

Due to the lack of responsive bids from domestic manufacturers and based on its market research, ASPA has concluded that cranes that meet FRA's Buy America requirements are not domestically available. In the absence of a waiver, ASPA asserts that it would not be able to deliver the Project, as planned operations are not possible without two rubber-tired gantry cranes meeting ASPA's technical specifications.

#### VI. Discussion of Public Comments

Comments on the waiver were due December 4, 2024. As of December 6, 2024, FRA receive one public comment to the docket from the Transportation Trades Department (TTD), AFL-CIO. Additionally, FRA received an inquiry outside the public comment process from a U.S.-based manufacturer that represented it does produce BABA-compliant gantry cranes. FRA's Buy America requirements are distinct from BABA's and a product that meets BABA's requirements may not necessarily meet FRA's statutory requirements. FRA responded to the inquiry with additional clarification and did not receive any further response.

TTD's comment did not support the issuance of the waiver. TTD expressed concerns that the waiver would allow for further diversion of federal funds away from domestic manufacturers and would create opportunities for future automation activities and the reduction of workers at ports. Additionally, TTD, AFL-CIO discussed the importance of limiting waivers to maximize domestic manufacturing.

*FRA Response:* FRA appreciates the comment and the importance of ensuring that the federal government minimizes the impact on domestic manufacturing through the issuance of waivers. FRA notes that the ASPA engaged with domestic manufacturers and made a reasonable effort to ensure that the waiver included only products that could not be manufactured domestically. FRA also notes that this waiver is non-precedential, does not apply to other FRA recipients or projects, and will expire upon the end of the period of performance of the award. In addition, the waiver will facilitate delivery of the Montgomery Intermodal Container Transfer Facility (ICTF) for the Port of Mobile in Montgomery, Alabama, which will promote American jobs by supporting the transportation needs of Central Alabama's growing manufacturing, agricultural, and retail industries. The ICTF will serve international traffic that passes through the Port of Mobile. The primary function and purpose of the facility will be to transfer containers

between trucks, container stacks, and trains for existing and future industries in Montgomery and the surrounding area.

#### VII. NIST-MEP Supplier Scouting Results

Consistent with section 70916(c) of BABA, FRA requested that ASPA engage with the NIST-MEP through the NIST-MEP's supplier scouting program. The NIST-MEP supplier scouting opportunity allows agencies, manufacturers, and project sponsors to identify potential manufacturers from across the Nation to assist in market research on domestic availability. ASPA was not able to identify a domestic manufacturer for the components listed in the proposed waiver through the NIST-MEP supplier scouting program. This further supports FRA's conclusion that the components listed in the proposed waiver are not produced in the United States.

#### VIII. Findings and Final Waiver

FRA has determined that the two rubber-tired gantry cranes, including spreaders, that meet ASPA's technical specifications are not produced in the United States in a sufficient and reasonably available amount or satisfactory quality, consistent with 49 U.S.C. 22905(a)(2)(B). FRA finds ASPA has conducted appropriate due diligence through market research and an open procurement process to identify potential domestic suppliers for the products. ASPA's efforts included a market research study that identified one potential supplier; however, ASPA did not receive any responses to its RFP from domestic suppliers. Based on its review of the waiver request and ASPA's market research, FRA is waiving its Buy America requirements for the two rubber-tired gantry cranes, as requested by ASPA. FRA is not waiving any requirements under BABA, as the final waiver does not apply to construction materials used in the Project.

The final waiver will apply only to products listed above for use in the Project, as described in the grant agreement between FRA and ASPA. The final waiver will not apply to other FRA recipients or to other grants that might be made to ASPA for other projects. The final waiver will expire upon the end of the period of performance and closeout of the grant agreement for the project, estimated to be April 30, 2028.

Issued in Washington DC.

**Robert Andrew Feeley,**  
*Acting Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2025-0004]

#### Proposed Agency Information Collection Activities; Comment Request

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

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

**DATES:** Interested persons are invited to submit comments on or before August 19, 2025.

**ADDRESSES:** Written comments and recommendations for the proposed ICR should be submitted on [www.regulations.gov](http://www.regulations.gov) to Docket No. FRA-2025-0004. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130-0633) in any correspondence submitted. FRA will summarize comments received in a subsequent 30-day notice and include them in its information collection submission to OMB.

**FOR FURTHER INFORMATION CONTACT:** Ms. Arlette Mussington, Information Collection Clearance Officer, at email: [arlette.mussington@dot.gov](mailto:arlette.mussington@dot.gov) or telephone: (571) 609-1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: [joanne.swafford@dot.gov](mailto:joanne.swafford@dot.gov) or telephone: (757) 897-9908.

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites

interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires.

**Title:** Fatigue Risk Management Program for Certain Passenger and Freight Railroads.

**OMB Control Number:** 2130–0633.  
**Abstract:** In 2022, FRA issued a final rule that revised 49 CFR part 270—System Safety Program (SSP) and part 271—Risk Reduction Program (RRP) to require railroads subject to those rules<sup>1</sup> to include a fatigue risk management program (FRMP) as one part of their railroad safety risk reduction programs.<sup>2</sup> A railroad must adopt and implement its FRMP through an FRMP plan that the railroad has submitted to FRA for review and approval.<sup>3</sup> These FRMP requirements are found at part 270, subpart E—Fatigue Risk Management Programs and at part 271, subpart G—Fatigue Risk Management Programs.

FRA will use the information collected to ensure that railroads are developing and implementing an FRMP that meets regulatory requirements. FRA will also use the collected information to determine whether a railroad’s FRMP is improving railroad safety through the reduction of fatigue experienced by its safety-related railroad employees.

The purpose of an FRMP is to improve railroad safety through structured, systematic, and proactive processes and procedures that a railroad develops and implements to identify and mitigate the effects of fatigue on its employees.<sup>4</sup> A railroad must design its FRMP, in part, to reduce fatigue experienced by its safety-related railroad employees and to reduce the risk of railroad accidents, incidents, injuries, and fatalities where the fatigue of any of these employees is a contributing factor.<sup>5</sup> As part of a railroad’s SSP or RRP, each FRMP must

be an ongoing program that supports continuous safety improvement.<sup>6</sup> A railroad must include its FRMP in the annual internal assessment of its SSP or RRP, and FRA also includes FRMPs in its external audits of a railroad’s RRP or SSP to ensure that the railroad’s FRMP processes and procedures comply with the FRMP regulation.<sup>7</sup>

In this 60-day notice, FRA has made multiple adjustments to the estimated paperwork burdens. FRA’s estimate of all burden hours under this ICR has decreased from 1,440 hours to 436 hours, and the number of estimated responses decreased from 55 to 12. These adjustments reflect that most railroads have submitted their initial FRMP plans to FRA. This submission reflects burden estimates for only those railroads that must develop and implement a new FRMP or that are amending their existing plans. Because FRMPs are included as part of a railroad’s broader SSP or RRP, the estimated paperwork burdens associated with regulatory requirements related to railroad internal assessments and FRA external audits that involve an FRMP are covered under OMB Control Numbers 2130–0599 and 2130–0610.

**Type of Request:** Extension without change (with changes in estimates) of a currently approved collection.

**Affected Public:** Businesses.

**Form(s):** N/A

**Respondent Universe:** 6 Class I railroads, 15 ISP railroads, and 35 passenger rail operations.

**Frequency of Submission:** On occasion.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses (A)	Average time per response (hours) (B)	Total annual burden hours (C) = A * B	Wage rate <sup>8</sup>	Total annual dollar cost equivalent (D) = C * wage rates
<b>270.407 Requirements for a Fatigue Risk Management Program (FRMP)</b>						
270.407 An FRMP shall include an analysis of fatigue risks and mitigation strategies.	The estimated paperwork burden for this regulatory requirement is covered under § 270.409.					

<sup>1</sup> Part 270 applies to passenger rail operations (defined in 49 CFR 270.5 to mean “intercity, commuter, or other short-haul passenger rail service[s]”), and part 271 applies to Class I freight railroads, railroads that FRA determines demonstrate inadequate safety performance (ISP), and freight railroads that elect to voluntarily comply with part 271. *See* 49 CFR 270.3 and 271.3(a).

<sup>2</sup> 87 FR 35660–35675 (June 13, 2022). FRA issued the RRP, SSP, and FRMP final rules to implement a mandate in the Rail Safety Improvement Act of

2008 stating that FRA must require certain railroads to develop and implement a railroad safety risk reduction program that includes a fatigue management plan as one of its components. 49 U.S.C. 20156(d)(2) and (f).

<sup>3</sup> §§ 270.409(a) and 271.609(a). A railroad must also consult with its directly affected employees and use good faith and best efforts to reach agreement with the employees on the contents of its FRMP plan. *Id.*

<sup>4</sup> §§ 270.403(a) and 271.603.

<sup>5</sup> §§ 270.403(b)(1) and 271.603(b)(1).

<sup>6</sup> §§ 270.103(p)(1)(vii) and 271.101(a).

<sup>7</sup> §§ 270.303, 270.305, 270.405, 271.401, 271.501, and 271.605.

<sup>8</sup> The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional Administrative Staff) hourly wage rate of \$50.93. The total burden wage rate (straight time plus 75%) used in the table is \$89.13 (\$50.93 × 1.75 = \$89.13).

## REPORTING BURDEN—Continued

CFR section	Respondent universe	Total annual responses  (A)	Average time per response (hours)  (B)	Total annual burden hours  (C) = A * B	Wage rate <sup>8</sup>	Total annual dollar cost equivalent  (D) = C * wage rates
270.409 Requirements for an FRMP plan						
270.409(a) through (d)— New FRMP Plan as part of its SSP containing the following elements: • Analysis of fatigue risk • Mitigation strategies • Evaluation—processes to monitor the overall effectiveness of the FRMP. • FRMP implementation plan • Consultation with directly affected employees on FRMP plan contents.	35 Passenger rail operations	1	77.5	77.5	\$89.13	\$6,907.58
—Initial meeting with FRA to review FRMP plan..	35 Passenger rail operations	1	16	16	89.13	1,426.08
—Amendments to FRMP plans already approved (§ 270.405(d)).	35 Passenger rail operations	2	20	40	89.13	3,565.20
271.607 Requirements for an FRMP						
271.607 An FRMP shall include an analysis of fatigue risks and mitigation strategies.	The estimated paperwork burden for this regulatory requirement is covered under § 271.609.					
271.609 Requirements for an FRMP Plan						
271.609(a) through (d)— New FRMP Plan as part of its RRP containing the following elements: • Analysis of fatigue risk • Mitigation strategies • Evaluation—processes to monitor the overall effectiveness of the FRMP. • FRMP implementation plan • Consultation with directly affected employees on FRMP plan contents.	6 Class I railroads	FRA anticipates there will be no new Class I FRMPs submitted over the next three-year period.				
—Initial meeting with FRA to review FRMP plan.	15 ISP railroads	2	76	152	89.13	13,547.76
—Amendments to FRMP plans already approved (§ 271.605(d)).	6 Class I railroads	FRA anticipates there will be no new Class I FRMPs submitted over the next three-year period.				
	15 ISP railroads	2	16	30	89.13	2,673.90
	6 Class I railroads	2	40	80	89.13	7,130.40
	15 ISP railroads	2	20	40	89.13	3,565.20
Totals	35 Passenger rail operations; 6 Class I railroads; and 15 ISP railroads.	12 responses	N/A	436		38,816

Total Estimated Annual Responses: 12.

Total Estimated Annual Burden: 436.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$38,816.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,  
Deputy Chief Counsel.

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## DEPARTMENT OF THE TREASURY

## Office of the Comptroller of the Currency

[Docket ID OCC–2025–0042]

## Guidance on Referrals for Potential Criminal Enforcement

**ACTION:** Notice.

**SUMMARY:** This notice describes Office of the Comptroller of the Currency's (OCC) plans to address criminally liable regulatory offenses under the recent executive order on Fighting Overcriminalization in Federal Regulations.

## FOR FURTHER INFORMATION CONTACT:

Chief Counsel's Office, (202) 649–5490, Office of the Comptroller of the

Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:** On May 9, 2025, the President issued Executive Order (“E.O.”) 14294, Fighting Overcriminalization in Federal Regulations. 90 FR 20363 (published May 14, 2025). Section 7 of E.O. 14294 provides that within 45 days of the order, and in consultation with the Attorney General, each agency should publish guidance in the **Federal Register** describing its plan to address criminally liable regulatory offenses.

Consistent with that requirement, the OCC advises the public that by May 9, 2026, the OCC, in consultation with the Attorney General, will provide to the