

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****15 CFR Part 922****Designation of Papahānaumokuākea National Marine Sanctuary**

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notification of review and effective date of final rule.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is reviewing, for consistency with the Administration's policies and Executive Orders, the final rule that published on January 16, 2025 to designate Papahānaumokuākea National Marine Sanctuary (PNMS). The designation and regulations for PNMS became effective on March 3, 2025.

**DATES:** The final rule to designate PNMS, which was published at 90 FR 4856 on January 16, 2025, became effective March 3, 2025.

**FOR FURTHER INFORMATION CONTACT:** Eric Roberts, Papahānaumokuākea National Marine Sanctuary Superintendent, at [Eric.Roberts@noaa.gov](mailto:Eric.Roberts@noaa.gov) or 808-294-7470.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 304(b) of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1434(b)(1)), a sanctuary designation and its regulations become effective following the close of a review period of 45 days of continuous session of Congress beginning on the date of publication of the final rule. For PNMS, the final rule published on January 16, 2025, and by operation of NMSA Section 304(b), the designation and regulations became effective as of March 3, 2025.

NOAA is reviewing the final rule for this designation for consistency with the Administration's policies and Executive Orders, including Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative.

**List of Subjects in 15 CFR Part 922**

Administrative practice and procedure; Coastal zone; Cultural resources; Environmental; Protection; Fishing; Historic preservation; Marine protected areas; Marine resources; Natural resources; National marine sanctuaries; Penalties; Recreation and recreation areas; Reporting and

recordkeeping requirements; Shipwrecks; Wildlife.

**John Armor,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

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**DEPARTMENT OF JUSTICE****Drug Enforcement Administration****21 CFR Part 1306**

**[Docket No. DEA-948; DEA-407VA]**

**RIN 1117-AB78; 1117-AB40; 1117-AB88**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****42 CFR Part 12****Expansion of Buprenorphine Treatment via Telemedicine Encounter and Continuity of Care via Telemedicine for Veterans Affairs Patients**

**AGENCY:** Drug Enforcement Administration, Department of Justice; Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

**ACTION:** Final rule.

**SUMMARY:** In the January 17, 2025, issue of the **Federal Register**, the Drug Enforcement Administration and the Department of Health and Human Services published two final rules related to the practice of telemedicine, titled "Expansion of Buprenorphine Treatment via Telemedicine Encounter" and "Continuity of Care via Telemedicine for Veterans Affairs Patients." These final rules were originally scheduled to become final on February 18, 2025. In accordance with the Presidential Memorandum of January 20, 2025, titled "Regulatory Freeze Pending Review," the Drug Enforcement Administration and the Department of Health and Human Services delayed the effective dates of these two final rules to March 21, 2025, by issuing a final rule; delay of effective dates and request for comments in the February 19, 2025, issue of the **Federal Register**. The Drug Enforcement

Administration received 32 comments in response to the request for public comments regarding the delayed effective date. Considering these comments, the Department of Justice wishes to further postpone the effective dates for the purpose of further

reviewing any questions of fact, law, and policy that the rules may raise. Therefore, the Drug Enforcement Administration and the Department of Health and Human Services will delay the effective date of the two final rules titled "Expansion of Buprenorphine Treatment via Telemedicine Encounter" and "Continuity of Care via Telemedicine for Veterans Affairs Patients" to December 31, 2025.

**DATES:** As of March 20, 2025, the effective dates of the final rules amending 21 CFR part 1306 and 42 CFR part 12 published in the **Federal Register** on January 17, 2025, at 90 FR 6504 and 90 FR 6523, respectively, are effective December 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Heather Achbach, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 776-3882.

**SUPPLEMENTARY INFORMATION: Discussion**

On January 17, 2025, the Drug Enforcement Administration (DEA) and the Department of Health and Human Services (HHS) published two final rules titled "Expansion of Buprenorphine Treatment via Telemedicine Encounter" (90 FR 6504) and "Continuity of Care via Telemedicine for Veterans Affairs Patients" (90 FR 6523). These rules, respectively, amended their regulations to expand the circumstances under which: (1) practitioners registered by DEA are authorized to prescribe schedule III–V controlled substances approved by the Food and Drug Administration for the treatment of opioid use disorder via a telemedicine encounter, including an audio-only telemedicine encounter<sup>1</sup> and (2) Department of Veterans Affairs practitioners acting within the scope of their Veterans Affairs employment are authorized to prescribe schedule II–V controlled substances via telemedicine to a Veterans Affairs patient with whom they have not conducted an in-person medical evaluation, if another Veterans Affairs practitioner has, at any time, previously conducted an in-person medical evaluation of the Veterans Affairs patient, subject to certain conditions.<sup>2</sup>

On January 20, 2025, the President of the United States issued a memorandum to all executive departments and agencies titled "Regulatory Freeze

<sup>1</sup> 90 FR 6504 (Jan. 17, 2025).

<sup>2</sup> 90 FR 6523 (Jan. 17, 2025).

Pending Review" (the Freeze Memo).<sup>3</sup> Paragraph 3 of the Freeze Memo ordered agencies to "consider postponing for 60 days from the date of this memorandum the effective date for any rules that have been published in the **Federal Register**, or any rules that have been issued in any manner but have not taken effect, for the purpose of reviewing any questions of fact, law, and policy that the rules may raise." The purpose of this delay was "to allow interested parties to provide comments about issues of fact, law, and policy raised by the rules postponed under this memorandum, and consider reevaluating pending petitions involving such rules." In accordance with the Freeze Memo, DEA and HHS published a final rule; delay of effective dates and request for comment in the February 19, 2025, issue of the **Federal Register**.<sup>4</sup>

In the preamble to that rule, DEA explained that the "new effective dates will not delay or limit the ability of the practitioners covered by these two rules to prescribe via telemedicine, because the 'Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Medications,' which has been in effect since May 10, 2023, permits practitioners to prescribe via telemedicine through December 31, 2025."<sup>5</sup> In addition, this delay allowed Department of Justice (DOJ) and HHS officials further opportunity to review any potential questions of fact, law, and policy raised by those two final rules.

DEA solicited public comment regarding the delayed effective dates of these two final rules. DEA also solicited public comment on whether there may be a need for their effective dates to be extended beyond the new effective date of March 21, 2025, and to address issues of fact, law, and policy raised by these rules, for consideration by officials of the two agencies. DEA received a total of 32 comments. Of the 32 comments received, three commenters specifically requested a further delay in the effective date of the two final rules and 13 commenters requested that the final rules become effective as soon as possible. Since a new effective date will not delay or limit the ability of the practitioners covered by these two rules to prescribe via telemedicine, because the 'Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Medications' permits practitioners to prescribe via

telemedicine through December 31, 2025, and to allow DOJ additional time to further review any questions of fact, law, and policy that the rules may raise, DEA and HHS will further delay the effective date of the two final rules published in the January 17, 2025, issue of the **Federal Register**, titled "Expansion of Buprenorphine Treatment via Telemedicine Encounter"<sup>6</sup> and "Continuity of Care via Telemedicine for Veterans Affairs Patients"<sup>7</sup> to December 31, 2025. This document finalizes the delayed effective date of these final rules to December 31, 2025.

### Comments Received

DEA received 32 comments in response to the request for comments regarding the effective date of the two final rules in the January 17, 2025, issue of the **Federal Register**, titled "Expansion of Buprenorphine Treatment via Telemedicine Encounter"<sup>8</sup> and "Continuity of Care via Telemedicine for Veterans Affairs Patients".<sup>9</sup> Of these comments, 13 commenters requested to finalize the effective date of the two final rules as soon as possible, which was scheduled to be March 21, 2025.

Three commenters explicitly requested that the effective date be delayed beyond March 21, 2025; however, these comments did not provide an alternative effective date for these two final rules. Four commenters generally agreed with the final rules without specifying a preference with respect to their effective dates. Eleven commenters expressed concerns unrelated to the effective date. One commenter provided general comments but did not respond with respect to the delayed effective date.

Based on the foregoing reasons, DEA and HHS are further delaying the effective date of the two final rules published in the January 17, 2025, issue of the **Federal Register** titled "Expansion of Buprenorphine Treatment via Telemedicine Encounter"<sup>10</sup> and "Continuity of Care via Telemedicine for Veterans Affairs Patients"<sup>11</sup> to December 31, 2025.

### Regulatory Analyses

Change to the effective date of these final rules does not affect the economic impact calculated in the final rules. Per Office of Management and Budget

(OMB) Circular A-4, analysis is conducted on a time frame which includes all important benefits and costs, and such time frame generally begins at the point when the final rule is expected to begin to have effects.<sup>12</sup> No portion of the analysis conducted in these final rules was dependent on the original effective date, and therefore the change in the time frame does not change any part of the analysis.

### Executive Orders 12866 and 13563 (Regulatory Review)

The change to the effective date has no change on the analysis conducted in this section in these two rules. This document merely effectuates a limited delay in the effective dates of two rules, previously scheduled to take effect March 21, 2025. There is no change to the substance of these two final rules.

### Regulatory Flexibility Act

The change to the effective date has no change on the analysis conducted in this section in the final rules.

### Paperwork Reduction Act of 1995

The change to the effective date has no change on the analysis conducted in this section in the final rules.

### Executive Order 12988, Civil Justice Reform

This document meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

### Executive Order 13132, Federalism

This document does not have federalism implications warranting the application of E.O. 13132. The document does 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.

### Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

DEA and HHS are committed to the principles of collaboration and consultation with Tribal governments, as demonstrated through its plans to

<sup>3</sup> 90 FR 8249 (Jan. 28, 2025).

<sup>4</sup> 90 FR 9841 (Feb. 19, 2025).

<sup>5</sup> 90 FR 9841, 98842 (citing 88 FR 30037 (May 10, 2023), as extended by 88 FR 30037 (May 10, 2023) and 89 FR 91253 (Nov. 19, 2024)).

<sup>6</sup> 90 FR 6504 (Jan. 17, 2025).

<sup>7</sup> 90 FR 6523 (Jan. 17, 2025).

<sup>8</sup> 90 FR 6504 (Jan. 17, 2025).

<sup>9</sup> 90 FR 6523 (Jan. 17, 2025).

<sup>10</sup> 90 FR 6504 (Jan. 17, 2025).

<sup>11</sup> 90 FR 6523 (Jan. 17, 2025).

<sup>12</sup> OMB Circular A-4, section 3(b): "The time frame for your analysis should include a period before and after the date of compliance that is long enough to encompass all the important benefits and costs likely to result from the regulation. A logical beginning point for your stream of estimates would be the point in which the regulation will begin to have effects. . . ."

conduct the appropriate Executive Order 13175 Tribal consultations and recognizes the significance of these consultations and their role in shaping regulations that impact Tribal communities. Relevant issues regarding Tribal Consultation were discussed in the two final rules published on January 17, 2025.

#### *Unfunded Mandates Reform Act of 1995*

The estimated annual impact of this notice is minimal. Thus, DEA and HHS have determined in accordance with the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*) that this action would not result in any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted for inflation) in any one year. Therefore, neither a Small Government Agency Plan nor any other action is required under provisions of UMRA.

#### **Signing Authority**

This document of the Drug Enforcement Administration was signed on March 19, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

**Heather Achbach,**

*Federal Register Liaison Officer, Drug Enforcement Administration.*

**Robert F. Kennedy, Jr.,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2025-05007 Filed 3-20-25; 4:15 pm]

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 117**

**[Docket No. USCG-2023-0185]**

**RIN 1625-AA09**

#### **Drawbridge Operation Regulation; Sandusky Bay, Sandusky, OH**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is altering the operating regulations and signaling requirements that govern the Norfolk Southern Railroad Bridge, mile 3.5, over the Sandusky Bay.

**DATES:** This rule is effective April 23, 2025.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type the docket number (USCG-2023-0185) in the “SEARCH” box and click “SEARCH”. In the Document Type column, select “Supporting & Related Material.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216-902-6085, email [Lee.D.Soule@uscg.mil](mailto:Lee.D.Soule@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Table of Abbreviations**

CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FR	Federal Register
IGLD85	International Great Lakes Datum of 1985
LWD	Low Water Datum based on IGLD85
MOU	Memorandum of Understanding
MPH	Miles Per Hour
OMB	Office of Management and Budget
NPRM	Notice of Proposed Rulemaking
§	Section
U.S.C.	United States Code

##### **II. Background Information and Regulatory History**

The Coast Guard published an NPRM on May 8, 2023, entitled Drawbridge Operation Regulation; Sandusky Bay, Sandusky, OH in the **Federal Register**, to seek comments on a proposed modification to the current operating schedule to the Norfolk Southern Railroad Bridge, mile 3.5, Sandusky Bay. 88 FR 29584. During the comment period, that ended on July 7, 2023, we received two comments.

In addition to modernizing the regulation, this final rule will address two specific concerns of the Coast Guard as they relate to the operation of the Norfolk Southern Railroad Bridge, mile 3.5, and the responsiveness of drawtenders to marine traffic. The Coast Guard has received several complaints on the operations of the bridge, including, specifically, that the remote drawtender ignores telephone and radio calls from mariners. Sandusky Bay hosts over 12,000 registered recreational vessels a year and is home to the busiest amusement park in America. Federal, State, Local, and commercial search and rescue departments require dependable

access to the Norfolk Southern Railroad Bridge, mile 3.5, to reach emergencies on both sides of Sandusky Bay. Emergency responders and the greater public need a simple, reliable, and consistent method for requesting bridge openings.

#### **III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

#### **IV. Discussion of Comments, Changes and the Final Rule**

Of the two comments received from bridge owner, Norfolk Southern, one comment requested an extension to the comment period and the other comment was in opposition to many aspects of the proposed rule.

Norfolk Southern’s position outlined in their comment makes train operations paramount to all other considerations. The intent of this regulation, as well as the Coast Guard’s broader congressionally mandated duty to regulate the operation of bridges, is simple: to provide for the reasonable needs of navigation at the bridge. See 33 CFR 114.10. However, bridges cannot unreasonably obstruct the free navigation of the waters over which they are constructed. 33 U.S.C. 494. A bridge is a permitted obstruction to navigation, but it is only allowed to remain across the waterway if it provides for the reasonable need of navigation. See 33 CFR 114.10.

Norfolk Southern alleges that we have failed to engage them on this issue before starting a rulemaking. On the contrary, we have engaged Norfolk Southern each time a mariner reports an unreasonable delay to a bridge opening and have reiterated the need for prompt openings and improved communication with the public. We have also conveyed this need at regularly scheduled monthly meetings with Norfolk Southern where we have continually asserted the long-standing legal requirement to provide timely bridge openings to satisfy the reasonable needs of navigation. We have also provided Norfolk Southern notice and reasonable opportunity to be heard through the present NPRM. See 88 FR 29584.

Norfolk Southern asserted that the Coast Guard’s bridge regulations and requirements will jeopardize the safety of train crews and equipment. The Coast Guard disagrees. Railroads across the country operate trains over movable bridges every day without loss of life or equipment. There is no evidence that Norfolk Southern is at a disadvantage to any competitor in the region or that Norfolk Southern will suffer any decreased ability to cross bridges safely.