

increase the incentives and ability of the remaining firms to coordinate.

#### V. Entry

Entry into the Low-Density Foam markets would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the proposed Acquisition. A new entrant with a single pouring plant would face significant barriers to entry, such as higher procurement costs for critical inputs, including the various chemicals, which make up a substantial portion of the cost of polyurethane foam. No new polyurethane foam pouring plants have opened in the Pacific Northwest, the Midwest States or Mississippi for many years. In fact, the number of plants in these regions has steadily decreased as industry participants have consolidated and closed numerous overlapping plants.

#### VI. The Consent Agreement

The Consent Agreement eliminates the competitive concerns raised by the proposed Acquisition by requiring the merging parties to divest foam-pouring plants located in Kent, Washington; Elkhart, Indiana; and Tupelo, Mississippi to Future Foam, a privately held competitor based in Council Bluffs, Iowa. Future Foam is a leading producer of low-density conventional foam but currently has a limited presence in the Pacific Northwest, Mississippi, and the Midwest States. The divestiture package consists of the following assets and rights: FXI's Kent, Washington polyurethane foam plant, Innocor's Elkhart, Indiana plant, and Innocor's Tupelo, Mississippi plant, including each plant's production facilities, warehouses, storage facilities, equipment, offices, fabricating operations, transportation assets, and all other related businesses, operations and assets; formulas, technologies and other intangible rights and property relating to the facilities; and licenses to shared intellectual property. Additionally, the Order requires that, at the request of Future Foam, FXI must provide transitional assistance for up to twelve months following the divestiture date. These services include logistical and administrative support. The Order also includes other standard terms designed to ensure the viability of the divested business. The provisions of the proposed Consent Agreement positions Future Foam to become an effective competitor in the markets for Low-Density Foam in the Pacific Northwest, the Midwest States, and Mississippi in order to maintain the competition that currently exists.

Under the Order, FXI is required to divest the three plants no later than 10 days from the close of its acquisition of Innocor. If the Commission determines that Future Foam is not an acceptable acquirer, or that the manner of the divestitures is not acceptable, the Order requires FXI to either unwind the sale of rights and assets to Future Foam and then divest the assets to a Commission-approved acquirer within 120 days of the date the Order becomes final, or modify the divestiture to Future Foam in the manner the Commission determines is necessary to satisfy the requirements of the Order.

The Order also requires a monitor to oversee FXI's compliance with the obligations set forth in the Order. If FXI does not fully comply with the divestiture and other requirements of the Order, the Commission may appoint a Divestiture Trustee to divest the three facilities and perform FXI's other obligations consistent with the Order. The Order also requires that FXI and One Rock Capital shall not, without providing advance written notification to the Commission, acquire any polyurethane foam production plant in the states of Indiana, Michigan, Mississippi, Ohio, Oregon, and Washington for a period of ten years from the date the Order is issued.

The purpose of this analysis is to facilitate public comment on the Consent Agreement to aid the Commission in determining whether it should make the Consent Agreement final. This analysis is not an official interpretation of the proposed Consent Agreement and does not modify its terms in any way.

By direction of the Commission.

**April J. Tabor,**  
*Acting Secretary.*

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**BILLING CODE 6750-01-P**

#### GENERAL SERVICES ADMINISTRATION

**[Notice-PBS-2020-02; Docket No. 2020-0002; Sequence No. 7]**

#### **Notice of Availability of a Record of Decision for the Construction of a New U.S. Land Port of Entry in Madawaska, Maine, and a New Madawaska-Edmundston International Bridge**

**AGENCY:** Public Buildings Service (PBS), General Services Administration (GSA); Federal Highway Administration (FHWA); Maine Department of Transportation (MaineDOT).

**ACTION:** Notice of availability of a Record of Decision.

**SUMMARY:** Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations, GSA Order ADM 1095.1F Environmental Considerations in Decision Making, the GSA PBS NEPA Desk Guide, the FHWA Policy Guide, and FHWA's Environmental Impact and Related Procedures, the GSA PBS, FHWA, and MaineDOT, in cooperation with the U.S. Coast Guard and in coordination with the U.S. Customs and Border Protection (CBP), announce the availability of a Record of Decision (ROD) for the proposed new U.S. land port of entry (LPOE) in Madawaska, Maine, and new International Bridge between Madawaska, Maine, and Edmundston, New Brunswick, Canada. **ADDRESSES:** GSA, FHWA, and MaineDOT will have copies of the ROD for review at the Town of Madawaska Town Office on 328 St. Thomas Street, Suite 101, Madawaska, Maine 04756. Further information, including an electronic copy of the ROD, may be found online on the following websites:

- [gsa.gov/madawaskalpo](https://www.maine.gov/mdot/planning/studies/meib/)
- <https://www.maine.gov/mdot/planning/studies/meib/>

**FOR FURTHER INFORMATION CONTACT:** Alexas Kelly, Project Manager, GSA, New England Region, 10 Causeway Street, 11th Floor, Boston, MA 02222, by phone at 617-549-8190, or by email at [alexandria.kelly@gsa.gov](mailto:alexandria.kelly@gsa.gov); or Cheryl Martin, Assistant Division Administrator, FHWA, Edmund S. Muskie Federal Building, 40 Western Avenue, Room 614, Augusta, ME 04330, by phone at 207-512-4912, or by email at [cheryl.martin@dot.gov](mailto:cheryl.martin@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of the Proposed Action is to provide for the long-term safe and efficient flow of current and projected traffic volumes, including the movement of goods and people between Edmundston, New Brunswick, and Madawaska, Maine. The Proposed Action is needed because (1) the existing International Bridge is nearing the end of its useful life, and (2) the existing Madawaska LPOE is substandard, inhibiting the agencies assigned to the LPOE from adequately fulfilling their respective missions.

The existing Madawaska-Edmundston International Bridge opened to traffic in 1921 and its design life has been exceeded. Notable bridge deficiencies are (1) substandard roadway width and clearance, (2) foundation susceptible to undermining, (3) piers cracked and

deteriorated, (4) significant steel corrosion, (5) bridge capacity is insufficient, and (6) deficiencies prompting the bridge posting on October 27, 2017, from 50 tons to 5 tons.

A Final Environmental Impact Statement (FEIS) and ROD were published in January 2007, which addressed the construction of a new Madawaska LPOE.

Built in 1959, the current LPOE suffers from facility, operational, and site deficiencies, and does not meet current CBP mission and operational requirements for a LPOE. A few noted deficiencies: (1) Lack of office and inspection areas, (2) deficient inbound and outbound passenger and commercial processing areas, (3) inadequate queuing space for vehicles, and (4) inability to meet the Architectural Barriers Act. In furtherance of the LPOE Project, GSA previously acquired approximately nine acres of land but did not commence construction.

A Supplemental Environmental Impact Statement (SEIS) was needed due to a change in circumstance: The decision by MaineDOT and New Brunswick Department of Transportation and Infrastructure (NBTTI) to include alternatives for addressing deficiencies to the existing Madawaska—Edmundston International Bridge. The SEIS addresses changes to the Proposed Action, including an updated design in accordance with current GSA and CBP requirements, a new International Bridge, and additional land acquisition.

A Final Supplemental Environmental Impact Statement (FSEIS)/Final Programmatic Section 4(f) Evaluation were issued for public review and comment on October 4, 2019. The FSEIS identified the Preferred Alternative for the new U.S. LPOE and new International Bridge location and design; described the environmental impacts of the proposed project and proposed mitigation; and addressed comments received on the Draft Supplemental Environmental Impact Statement/Draft Programmatic Section 4(f) Evaluation issued on November 26, 2018. The 30-day comment period for the FSEIS/Final Programmatic Section 4(f) ended on November 4, 2019.

The ROD states what the decision is; identifies the alternatives considered, including the environmentally preferred alternative; and discusses mitigation plans, including enforcement and monitoring commitments. In the ROD, the agencies discuss all the factors that were contemplated when reaching their decision on whether to, and if so how to, proceed with the Proposed Action.

The ROD discusses all practical means to avoid or minimize environmental harm that have been adopted.

The GSA considered three build alternatives for the LPOE FSEIS/Final Programmatic Section 4(f) Evaluation; the FHWA and MaineDOT considered three build alternatives for the International Bridge. The Selected Alternative is identified as LPOE Alternative C and Bridge Alternative 2 from the FSEIS/Final Programmatic Section 4(f) Evaluation. LPOE Alternative C and Bridge Alternative 2 are the environmentally preferred alternatives for the LPOE and International Bridge, respectively.

LPOE Alternative C was identified as the Preferred LPOE Alternative because it furthers the purpose of the project and satisfies the needs for the project. The Preferred LPOE Alternative: (1) Provides enough space for safe and efficient flow of traffic through the LPOE; (2) provides enough space for the operations of the LPOE to function efficiently; (3) meets MaineDOT's access management guidelines and the entrance and exit to the LPOE would be approved by MaineDOT; (4) provides a safer location and distance between the outbound and inbound driveways; (5) provides enough open space to accommodate the necessary length of road to descend from the bridge landing elevation (538) to the elevation of Mill Street (520) without a steep road grade, and provides safer maintenance and circulation in winter conditions; (6) provides increased line of sight, safety and security for CBP personnel to carry out their mission and operations; (7) allows inbound and outbound driveways to connect to Mill Street, eliminating the need for B-trains to use Main Street; and, (8) provides enough space for seasonal snow storage and future expansion.

Bridge Alternative 2 was identified as the Preferred Bridge Alternative because, although it would have one more pier in the Saint John River than another alternative considered, the piers to support the bridge would be smaller, decreasing the risks for ice jamming in the river. While Bridge Alternative 2 would have similar construction impacts and comparable costs (both construction and long-term operation and maintenance) to other alternatives, Bridge Alternative 2 would take approximately six months less time to construct.

The FSEIS/Final Programmatic Section 4(f) Evaluation includes a comprehensive summary of the mitigation measures and commitments from the GSA, FHWA, and MaineDOT in support of the development of the

Preferred LPOE Alternative and the Preferred Bridge Alternative to further avoid and minimize adverse impacts.

Dated: February 11, 2020.

**Glenn Rotondo,**

*Regional Commissioner, Public Buildings Service.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier CMS-10146, CMS-10062, CMS-10242 and CMS-685]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by April 1, 2020.

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax