

(h) Granting reasonable time extensions, suspending proceedings, or other relief for good cause shown in the Hearing Official's sole discretion.

(i) Issuing the final decision. The decision will include a determination of the validity and amount of the alleged debt and, where applicable, the repayment schedule. The Hearing Official will issue the decision as soon as practicable after the close of the record. Collection activity remains stayed until the decision is issued.

§ 961.9 (Rule 9) Oral hearing or submission on the written record.

(a) An oral hearing may be held at the sole discretion of the Hearing Official. An oral hearing may be conducted in person, by telephone, by video conference, or other appropriate means at the discretion of the Hearing Official. The Hearing Official will arrange for the preparation of a transcript of the hearing. That transcript will be the official record of the hearing. In the event of an unexcused absence of one of the parties, the hearing may proceed without the absent party.

(b) If an oral hearing is not held, the record may be supplemented with affidavits or declarations. The Hearing Official's decision will be based on the written submissions. Submission on the written record does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses.

§ 961.10 (Rule 10) Effect of Hearing Official's decision; motion for reconsideration.

(a) After the receipt of written submissions or after the conclusion of the hearing, the Hearing Official will issue a written decision. The decision will include findings of fact and conclusions of law.

(b) The Hearing Official will send each party a copy of the decision. The Hearing Official's decision is the final administrative determination on the employee's debt or repayment schedule, subject to a timely motion for reconsideration.

(c) A motion for reconsideration must be filed within 10 days from receipt of the decision and will be allowed only at the discretion of the Hearing Official. A motion for reconsideration by the employee will not stay any collection action authorized by the Hearing Official's decision.

§ 961.11 (Rule 11) Consequences for failure to comply with rules in this part.

(a) The Hearing Official may determine that the employee has waived their right to a hearing and that administrative offset may be initiated if

the employee does not show good cause for failing to file a timely petition.

(b) The Hearing Official may grant a petition, and as appropriate, invalidate a debt if, in the absence of good cause and after failing to comply with an order by the Hearing Official, the Postal Service fails to file a timely answer. If the petition is granted for this reason, the Postal Service will be prohibited from collecting the debt by involuntary administrative salary offset.

(c) If a party fails to comply with this part or the Hearing Official's orders, the Hearing Official may take reasonable and proper action under the circumstances, including dismissing, denying, or granting the petition as appropriate.

§ 961.12 (Rule 12) Ex parte communications.

Except as described in this section, a party may not communicate with a Hearing Official or other member of the Judicial Officer Department without the other party present. Exceptions:

(a) A Hearing Official or other member of the Judicial Officer Department may talk to a party individually to discuss procedural matters.

(b) A Hearing Official may talk to a party individually when a telephone conference or hearing has been scheduled and the other party does not appear.

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025-02338 Filed 2-7-25; 8:45 am]

BILLING CODE 7710-12-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

[Docket No. DOI-2022-0010]

RIN 1094-AA57

Practices Before the Department of the Interior; Delay of Effective Date

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Interim final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2025, from President Donald J. Trump, entitled "Regulatory Freeze Pending Review," this action delays the effective date of the interim final rule published on January 10, 2025, until March 21, 2025.

DATES: As of February 7, 2025, the effective date of the rule published at 90

FR 2332 on January 10, 2025, is delayed to a new effective date of March 21, 2025.

FOR FURTHER INFORMATION CONTACT:

Rachel R. Lukens, telephone: (703) 235-3810, email: Rachel.Lukens@oha.doi.gov. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or Tele Braille) 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: The interim final rule, "Practices Before the Department of the Interior," published on January 10, 2025, at 90 FR 2332, included a 30-day public comment period that ends on February 10, 2025. The effective date of the interim final rule is February 10, 2025. The Office of Hearings and Appeals (OHA) is taking this action in response to Memorandum M-25-10 of January 20, 2025, from the Executive Office of the President, Office of Management and Budget, Implementation of Regulatory Freeze, regarding the postponement of effective dates of certain published regulations. The memorandum directed the heads of Executive Departments and Agencies to consider postponing for sixty days from the date of the 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 rule may raise. OHA is delaying the effective date of the interim final rule published at 90 FR 2332 to March 21, 2025.

OHA is delaying the effective date of the interim final rule without opportunity for public comment and making the delay effective immediately, based on the good cause exemptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment on the delay is impracticable, unnecessary, and contrary to the public interest. The delay in effective date until March 21, 2025, is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the memorandum of the President, dated January 20, 2025. Given the imminence of the effective date of the interim final rule, seeking prior public comment on this delay is impractical, and contrary to

the public interest in the orderly promulgation and implementation of regulations. For the foregoing reasons, the good cause exception in 5 U.S.C.

553(d)(3) also applies to OHA's decision

to make this action effective immediately.

Charles Dankert,

*Senior Advisor to the Secretary, Exercising
the Delegated Authority of the Assistant
Secretary for Policy, Management and Budget.*

[FR Doc. 2025-02472 Filed 2-7-25; 8:45 am]

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