDN List).

DATES: This action was issued on May 28, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; the Assistant Director for Sanctions Compliance, 202-622-2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions

programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

On May 28, 2025, OFAC has determined that circumstances no longer warrant the inclusion of the following persons on the SDN List and their property and interests in property are no longer blocked pursuant to Executive Order 14024:

1. BORTSOV, Nikolay Ivanovich (Cyrillic: БОРЦОВ, Николай Иванович), Russia; DOB 08 May 1945; nationality Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

On May 28, 2025, OFAC removed from the SDN List the persons below, who were designated pursuant to the Foreign Narcotics Kingpin Designation Act, 21 U.S.C. 1901-1908:

Individual

1. PEREZ ALVEAR, Jesus (a.k.a. "Chucho Perez"), Guerrero, Mexico; DOB 12 Nov 1984; POB Distrito Federal, Mexico; nationality Mexico; Gender Male; R.F.C. PEAJ-841112-UD1 (Mexico); C.U.R.P. PEAJ841112HDFRLS06 (Mexico) (individual) [SDNTK] (Linked To: CARTEL DE JALISCO NUEVA GENERACION; Linked To: LOS CUINIS; Linked To: GALLISTICA DIAMANTE).

Entity

1. GALLISTICA DIAMANTE (a.k.a. GALLISTICA DIAMANTE S.A. DE C.V.; a.k.a. TICKET PREMIER), Aguascalientes, Aguascalientes, Mexico; Quinta Los Pirules Num. Ext. 182, Quinta Los Naranjos, Leon, Guanajuato 37210, Mexico; website www.ticketpremier.mx [SDNTK].

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025-12242 Filed 6-30-25; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Form 1099-LTC—Long-Term Care and Accelerated Death Benefits

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the

IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before September 2, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include OMB Control No. 1545-1519 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

View the latest drafts of the tax forms related to the information collection listed in this notice at <https://www.irs.gov/draft-tax-forms>. Requests for additional information or copies of this collection should be directed to Marcus W. McCrary, (470) 769-2001.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Long-Term Care and Accelerated Death Benefits.

OMB Control Number: 1545-1519.

Form Number: 1099-LTC.

Abstract: IRC sections 7702B and 101(g) respectively define situations under which benefits paid under a long-term health care insurance contract and accelerated death benefits paid under a life insurance policy may qualify for special tax treatment. IRC section 6050Q requires the payer to report all such benefit amounts paid during any calendar year, specifying whether or not the benefits were paid in whole or in part on a per diem or other periodic basis without regard to expenses. Benefit payers use Form 1099-LTC to report any long-term care or accelerated death benefits paid to an individual. Payers include insurance companies, governmental units, and viatical settlement providers.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and governments.

Estimated Number of Respondents: 3,000.

Estimated Number of Responses: 410,600.

Estimated Time per Response: 13 minutes.

Estimated Total Annual Burden Hours: 88,963.

Approved: June 27, 2025.
Marcus W. McCrary,
Tax Analyst.
[FR Doc. 2025–12285 Filed 6–30–25; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection
Activities; Submission for OMB
Review; Comment Request; Internal
Revenue Service (IRS) Information
Collection Request

AGENCY: Departmental Offices, U.S.
Department of the Treasury.
ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.
DATES: Comments should be received on or before July 31, 2025 to be assured of consideration.
ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular

information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.
FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing PRA@treasury.gov, calling (202) 622–1035, or viewing the entire information collection request at www.reginfo.gov.
SUPPLEMENTARY INFORMATION:
Internal Revenue Service (IRS)
Title: Requirements and procedure for recovering reasonable administrative costs.

OMB Number: 1545–1356.
Regulation Project Number: TD 8725.
Abstract: Under Internal Revenue Code Section 7430, a prevailing party may recover the reasonable administrative or litigation costs incurred in an administrative or civil proceeding that relates to the determination, collection, or refund of any tax, interest, or penalty. Treasury Regulation Section 301.7430–2(c) provides that the IRS will not award administrative costs under section 7430 unless the taxpayer files a written request in accordance with the requirements of the regulation.
Current Actions: There is no change to this existing regulation.
Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations, not-for-profit institutions, farms, and the Federal government.
Estimated Number of Respondents: 38.
Estimated Time per Respondent: 2 hrs., 16 min.
Estimated Total Annual Burden Hours: 86.
Authority: 44 U.S.C. 3501 *et seq.*
Melody Braswell,
Treasury PRA Clearance Officer.
[FR Doc. 2025–12279 Filed 6–30–25; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Establish Prices for 2025 United States Mint Gold Products Agency: United States Mint, Department of the Treasury
ACTION: Notice.

SUMMARY: The United States Mint is announcing an update to our Numismatic Pricing Grid to include the 25TH Anniversary Sacagawea Golden Dollar 24K One Half-Ounce Gold Proof Coin and Comic Arts One Half- Ounce Gold Coin.
An excerpt of the appears below:

2025 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products							
Average Price per Ounce	Commemorative Gold Uncirculated*	Comic Arts 1/2 oz 24K Gold	First Spouse Gold Proof Coin	First Spouse Gold Uncirculated Coin	Liberty & Britannia Intl. Collaboration 1 oz 24K Gold	Flowing Hair High Relief 1 oz 24K Gold Proof	Sacagawea 25th Anniversary 1/2 oz 24K Gold
\$3,250.00 to \$3,299.99	\$1,019.25	\$2,630.00	\$2,130.00	\$2,110.00	\$4,270.00	\$4,290.00	\$2,150.00
\$3,300.00 to \$3,349.99	\$1,031.50	\$2,670.00	\$2,155.00	\$2,135.00	\$4,320.00	\$4,340.00	\$2,175.00
\$3,350.00 to \$3,399.99	\$1,043.75	\$2,710.00	\$2,180.00	\$2,160.00	\$4,370.00	\$4,390.00	\$2,200.00
\$3,400.00 to \$3,449.99	\$1,056.00	\$2,750.00	\$2,205.00	\$2,185.00	\$4,420.00	\$4,440.00	\$2,225.00
\$3,450.00 to \$3,499.99	\$1,068.25	\$2,790.00	\$2,230.00	\$2,210.00	\$4,470.00	\$4,490.00	\$2,250.00
\$3,500.00 to \$3,549.99	\$1,080.50	2830	\$2,255.00	\$2,235.00	\$4,520.00	\$4,540.00	\$2,275.00
\$3,550.00 to \$3,599.99	\$1,092.75	\$2,870.00	\$2,280.00	\$2,260.00	\$4,570.00	\$4,590.00	\$2,300.00
\$3,600.00 to \$3,649.99	\$1,105.00	\$2,910.00	\$2,305.00	\$2,285.00	\$4,620.00	\$4,640.00	\$2,325.00

The complete 2025 Pricing of Numismatic Gold, Commemorative Gold, and Platinum Products Grid will be available at <https://www.usmint.gov/resources/product-pricing>.
Pricing can vary weekly dependent upon the London Bullion Market Association (LBMA) gold price weekly average. The pricing for all United States Mint numismatic gold, platinum, and palladium products is evaluated every Wednesday and modified as necessary.

FOR FURTHER INFORMATION CONTACT: Rosa Williams and Kai Washington; United States Mint; 801 9th Street NW, Washington, DC 20220, or call (202) 354–7594; (202) 354–7662.
(Authority: 31 U.S.C. 5111, 5112, & 9701.)
Eric Anderson,
Executive Secretary, United States Mint.
[FR Doc. 2025–12255 Filed 6–30–25; 8:45 am]
BILLING CODE 4810–37–P

DEPARTMENT OF VETERANS AFFAIRS
[OMB Control No. 2900–0911]
Agency Information Collection Activity: Suicide Prevention 2.0 Program—Community Opinion Survey
AGENCY: Veterans Health Administration, Department of Veterans Affairs.
ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information:
Rebecca Mimmall, 202–695–9434,
vhacopra@va.gov.

VA PRA information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or

the use of other forms of information technology.

Title: Suicide Prevention 2.0 Program—Community Opinion Survey.

OMB Control Number: 2900–0911.
https://www.reginfo.gov/public/do/PRAsearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection.)

Type of Review: Revision of a currently approved collection.

Abstract: Legal authority for this data collection is found in 38 U.S.C., Part I, Chapter 5, Section 527, which authorizes the collection of data that will allow measurement and evaluation of Department of Veterans Affairs (VA) Programs, the goal of which is improved health care for Veterans. The purpose of the Community Opinion Survey (COS) is to evaluate the impact of Community-Based Intervention (CBI) programs, including the Governor's Challenge (GC), on the population.

The information will be used to accomplish three aims: (1) collect baseline data on the knowledge and attitudes of adult U.S. citizens living in specified communities about Veterans, Veteran suicide, and resources available to Veterans to reduce suicide, prior to the implementation of suicide prevention programs; (2) collect follow-up data in the same communities to assess whether knowledge and attitudes have changed over time; and (3) determine whether the programs and policies implemented by a community resulted in positive change in knowledge and attitudes.

The data will be utilized by the Office of Suicide Prevention in VA Central Office to measure the return on investment of significant resources that have been invested to support communities in their efforts to reduce Veteran suicide. The CBI arm of VA's "Suicide Prevention 2.0" (SP2.0) program has launched two initiatives

whose goals are to increase the successful implementation of best practices to prevent Veteran suicide in local communities. The data collected will allow VA to measure a baseline level of expected outcomes, follow-up levels, and explore the role of new programs in any changes, as well as inform program planning and evaluation.

The GC is one of the initiatives supported by SP2.0 and is structured so that State teams are provided training and technical assistance by VA to expand their efforts to implement suicide prevention programs in their State. This data collection will assist the State teams in assessing the effects of their new programming or activities. To date, 55 states and territories have accepted the GC Initiative, and VA will administer the COS in every participating state and territory. The increase in the number of respondents and burden hours is due to the survey being administered for completion of Time 2 data in the first 22 states and for Time 1 and Time 2 data in the remaining 33 states and territories.

Affected Public: Individuals or Households.

Estimated Annual Burden: 11,000 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 44,000.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

*Acting, VA PRA Clearance Officer, (Alt.)
Office of Enterprise and Integration/Data
Governance Analytics, Department of
Veterans Affairs.*

[FR Doc. 2025–12222 Filed 6–30–25; 8:45 am]

BILLING CODE 8320–01–P

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