

supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T05–0850 to read as follows:

§ 165.T05–0850 Safety Zone; Chesapeake Bay, Baltimore, MD.

(a) *Location.* The following area is a safety zone: All navigable waters encompassing a 500-yard radius around the M/V W SAPPHIRE while the vessel is in the Chesapeake Bay.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port of Baltimore (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart D of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods.* This section will be enforced from September 22, 2025 until December 31, 2025, or earlier upon the safe departure or repair of the vessel.

Dated: September 22, 2025.

Patrick C. Burkett,

Captain, U.S. Coast Guard, Captain of the Port, Sector Maryland-National Capital Region.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

[Docket No. VA–2024–VHA–0015]

RIN 2900–AS11

Privacy Act of 1974; Implementation

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) adopts as final, with one technical change, a proposed rule to amend its regulations governing the confidentiality and release of VA records subject to the Privacy Act of 1974. This rulemaking exempts portions of the new “Law Enforcement Officer Evaluations (LEO Evals)—VA” (216VA10) system of records from certain provisions of the Privacy Act of 1974 to prevent compromising the objectivity and fairness of the testing and evaluation process.

DATES: This rule is effective October 27, 2025.

FOR FURTHER INFORMATION CONTACT: Stephania Griffin, Veterans Health Administration, (704) 245–2492.

SUPPLEMENTARY INFORMATION: On July 25, 2024, VA published a proposed rule in the **Federal Register** (89 FR 60337) to revise its regulations by adding an exemption to its current list of Privacy Act exemptions in new paragraph (f) of 38 Code of Federal Regulations (CFR) 1.582. Immediately proceeding the proposed rulemaking, VA provided notice in the **Federal Register** (89 FR 59970) on July 24, 2024, that it was establishing a new system of records titled “Law Enforcement Officer Evaluations (LEO Evals)—VA (216VA10).” Information in this new system of records would be used to document the records of VA police officer candidates and VA police officers undergoing psychological evaluations for hire or annually after hire.

The Privacy Act of 1974, codified at section 552a of title 5, United States Code (U.S.C.), governs the means by which the U.S. Government collects, maintains, uses, and disseminates personally identifiable information. Consistent with section 552a(k)(6), which allows an agency to exempt testing or examination materials used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process, VA would exempt portions of the “LEO Evals”

system of records from the accounting, access, and administrative provisions of the Privacy Act to preserve the integrity of the examination or testing process.

VA provided a 60-day comment period, which ended on September 23, 2024. VA received one supportive comment on the proposed rule, and we thank the commenter for their comment. Based on the rationale set forth in the proposed rule, VA now adopts the proposed rule as final with the technical change as described below.

Technical Change Not Based on Comments

In the amendatory language for the proposed rule, VA stated the authority citation for 38 CFR part 1 would remain unchanged as 38 U.S.C. 5101, and as noted in specific sections. However, the correct authority citation for 38 CFR part 1 is 38 U.S.C. 501, which is VA's general rulemaking authority. Previous rulemakings intended to change authority citations for specific regulations, but inadvertently made changes to the authority citation for the entire part. Therefore, VA will make a technical change to revise the authority citation for 38 CFR part 1 along with this final rulemaking.

Executive Orders 12866, 13563, and 14192

VA examined the impact of this rulemaking as required by Executive Orders 12866 (Sept. 30, 1993) and 13563 (Jan. 18, 2011), which 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. The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. This final rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

Economic Impact: There are no costs or savings associated with this final rule. VA determined that rulemaking was required to implement this exemption under the Privacy Act, consistent with 5 U.S.C. 552a(k). While this final rule has no associated costs, the exemption claimed will ensure objectivity and fairness in the psychological evaluation and testing process for VA police officers.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule would not have a significant economic impact on a substantial number of small entities as

they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). The factual basis for this certification is based on the fact that the Privacy Act primarily affects individuals and not entities, and the final rule will impose no duties or obligations on small entities. Therefore, under 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

This final rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

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.*), the Office of Information and Regulatory Affairs determined this rule does not meet the criteria for a “major rule” under 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Government employees, Privacy, Reporting and recordkeeping requirements, Security measures.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on September 23, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Taylor N. Mattson,

Alternate Federal Register Liaison Officer,
Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 1 as set forth below:

PART 1—GENERAL PROVISIONS

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

Authority: 38 U.S.C. 501, and as noted in specific sections.

■ 2. Amend § 1.582 by adding paragraph (f) to read as follows:

§ 1.582 Exemptions.

* * * * *

(f) Exemption of Law Enforcement Officer Evaluation Records. VA provides limited access to Law Enforcement Officer Evaluations (LEO Evals)—VA (216VA10).

(1) Records contained in this system of records are exempted pursuant to the provisions of 5 U.S.C. 552a(k)(6) from 5 U.S.C. 552a(c)(3), (d)(1) through (4), (e)(1), (e)(4)(G) through (I), and (f).

(2) These exemptions apply to the extent that information in this system of records is subject to exemption pursuant to 5 U.S.C. 552a(k)(6) because they relate to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which could compromise the objectivity or fairness of the testing or examination process.

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[FR Doc. 2025-18663 Filed 9-24-25; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2024-0581; FRL-12329-02-R3]

Air Plan Approval; West Virginia; 2024 Amendments to West Virginia's Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of West Virginia. This revision updates West Virginia's incorporation by reference (IBR) of EPA's national ambient air quality standards (NAAQS) and the associated monitoring reference and equivalent methods. EPA is approving these revisions to the West Virginia SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on October 27, 2025.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2024-0581. All documents in the docket are listed on the website. Although listed in the index, some information is not publicly available, *e.g.*, confidential business

information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through www.regulations.gov **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT:

Bryan Cashman, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2012. Mr. Cashman can also be reached via electronic mail at Cashman.Bryan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 2024, the West Virginia Department of Environmental Protection (WVDEP) submitted a revision to its SIP pertaining to the amendments of Legislative Rule, 45 Code of State Rule (CSR) Ambient Air Quality Standards. The SIP submittal updates West Virginia's IBR of the NAAQS promulgated by the EPA and found at 40 Code of Federal Regulations (CFR) part 50 and ambient air monitoring reference methods and equivalent methods promulgated by the EPA and found at 40 CFR part 53 into West Virginia's legislative rules.

II. Summary of SIP Revision and the EPA Analysis

The WVDEP has historically chosen to incorporate by reference the NAAQS, found at 40 CFR part 50, and the associated Federal ambient air monitoring reference methods and equivalent methods for these NAAQS found at 40 CFR part 53. When incorporating by reference these Federal regulations, WVDEP has specified that it is incorporating by reference these regulations as they existed on a certain date. The IBR of the NAAQS that is currently approved in the West Virginia SIP incorporates by reference 40 CFR parts 50 and 53 as they existed on June 1, 2023. West Virginia's July 1, 2024 SIP revision updates the State's IBR of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods, found in 40 CFR parts 50 and 53, respectively, as of June 1, 2023. This revision also incorporates by reference the ambient air monitoring reference methods and equivalent