

These reforms are intended to ensure that NEPA documents inform and, to the extent appropriate, involve the public, focus on the significant issues that require analysis, and foster informed decisionmaking based on an understanding of the potential action's environmental impacts.

The Order updates terminology for consistency with modern NEPA practice and to align with the expanded set of definitions set forth in amended NEPA at 42 U.S.C. 4336e. The FAA expanded the list of actions that do not meet the revised "major Federal action" definition in NEPA at 42 U.S.C. 4336e(10). See section 1.1. Because NEPA does not explicitly address combining two or more categorical exclusions (CATEXs) to satisfy NEPA obligations for a proposed action for which there is no single applicable CATEX, FAA has considered the potential risk to the environment and has determined that multiple CATEXs may be applied to a single proposed action if there are no extraordinary circumstances when examining the project in total. The process for combining CATEXs is set forth at Section 1.2.

In the Order, at Appendix B, the FAA incorporates two statutory presumptions of a categorical exclusion (CATEX) set forth in section 788 of the FAA Reauthorization Act of 2024. Due to the reorganization of the Order, numerical references to the CATEXs have been changed. The Order does not revise or otherwise modify any existing CATEXs.

The FAA has revised and clarified the methods by which it can establish new or revise existing CATEXs in section 1.4. These methods expand the options and improve efficiency of updating the Agency's NEPA reviews for actions where a CATEX is warranted but prior procedures made establishment of CATEXs unduly onerous.

The FAA has adopted the mechanisms to enforce statutory page and time limits for environmental assessments (75 pages and 1 year) in section 1.5 and environmental impact statements (150 pages and 2 years) in sections 2.4 and 2.5.

The 2020 CEQ rule contained a provision creating agency obligations to affirmatively declare certain specific information was true for each agency NEPA document. The FAA has determined that a provision requiring a limited number of declarations that differ from those that were included in the 2020 rule is advisable and has set forth such requirements in FAA Order 1050.1G at §§ 1.5(e), 1.5(f), 2.4(e), and 2.5(d). The terminology utilized by the CEQ in its 2020 rule with respect to

affirmative attestations was "certifications;" however, a "certification" is a term of art in FAA regulations. As a result, the Order has instead identified "declarations" to replace the word "certifications" to avoid confusion between other agency regulatory terminology and the affirmative attestation requirement of the FAA's NEPA order.

The Order implements the narrowed scope of interagency coordination with respect to participating agencies set forth in amended NEPA and recognizes the benefits to the FAA, to regulated entities, and the affected public as a result of early planning, integrated resource conservation and permitting, as well as other mechanisms that inform and can expedite a comprehensive environmental review.

The Order at Section 5 has been revised to provide certainty regarding the use of environmental documents other than project-specific environmental documents prepared directly by the FAA. Other revisions include removing references to the rescinded CEQ regulations, allowing reliance on previously prepared EISs, EAs, and CATEXs, setting forth guidance and procedures for applicant-prepared environmental documents, and setting forth procedures for the use of programmatic environmental documents. The majority of these provisions are found in Parts 3 and 5 of the Order.

Appendix A lists the existing FAA significance thresholds for FAA actions, which were previously found at Chapter 4. The FAA significance thresholds remain unchanged, with one minor exception to account for changes in NEPA practice due to the Supreme Court's decision in *Seven County*, No. 23–975, 605 U.S. ___, 2025 WL 1520964 (2025).

Appendix B sets forth the existing FAA extraordinary circumstances and CATEXs, which were previously set forth in Chapter 5. These remain largely unchanged, except as noted in this Notice. In addition, FAA has made minor edits to its list of extraordinary circumstances to remove language that does not comport with the Supreme Court decision in *Seven Counties*, No. 23–975, 605 U.S. ___, 2025 WL 1520964 (2025).

Appendix C sets forth portions of the FAA requirements for assessing impacts related to noise and noise-compatible land use.

This Order contains information applicable to all FAA lines of business. While the Order has been significantly reorganized and streamlined, most of the changes are either non-substantive

or are technical corrections to align the FAA NEPA procedures with the recent significant changes to NEPA prescribed by Congress, instructions provided by the President, and guidance provided by the Supreme Court.

Issued in Washington, DC, on June 30, 2025.

Julie Ann Marks,

Executive Director, Office of Environment and Energy, Federal Aviation Administration.

[FR Doc. 2025–12362 Filed 7–1–25; 2:30 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2025–0055]

Notice of Petition for Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that Canadian Pacific Kansas City Limited (CPKC) petitioned FRA for relief from certain regulations concerning air brake testing.

DATES: FRA must receive comments on the petition by August 4, 2025. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket 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 and docket number. 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, FRA Motive Power & Equipment Division, telephone: 202–493–6337, email: steven.zuiderveen@dot.gov.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal

Regulations (CFR), this document provides the public notice that by letter dated April 4, 2025, CPKC petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232 (Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices). CPKC also requests an exemption from the requirements of title 49, United States Code (U.S.C.), section 20303, which states that a rail vehicle with defective or insecure equipment may be moved when necessary to make repairs to the nearest available place at which the repairs can be made. FRA assigned the petition Docket Number FRA–2025–0055.

Specifically, CPKC seeks relief from §§ 232.5, *Definitions*; 232.15, *Movement of defective equipment*; 232.103(f), *General requirements for all train brake systems*; 232.205(a), *Class I brake test—initial terminal inspection*; and 232.213(a)(6)(ii), *Extended haul trains*. CPKC also seeks an exemption from the requirements of 49 U.S.C. 20303, for train CPKC 576, which hauls diluent reduced solid bitumen, is designated as an extended haul train, and operates between the loading facility in Rosyth, Alberta, Canada, and the ports near Port Arthur, Texas, United States. The requested relief would allow “technology-based advanced air brake testing [(the Brake Effectiveness Test (BET) Process)] performed by wayside wheel temperature detectors [(WTDs)] on heavy grade” as an alternative approach to manual Class I brake tests performed by Certified Car Inspectors (Qualified Mechanical Inspectors or qualified persons).

Currently, CPKC 576 receives a Class 1 brake test in Heavener, Oklahoma, U.S., but with the requested relief, CPKC would use the BET Process, including WTD data from the Heavener Subdivision, to perform the required brake test. CPKC states that the train will depart the Heavener location with at minimum 95% operative brakes based on the electronic brake effectiveness status from the BET Process, which is a more stringent percentage than the requirement in § 232.103(e).¹ CPKC further states that incorporating the BET Process “will result in no impact on the work performed in the U.S. and the operations in the U.S. would remain identical to the current operations.” In addition, CPKC cites the waiver’s opportunity for data collection, as the data would “be used to further evaluate

the effectiveness of BET on a long descending heavy grade of 1.0% over 5 miles,” which has not been tested on CPKC’s network.

CPKC also explains that certain exemptions allowing the BET Process are currently in use, but effective December 1, 2025, revisions to Canadian regulations “will allow railroads operating in Canada to use a BET Process and its technology as an alternative to manual Class I brake tests without the need for an exemption.” The revisions resulted from “consultation with relevant Canadian bargaining agents” and “evaluation of data collected over multiple years,” among other factors. In support of the request, CPKC adds that the BET Process has resulted in benefits over a manual brake test, including better identification of conditions warranting action and over 16,000 additional automated single car air brake tests performed by mechanical employees since 2011.

Pursuant to 49 U.S.C. 20306, FRA may grant an exemption from the requirements of 49 U.S.C. 20303 only on the basis of (1) evidence developed at a hearing; or (2) an agreement between national railroad labor representatives and the developer of the equipment or technology at issue. FRA notes that the public hearing FRA previously held to address a similar request for exemption from Union Pacific Railroad (Docket Number FRA–2016–0018) addresses substantially the same issues as this current request. Thus, FRA believes a separate public hearing on the current request is unnecessary, and in considering CPKC’s request in this docket, FRA intends to rely on the findings of the hearing conducted in Docket Number FRA–2016–0018.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments.

Communications received by August 4, 2025 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. *Privacy Act*

Anyone can search the electronic form of any written communications and comments received into any of FRA’s dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these

comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2025–12484 Filed 7–2–25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2025–0048]

Notice of Petition for Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that Canadian Pacific Kansas City Limited (CPKC) and Union Pacific Railroad (UP) petitioned FRA for relief from certain regulations concerning air brake testing.

DATES: FRA must receive comments on the petition by August 4, 2025. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket 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 and docket number. 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

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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, FRA Motive Power & Equipment Division, telephone: 202–

¹ Section 232.103(e) requires trains to have operative and effective brakes on 85% of cars.