

be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

**(k) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2019-0091, dated April 26, 2019, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0500.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3225.

**(l) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus A310 Airworthiness Limitations Section (ALS), Part 2, Damage Tolerant Airworthiness Limitation Items (DT-ALI), Revision 03, dated December 14, 2018.

(ii) Airbus A310 Airworthiness Limitations Section (ALS), Part 2, Damage Tolerant Airworthiness Limitation Items (DT-ALI), Variation 3.1, Issue 01, dated December 20, 2018.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); internet <http://www.airbus.com>.

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Des Moines, Washington, on October 3, 2019.

**Dionne Palermo,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Safety and Environmental Enforcement**

**30 CFR Part 250**

**Bureau of Ocean Energy Management**

**30 CFR Part 585**

[201E1700D2 ET1SF0000.EAQ000 EEEE500000]

**Department of the Interior Policy Statement on Regulating Workplace Safety and Health Conditions on Renewable Energy Facilities on the Outer Continental Shelf**

**AGENCY:** Bureau of Ocean Energy Management, Interior; Bureau of Safety and Environmental Enforcement, Interior.

**ACTION:** Notification of policy statement.

**SUMMARY:** This policy statement clarifies the role of the Department of the Interior (DOI) in regulating workplace safety and health conditions on renewable energy facilities on the Outer Continental Shelf (OCS). This policy does not apply to workplace safety and health requirements for OCS marine hydrokinetic (*i.e.*, wave, tidal, and ocean current) energy projects, for which operational requirements are within the jurisdiction of the Federal Energy Regulatory Commission, or OCS renewable energy facility support vessels, which are under the authority of the United States Coast Guard (USCG).

**DATES:** This policy statement is effective on October 18, 2019.

**FOR FURTHER INFORMATION CONTACT:** Cheri Hunter, Bureau of Safety and Environmental Enforcement Renewable Energy Program Coordinator, (703) 787-1681, or by email: [cheri.hunter@bsee.gov](mailto:cheri.hunter@bsee.gov).

**SUPPLEMENTARY INFORMATION:**

**Authority**

The Energy Policy Act of 2005, Public Law 109-58, amended the Outer Continental Shelf Lands Act (OCSLA) to grant the Secretary of the Interior (Secretary) the authority to oversee renewable energy activities on the OCS (43 U.S.C. 1337(p)). Under section 8(p) of OCSLA, the Secretary has the authority to issue leases, rights-of-way (ROW), and rights-of-use and easements (RUE) on the OCS for activities that produce, or that support the production, transportation, or transmission of, energy from sources other than oil and gas, not otherwise authorized by other

laws. Section 8(p) also gives the Secretary the specific authority to issue regulations to implement its provisions.<sup>1</sup>

Pursuant to 43 U.S.C. 1337(p)(4)(A), the Secretary has the statutory authority to ensure that activities conducted on renewable energy leases are carried out in a manner that provides for safety. The DOI has exercised this authority by promulgating regulations that govern renewable energy activities, set forth in 30 CFR part 585, including provisions to ensure that renewable energy activities on the OCS and activities involving the alternate use of OCS facilities for energy or marine-related purposes are conducted in a safe and environmentally sound manner, in conformance with the requirements of subsection 8(p) of the OCS Lands Act, other applicable laws and regulations, and the terms of the lease, ROW grant, RUE grant, or Alternate Use RUE grant.<sup>2</sup> These include requirements for Safety Management Systems and self-inspections, as well as provisions for agency-conducted inspections, incident reporting, investigations, and enforcement. See Memorandum of Understanding between the U.S. Department of the Interior and Federal Energy Regulatory Commission, Apr. 9, 2009.

**DOI Regulatory Requirements Regarding Workplace Safety and Health**

Under 30 CFR part 585, subpart H, regulated entities<sup>3</sup> must implement a Safety Management System (SMS) for activities conducted on OCS renewable energy leases.<sup>4</sup> An SMS provides a structured approach for the identification of hazards and risks, management of risks through identified methods, implementation of policies and procedures to ensure safety, and periodic assessment of conformance to expectations. An SMS addresses the management of both occupational and process safety risks associated with construction, operation, maintenance, and decommissioning of renewable energy facilities.

In addition to SMS requirements, DOI has promulgated regulations requiring self- and agency-conducted inspections

<sup>1</sup> 43 U.S.C. 1337(p)(8).

<sup>2</sup> 30 CFR 585.101(c).

<sup>3</sup> The requirements are applicable to "You," which is defined to include "an applicant, lessee, the operator, or designated operator, ROW grant holder, RUE grant holder, or Alternate Use RUE grant holder under this part, or the designated agent of any of these, or the possessive of each, depending on the context," as well as "contractors and subcontractors of the entities" listed previously. 30 CFR 585.112.

<sup>4</sup> 30 CFR 585.810.

and incident and equipment failure reporting, and providing a range of enforcement tools.<sup>5</sup>

If a regulated entity fails to design projects or conduct activities in a manner that ensures safety, or otherwise fails to comply with all applicable laws and regulations, DOI's available enforcement actions include issuing noncompliance notices, ordering cessation of activities, cancelling a lease or grant, and assessing civil penalties.<sup>6</sup>

### Role of DOI

DOI will act as the principal Federal agency for the regulation and enforcement of safety and health requirements for OCS renewable energy facilities.<sup>7</sup> DOI considers its regulatory program, described in part above, to occupy the field of workplace safety and health for personnel and others on OCS renewable energy facilities, and to preempt the applicability of Occupational Safety and Health Administration (OSHA) regulations. *See* 29 U.S.C. 653(b)(1).

In carrying out its responsibilities on the OCS, DOI will collaborate and consult with OSHA on the applicability and appropriateness of workplace safety and health standards for the offshore wind industry and other offshore renewable energy industries.

In addition, DOI will continue to collaborate with the USCG to share relevant safety and training information and promote safety on the OCS.

In implementing this policy statement, DOI may amend its regulations or issue guidance related to the workplace health or safety of employees on renewable energy facilities on the OCS.

### Casey Hammond,

*Acting Assistant Secretary, Land and Minerals Management.*

[FR Doc. 2019-22826 Filed 10-17-19; 8:45 am]

**BILLING CODE 4310-VH-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2019-0833]

RIN 1625-AA00

#### Safety Zone; Allegheny River Mile 14.7 to Mile 15, Cheswick, PA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for all navigable waters of the Allegheny River from mile 14.7 to mile 15. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a barge-based fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by Captain of the Port Marine Safety Unit Pittsburgh or a designated representative.

**DATES:** This rule is effective from 7:30 p.m. through 9:30 p.m. on October 19, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2019-0833 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MST2 Charles Morris, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412-221-0807, email [Charles.F.Morris@uscg.mil](mailto:Charles.F.Morris@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary

to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. After receiving and fully reviewing the event information, circumstances and exact location, the Coast Guard determined that a safety zone was necessary to protect personnel, vessels, and the marine environment from potential hazards created from a barge based firework display. It would be impracticable to complete the full NPRM process for this safety zone because we need to establish it by October 19, 2019 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to protect personnel, vessels, and the marine environment from potential hazards created by the barge based fireworks display.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Marine Safety Unit Pittsburgh (COTP) has determined that a safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created from a barge based firework display.

##### IV. Discussion of the Rule

This rule establishes a safety zone on October 19, 2019, from 7:30 p.m. through 9:30 p.m. The safety zone will cover all navigable waters on the Allegheny River from mile 14.7 to mile 15. The duration of the safety zone is intended to protect personnel, vessels, and the marine environment from potential hazards created by a barge based firework display.

No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A commissioned representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of the COTP. To seek permission to enter, contact the COTP or a designated representative via VHF-FM channel 16, or through Marine Safety Unit Pittsburgh at 412-221-0807. Persons and vessels permitted to enter the safety

<sup>5</sup> 30 CFR 585.400-585.402, 585.813-585.833.

<sup>6</sup> 30 CFR 585.400-585.402.

<sup>7</sup> DOI notes that the USCG regulations do not extend to workplace safety on OCS renewable energy facilities.