

E. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

F. Takings (E.O. 12630)

This rule does not effect a taking of private property or otherwise have takings implications under E.O. 12630. Therefore, a takings implication assessment is not required.

G. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. Therefore, a federalism summary impact statement is not required.

H. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

I. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in E.O. 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required.

J. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not

required to respond to, a collection of information unless it displays a currently valid OMB control number.

K. National Environmental Policy Act

A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because, as a regulation of an administrative nature, the rule is covered by a categorical exclusion (*see* 43 CFR 46.210(i)). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

L. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. Therefore, a Statement of Energy Effects is not required.

List of Subjects 43 CFR Part 3160

Administrative practice and procedure; Government contracts; Indians—lands; Mineral royalties; Oil and gas exploration; Penalties; Public lands—mineral resources; Reporting and recordkeeping requirements.

For the reasons given in the preamble, the BLM amends chapter II of title 43 of the Code of Federal Regulations as follows:

PART 3160—ONSHORE OIL AND GAS OPERATIONS

- 1. The authority citation for part 3160 continues to read as follows:

Authority: 25 U.S.C. 396d and 2107; 30 U.S.C. 189, 306, 359, and 1751; 43 U.S.C. 1732(b), 1733, 1740; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

Subpart 3163—Noncompliance, Assessments, and Penalties

§ 3163.2 [Amended]

- 2. In § 3163.2:
 - a. In paragraph (b)(1), remove “\$1,096” and add in its place “\$1,115”;
 - b. In paragraph (b)(2), remove “\$10,967” and add in its place “\$11,160”;
 - c. In paragraph (d), remove “\$1,096” and add in its place “\$1,115”;
 - d. In paragraph (e) introductory text, remove “\$21,933” and add in its place “\$22,320”; and

- e. In paragraph (f) introductory text, remove “\$54,833” and add in its place “\$55,800”.

Casey B. Hammond,

Acting Assistant Secretary—Land and Minerals Management, U.S. Department of the Interior.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

49 CFR Part 93

RIN 2105–AE86

Repeal of Aircraft Allocation Regulations

AGENCY: Office of the Secretary of Transportation (OST), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule rescinds DOT regulations regarding aircraft allocation from the Code of Federal Regulations. The regulations prescribe procedures for the allocation of aircraft to the Civil Reserve Air Fleet (CRAF) program. The Department of Transportation (the Department or DOT) has concluded that the regulations are unnecessary and obsolete because they are inconsistent with the contractual nature of the current CRAF program and the Department's current procedures for allocation of civil transportation resources under the Defense Production Act.

DATES: This rule is effective on February 25, 2020.

FOR FURTHER INFORMATION CONTACT: Donna O'Berry, Office of Intelligence, Security, and Emergency Response, Department of Transportation, 1200 New Jersey Avenue SE, Room W56–302, Washington, DC 20590; telephone: (202) 366–6136; email: donna.o'berry@dot.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document may be viewed online through the Federal eRulemaking portal at <http://www.regulations.gov>. Retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days a year. An electronic copy of this document may also be downloaded from the Office of the Federal Register website at: <https://www.archives.gov/federal-register> and the Government Publishing Office website at: <https://www.gpo.gov>.

Background

Under the Defense Production Act, which governs the CRAF program, aircraft may be added to the CRAF either by allocation by DOT or made available to Department of Defense (DOD) under a contract.¹ 10 U.S.C. 9511(6). The Department's Aircraft Allocation regulations to implement this provision were published in part 93 of title 49 of the Code of Federal Regulations on December 23, 1967,² and amended on May 29, 1968.³ Part 93 includes two requirements. Section 93.1 provides that the Department will issue planning orders allocating aircraft to DOD for the CRAF Program and that the current listing of allocations may be obtained upon request. Section 93.3 provides that the owners and operators of aircraft identified in the allocations must notify the Department when aircraft is damaged, destroyed, or transferred.

The requirements in part 93 are inconsistent with the current regulatory framework and practices surrounding the CRAF Program. Under current DOD practice, all aircraft in the CRAF are made available for use by DOD through contracts between DOD and air carriers, and allocations by DOT are not needed. Further, allocations under the Defense Production Act for all civil transportation resources are now governed by the Department's Transportation Priorities and Allocation System (TPAS) regulation at 49 CFR part 33. If DOD needs to augment the CRAF fleet, DOT may allocate aircraft to CRAF under section 101 of the Defense Production Act of 1950 (50 U.S.C. 4511) under the Department's TPAS regulations. Part 93 is not necessary to facilitate these allocation actions. The procedures in part 93 are inconsistent with the TPAS regulations. Part 93 also imposes reporting requirements on the owners of aircraft identified in an allocation. However, the Department does not have a need for the information prescribed in § 93.3.

In light of the above, the Department has determined that part 93 is outdated and inconsistent with current practice and procedures. Accordingly, this

rulemaking rescinds part 93 of title 49 of the CFR in its entirety.

Good Cause To Dispense With Notice and Comment and Delayed Effective Date

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive notice and comment procedures if it finds, for good cause, that notice and comment would be impracticable, unnecessary, or contrary to the public interest. The Department finds that notice and comment for this rule is unnecessary because the regulations are inconsistent with the current administration of the CRAF program and the regulations prescribing DOT's allocation process under the Defense Production Act. Further, neither the Department, nor CRAF carriers are currently complying with these outdated regulations. Therefore, the removal of these regulations will have no impact on the aviation industry or the public. Accordingly, the Department finds good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for comment. For the same reasons, the Department finds good cause to dispense with the requirement for a delayed effective date.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review)

The Department has determined that this rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866, Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, January 21, 2011). The Office of Management and Budget (OMB) did not, therefore, review this document. This rule is not expected to have any costs because it will be conforming the regulations to current practice. There may be *de minimis* cost savings as a result of increased clarity in the regulations.

DOT Rulemaking Procedures

This rulemaking is being promulgated consistent with the Department's rulemaking procedures, outlined at 49 CFR part 5.

Executive Order 13711 (Reducing Regulation and Controlling Regulatory Cost)

This final rule is considered an E.O. 13711 deregulatory action.

Regulatory Flexibility Act

Since the Department finds good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for

comment for this rule, the provisions of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612) do not apply. However, the Department evaluated the effects of this action on small entities and determined the action would not have a significant economic impact on a substantial number of small entities. This final rule removes an outdated reporting requirement for air carriers participating in the CRAF program, and does not create new requirements for air carriers.

Unfunded Mandates Reform Act of 1995

The Department has determined that this rule does not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This rule does not include a Federal mandate that may result in expenditures of \$155.1 million or more in any single year (when adjusted for inflation) in 2012 dollars for either State, local, and Tribal governments in the aggregate, or by the private sector.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. DOT determined that no new information collection requirements are associated with this rule.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations.

The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 93

Aircraft, Reporting and recordkeeping requirements.

Authority and Issuance

PART 93—[REMOVED AND RESERVED]

■ Therefore, under the authority of 50 U.S.C. 4511, DOT removes and reserves 49 CFR part 93.

Issued in Washington, DC, under the authority provided by 49 CFR 1.23 on February 6, 2020.

Steven G. Bradbury,
General Counsel.

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¹ Section 9511 of Title 10, U.S.C. defines the “Civil Reserve Air Fleet” as “those aircraft allocated, or identified for allocation, to the Department of Defense under section 101 of the Defense Production Act of 1950 (50 U.S.C. 4511), or made available (or agreed to be made available) for use by the Department of Defense under a contract made under this title, as part of the program developed by the Department of Defense through which the Department of Defense augments its airlift capability by use of civil aircraft.”

² See 32 FR 20778 (December 23, 1967).

³ See 33 FR 7821 (May 29, 1968).