

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the Secretary****45 CFR Part 84****Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance; Clarification**

AGENCY: U.S. Department of Health and Human Services.

ACTION: Clarification.

SUMMARY: The Department of Health and Human Services (HHS or the Department) is issuing this document to clarify the non-enforceability of certain language that was included in the preamble to—but not the regulatory text of—the May 9, 2024, final rule titled “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.” Language in the preamble concerning gender dysphoria, which language is not included in the regulatory text, does not have the force or effect of law. Therefore, it cannot be enforced.

DATES: April 11, 2025.

FOR FURTHER INFORMATION CONTACT:

Sean R. Keveney, Acting General Counsel, 202–690–7741.

SUPPLEMENTARY INFORMATION: On May 9, 2024, HHS issued a final rule entitled “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance,” 89 FR 40066 (“2024 Section 504 Rule”). A portion of the preamble of that rule addresses whether “gender dysphoria can be a disability under section 504 [of the Rehabilitation Act of 1973] and the [American with Disabilities Act].” *Id.* at 40068–69. This preamble language does not have the force or effect of law; it cannot be enforced.

The regulatory text in the final rule does not say that gender dysphoria is a disability, *see id.* at 40180–82 (revising 45 CFR 84.4, which defines “disability”). The regulatory text incorporates and is consistent with the exclusions set forth in 29 U.S.C. 705(20)(F), which provides, *inter alia*, that “‘an individual with a disability’ does not include an individual on the basis of—. . . [] gender identity disorders not resulting from physical impairments. . . .” 45 CFR 84.4(g).

The Department is nonetheless concerned there has been significant confusion about the preamble language referencing gender dysphoria in the 2024 Section 504 Rule. It is well-

established that where, as here, the language included in the regulatory text itself is clear, statements made in the preamble to a final rule published in the **Federal Register**, lack the force and effect of law and are not enforceable. *See Kisor v. Wilkie*, 588 U.S. 558, 621 (2019) (“[t]he text of the regulation is treated as the law, and the agency’s policy judgment has the force of law only insofar as it is embodied in the regulatory text.”) (Gorsuch, J., concurring) (emphases in original); *see also Wyeth v. Levine*, 555 U.S. 555, 575 (2009) (language in preamble to regulation did not give rise to preemption: while “an agency regulation with the force of law can preempt conflicting state requirements,” “[w]e are faced with no such regulation in this case”); *AT&T Corp. v. Fed. Comm’n Comm’n*, 970 F.3d 344, 350 (D.C. Cir. 2020) ((holding that where “the regulation itself is clear” courts “need not evaluate either the regulatory preamble or any other document that itself lacks the force and effect of law” (quotation marks omitted))). Nevertheless, the Department out of an abundance of caution is issuing this notice to clarify and emphasize that such language is not, and never was, enforceable.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–06127 Filed 4–10–25; 8:45 am]

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DEPARTMENT OF COMMERCE**Office of the Secretary****48 CFR Part 1353**

[Docket No.: 250325–0051]

RIN 0605–AA69

Removal of Form CD 570 From the Commerce Acquisition Regulation

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce (Commerce) is issuing this final rule to remove the internal procedures of Form CD–570, small business review form, the Commerce Acquisition Regulation (CAR). The purpose of the administrative rulemaking is to transition internal policies from the public facing regulation to the internal Commerce Acquisition Manual (CAM).

DATES: Effective May 12, 2025.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr.

Edward Williams, Senior Procurement Analyst, at 240–482–5242, or by email at ewilliams1@doc.gov.

SUPPLEMENTARY INFORMATION:**Background**

Commerce is issuing this final rule to transition the internal procedures of completing the CD–570, small business review form, from the public. The purpose of the administrative rulemaking is to align the current and correct practices of the Department of Commerce with the documented process and procedures outlined in regulation and policy. The CD–570 remains a requirement, however, instruction for administration will reside within the CAM. This change allows faster transition of evolving policies and practices within Commerce without bringing disruption to external entities. Contracting Officers will be required to comply with the content requirements set forth in CAM 1319.70 when documenting their small business form for vetting.

Classification

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule is being issued in compliance with Executive Order 14192.

Pursuant to 5 U.S.C. 553(b)(A), the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking and the opportunity for public participation are inapplicable to rulemakings that are rules of agency organization, procedure, or practice. This rule only removes the instruction for completing Form CD–570 from the CAR but the instruction will remain in the CAM which will remain publicly available. This final rule is a routine organizational rule. Therefore, this rule qualifies for exemption and no public notice and comment period is required.

Additionally, Commerce finds good cause to waive the notice and public comment period for this rule because the effect of the rule does not place any burden on the public or require the public to undertake or cease any particular action. Therefore, a public notice and comment period would be unnecessary and qualifies for waiver under the APA (*see* 5 U.S.C. 553(b)(B)).

List of Subjects in 48 CFR Part 1353

Government procurement, Reporting and recordkeeping requirements.

Olivia J. Bradley,

Senior Procurement Executive and Director for Acquisition Management.

For the reasons set out in the preamble, the Department of Commerce amends 48 CFR part 1353 as follows:

PART 1353—FORMS

- 1. The authority citation for part 1353 continues to read as follows:

Authority: 41 U.S.C. 414; 48 CFR 1.301–1.304.

Subpart 1353.2—[Removed and Reserved]

- 2. Remove and reserve subpart 1353.2. [FR Doc. 2025–06215 Filed 4–10–25; 8:45 am]

BILLING CODE 3510–03–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 250407–0061]

RIN 0648–BN08

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan; Amendment 33; 2025–26 Biennial Specifications and Management Measures; Correcting Amendment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correcting amendment.

SUMMARY: NMFS is correcting the 2025–2026 harvest specifications and management measures for groundfish caught in the U.S. exclusive economic zone seaward of Washington, Oregon, and California published on December 16, 2024. These corrections are necessary to accurately implement the 2025–2026 specifications. This correcting amendment revises regulations to fully implement the recombination of shortspine thornyheads north and south of 34°27' N lat., by clarifying the coastwide quota share (QS) and quota pound (QP) accumulation limits are the same as the area-specific limits but are now managed coastwide. This correction also

revises the limited entry trip limits for shortspine thornyheads and sablefish, which were mis-specified in table 2b (South). Finally, this correction also fixes an amendatory instruction intended to correct instances of “Nontrawl” to “Non-trawl”.

DATES: This rule is effective April 11, 2025.

ADDRESSES: This rule is accessible at the Office of the Federal Register website at <https://www.federalregister.gov>. Background information and documents are available at the NMFS West Coast Region website at <https://www.fisheries.noaa.gov/action/amendment-33-pacific-coast-groundfish-fishery-management-plan-2025-2026-groundfish-harvest> and the Pacific Fishery Management Council’s website at <http://www.pcouncil.org/>.

FOR FURTHER INFORMATION CONTACT:

Keeley Kent, Supervisory Fishery Management Specialist, at 206–526–4655 or keeley.kent@noaa.gov.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (PCGFMP) and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish seaward of Washington, Oregon, and California. Based on recommendations from the Pacific Fishery Management Council (Council), NMFS develops groundfish harvest specifications and management measures for 2-year periods (*i.e.*, a biennium). NMFS published the final rule to implement harvest specifications and management measures for the 2025–2026 biennium for most species managed under the PCGFMP on December 16, 2024 (89 FR 101514) (final rule). That final rule was effective January 1, 2025. After publication of the final rule, NMFS noted the need for corrections to accurately implement the specifications as evaluated by the Council and approved by NMFS.

Corrections

The final rule inadvertently omitted changes to the quota share (QS) and quota pound (QP) accumulation limits that result from the combination of the shortspine thornyhead annual catch limits and Shorebased Individual Fishing Quota privileges that was implemented via the final rule. Prior to the recombination, the QS accumulation limit for shortspine thornyheads north of 34°27' N lat. was 6 percent and for shortspine thornyheads south of 34°27' N lat. was 6 percent. This correction clarifies in 50 CFR 660.140(d)(4)(i)(C) that the QS accumulation limit is now

6 percent for coastwide shortspine thornyheads. Similarly, prior to the recombination, the QP accumulation limit for shortspine thornyheads north of 34°27' N lat. was 9 percent and for shortspine thornyheads south of 34°27' N lat. was 9 percent. This correction clarifies in 50 CFR 660.140(e)(4)(i) that the QP accumulation limit is now 9 percent for coastwide shortspine thornyheads.

Consistent with revisions to the regulations in 50 CFR part 660 accomplished via the final rule, this correction also fixes six instances of “Nontrawl” to read “Non-trawl”. This correction also fixes an incorrect citation in 50 CFR 660.13(d)(4)(iv), by replacing it with 50 CFR 660.11, the correct citation for the definition of the directed open access fishery.

This correcting amendment also fixes three errors in table 2b (South) to part 660, subpart E. The final rule incorrectly left out the cumulative trip limit for shortspine thornyhead south of 34°27' N lat. for limited entry fixed gear (LEFG) participants. This correcting amendment revises table 2b (South) to part 660, subpart E, to set the trip limit for shortspine thornyhead south of 34°27' N lat. at 4,000 lb (1,814 kg) per 2 months. Additionally, this correcting amendment revises the incorrectly set LEFG limit for sablefish south of 36° N lat. The limit will now read “2,500 lb (1,134 kg) per week” rather than the current incorrect “2,500 lb (1,134 kg) per 2 months”. Finally, this correcting amendment revises the area specification for the longspine thornyhead LEFG limit so that it is set for the entire area south of 40°10' N lat. rather than just south of 34°27' N lat.

This correcting amendment also clarifies the formatting of the “Other flatfish” trip limits for the open access sector in table 3b (South) to part 660, subpart F.

Classification

NMFS is issuing this rule pursuant to 304(b) of the Magnuson–Stevens Fishery Conservation and Management Act (MSA). The NMFS Assistant Administrator for Fisheries (AA) has determined that this final rule is consistent with the MSA, the PCGFMP, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), the AA finds there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to public interest in clear and accurate regulations. This action corrects inadvertent errors and makes necessary clarifications to the final rule. Expedient correction of the errors and