

with this rulemaking will be filed in the docket.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [https://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](https://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

#### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### Background

The FAA is proposing removal of V-482 due to tree encroachment on the Johnstone Point VOR/DME that renders the airway unusable. The Johnstone Point VOR/DME is located on Hinchinbrook Island, with no bridges or roads to access the island except a small landing strip. It is cost prohibitive to mitigate the tree encroachment. There are 3 other airways (V-481, B-25, and T-226) with a more direct route to Gulkana, AK. Additionally, IFR traffic could receive air traffic control (ATC) radar vectors through the area. Visual flight rules pilots who elect to navigate via the airways through the affected area could also take advantage of the adjacent ATS routes or ATC service listed previously.

#### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to remove Alaskan VOR Federal airway V-482.

V-482: V-482 currently extends between Johnstone Point, AK to Gulkana, AK. This action proposes to remove the entire route.

Alaskan VOR Federal Airways are published in paragraph 6010(b) of FAA Order 7400.11D dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Alaskan VOR Federal Airway listed in this document will be subsequently published in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

#### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019 and effective September 15, 2019, is amended as follows:

*Paragraph 6010(b) Alaskan VOR Federal Airways.*

\* \* \* \* \*

#### V-482 [Remove]

\* \* \* \* \*

Issued in Washington, DC, on June 12, 2020.

**Scott M. Rosenbloom,**

*Acting Manager, Rules and Regulations Group.*

[FR Doc. 2020-13132 Filed 6-18-20; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 166

[Docket No. USCG-2019-0279]

RIN 1625-AC57

#### Shipping Safety Fairways Along the Atlantic Coast

**AGENCY:** Coast Guard, DHS.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Coast Guard seeks comments regarding the possible establishment of shipping safety fairways ("fairways") along the Atlantic Coast of the United States identified in the Atlantic Coast Port Access Route Study. This potential system of fairways is intended to ensure that traditional navigation routes are kept free from obstructions that could impact navigation safety.

**DATES:** Comments and related material must be received by the Coast Guard on or before August 18, 2020.

**ADDRESSES:** You may submit comments identified by docket number USCG-2019-0279 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email George Detweiler, Coast Guard; telephone 202-372-1566, email [George.H.Detweiler@uscg.mil](mailto:George.H.Detweiler@uscg.mil).

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**I. Public Participation and Request for Comments**

The Coast Guard views public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this potential rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit your comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If you cannot submit your material by using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this advance notice of proposed rulemaking document (ANPRM) for alternate instructions. Documents mentioned in this ANPRM as being available in the docket, and all public comments, will be available in our online docket at <https://www.regulations.gov>, and can be viewed by following that website's instructions. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments are posted or if a notice of proposed rulemaking is published.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

The Coast Guard does not plan to hold a public meeting, but we will

consider doing so if public comments indicate that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

**II. Abbreviations**

ACPARS Atlantic Coast Port Access Route Study  
 AIS Automatic Identification System  
 BOEM Bureau of Ocean Energy Management  
 DHS Department of Homeland Security  
 EEZ Exclusive Economic Zone  
 FR Federal Register  
 PARS Port Access Route Study  
 § Section  
 U.S.C. United States Code  
 UNCLOS United Nations Convention of the Law of the Sea

**III. Background**

This advanced notice of proposed rulemaking (ANPRM) seeks comments regarding the possible establishment of shipping safety fairways ("fairways") along the Atlantic Coast of the United States based on navigation safety corridors identified in the Atlantic Coast Port Access Route Study (ACPARS). In this section, we provide background information on fairways, ACPARS, and related port access route studies.

**A. Shipping Safety Fairways**

Section 70003 of Title 46 United States Code directs the Secretary of the department in which the Coast Guard resides to designate necessary fairways that provide safe access routes for vessels proceeding to and from U.S. ports.<sup>1</sup> Designation as a fairway keeps an area free of fixed structures. This designation recognizes the generally paramount right of navigation over other uses in the designated areas.<sup>2</sup> The Coast Guard is coordinating its possible establishment of fairways<sup>3</sup> along the Atlantic Coast, as well as complementary port approaches and international entry and departure zones, with the Bureau of Ocean Energy Management (BOEM) to minimize the impact on offshore energy leases.

Under 46 U.S.C. 70003, fairways are designated through federal regulations. Regulations governing fairways in 33

<sup>1</sup> Chapter 700 was added December 4, 2018, by Sec. 401 of *Public Law 115-282*, 132 Stat. 4253. This fairways designation authority was previously reflected in 33 U.S.C. 1223.

<sup>2</sup> See limitations on such designations in 46 U.S.C. 70003(b).

<sup>3</sup> A fairway or shipping safety fairway is a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. Temporary underwater obstacles may be permitted under certain conditions described for specific areas. Aids to navigation approved by the Coast Guard may be established in a fairway. See 33 CFR 166.105(a).

CFR part 166 provide that fixed offshore structures are not permitted within fairways because these structures would jeopardize safe navigation. The Coast Guard may establish, modify, or relocate existing fairways to improve navigation safety or accommodate offshore activities such as mineral exploitation and exploration. 46 U.S.C. 70003(e)(3); 33 CFR 166.110.

Before establishing or adjusting fairways, 46 U.S.C. 70003(c)(1) requires the Coast Guard to study potential traffic density and assess the need for safe access routes for vessels. During this process, the Coast Guard considers the views of the maritime community, environmental groups, and other stakeholders to reconcile the need for safe access routes with reasonable waterway uses. See 46 U.S.C. 70003(c)(3). The Coast Guard attempts to recognize and minimize each identifiable cost, and balance cost impacts against the needs of safe navigation.

**B. Atlantic Coast Port Access Route Study**

On May 11, 2011, the Coast Guard chartered the ACPARS workgroup to address the potential navigational safety risks associated with offshore developments and to support future marine planning efforts. The workgroup analyzed the entire Atlantic Coast and focused on waters located seaward of existing port approaches within the U.S. Exclusive Economic Zone (EEZ). The Coast Guard used Automatic Identification System (AIS) data and information from shipping organizations to identify traditional navigation routes.

The Coast Guard announced the availability of the final ACPARS report and requested public comment in the **Federal Register** on March 14, 2016 (81 FR 13307). After considering comments submitted in response to that notice, the Coast Guard determined that the final report was complete as published and announced this finding in the **Federal Register** on April 5, 2017 (82 FR 16510). The final ACPARS report is available in the docket for this rulemaking, in the docket for the ACPARS itself (docket number USCG-2011-0351), and also at <https://www.navcen.uscg.gov/?pageName=PARSReports>.

The ACPARS workgroup identified navigation safety corridors<sup>4</sup> along the

<sup>4</sup> *Navigation Safety Corridor* is a term used in the ACPARS final report for areas required by vessels to safely transit along a customary navigation route under all situations. A navigation safety corridor is not a routing measure and should not be confused with fairways, two-way routes, or traffic separation schemes. The ACPARS recommended that the

Atlantic Coast that have the width necessary for navigation and sufficient buffer areas.<sup>5</sup> The ACPARS Final Report identified deep draft routes for navigation and recommended that they be given priority consideration over other uses for consistency with the United Nations Convention of the Law of the Sea (UNCLOS).<sup>6</sup> Article 78 of UNCLOS states that, “[t]he exercise of the rights of the coastal State over the continental shelf must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Convention.”<sup>7</sup> The ACPARS final report also identified coastal navigation routes and safety corridors of an appropriate width for seagoing tows.<sup>8</sup> The report recommended that the Coast Guard consider developing the navigation safety corridors it identifies in its Appendix VII—which include ones for deep draft vessels and ones closer to shore for towing vessels—into official shipping safety fairways or other appropriate vessel routing measures.<sup>9</sup> Analysis of the sea space required for vessels to maneuver led to the development of marine planning guidelines that were included in the ACPARS final report and that the workgroup considered when identifying the navigation safety corridors in its Appendix VII.

*C. Port Approaches and International Entry and Departure Transit Areas PARS Integral to Efficiency of Possible Atlantic Coast Fairways*

On March 15, 2019, the Coast Guard announced a study of port approaches and international entry and departure areas in the **Federal Register** (84 FR 9541).<sup>10</sup> This study will consider access routes from ports along the Atlantic Coast to the navigation safety corridors the ACPARS report recommended that we consider developing as fairways or

identified navigation safety corridors be considered for designation as fairways or other routing measures.

<sup>5</sup> See pages i, 11, and 12, and Appendix VII of the ACPARS Final Report which is available in the docket.

<sup>6</sup> See page i of the ACPARS Final Report.

<sup>7</sup> Dec. 10, 1982, 1833 U.N.T.S. 397, 430.

<sup>8</sup> See pages i and 11, and Appendix VII (p. 7) of the ACPARS Final Report.

<sup>9</sup> See pages 12 and 16 of the ACPARS Final Report.

<sup>10</sup> *International Entry and Departure Transit Areas* are navigation routes followed by vessels entering or departing from the United States through an international seaport. International entry and departure transit areas connect navigation safety corridors identified in the ACPARS to the outer limit of the U.S. EEZ. *Port Approaches* are navigation routes followed by vessels entering or departing a seaport from or to a primary transit route. Port approaches link seaports to navigation safety corridors identified in the ACPARS.

other appropriate vessel routing measures. The ports to be considered in this study are economically important, support military operations, or have been identified to be strategically critical to national defense. The study will also examine areas associated with customary international trade routes seaward of the navigation safety corridors identified in the ACPARS. The creation of unimpeded transit lanes from the potential fairways outlined in the ACPARS final report to ports, and from those potential fairways to international transit areas, would help ensure the safe and efficient flow of commerce and enhance national security.

Similar to the ACPARS methodology, AIS data and information from shipping organizations will again be used to identify and verify the customary navigation routes that are followed by ships in open-water situations where no obstructions exist. This will allow the Coast Guard to identify areas where structures could jeopardize safe navigation and impede commerce. These studies will provide a mechanism to engage stakeholders with potentially competing uses of the waters of the U.S. EEZ in an effort to reduce impacts to those uses.

**IV. Discussion of Action Under Consideration**

The Coast Guard is considering establishing fairways, as defined in 33 CFR 166.105, to protect maritime commerce and safe navigation amidst extensive offshore development on the Atlantic Coast.

*A. Potential Fairways Identified in the ACPARS*

The ACPARS identified nine primary navigation safety corridors that may be suitable for designation as fairways.<sup>11</sup> Three of these are coastwise primary navigation safety corridors which would most likely be used by smaller and slower moving vessels. Initial evaluations suggest that the highest conflict between transiting vessels and alternative undertakings in offshore regions—such as resource exploration and development, production of renewable energy, environmental preservation and protection, and resource conservation and defense—are likely to occur in these near-coast regions. Six offshore fairways were also recommended in the ACPARS final report. The offshore fairways are most

<sup>11</sup> United States Coast Guard, “Atlantic Coast Port Access Route Study: Final Report,” July 8, 2015, p. 16 and Appendix VII, “Identification of Alongshore Towing Vessel and Major Deep Draft Routes.”

likely to be used by larger and faster-moving deep-draft vessels.

*B. Descriptions of Potential Fairways*

The nine fairways identified by the ACPARS final report are described as follows, all geographic points are based on North American Datum of 1983:<sup>12</sup>

1. The potential St. Lucie to New York Fairway is about 1,350 miles long, approximately 10 nautical miles wide, and includes the customary route taken by vessels transiting between the Port of Miami, FL; Port Everglades, FL; the Port of Virginia; the Port of Baltimore, MD; the Port of Philadelphia, PA; the Port of Wilmington, DE; and the Port of New York and New Jersey. This potential fairway is an area enclosed by rhumb lines joining points at:

**THE ST. LUCIE TO NEW YORK FAIRWAY**

Latitude	Longitude
38°58'51" N .....	074°00'42" W
39°17'01" N .....	073°56'04" W
39°45'42" N .....	073°54'22" W
39°45'42" N .....	073°37'40" W
39°11'38" N .....	073°40'30" W
38°40'33" N .....	073°54'44" W
36°42'14" N .....	074°21'12" W
34°33'21" N .....	074°52'32" W
33°57'08" N .....	075°20'14" W
32°49'15" N .....	076°06'42" W
31°37'49" N .....	076°51'25" W
29°36'06" N .....	078°06'19" W
27°46'56" N .....	079°12'18" W
27°13'15" N .....	079°31'17" W
27°23'50" N .....	079°36'19" W
27°50'56" N .....	079°21'32" W
29°40'10" N .....	078°15'08" W
31°41'47" N .....	077°00'15" W
32°53'17" N .....	076°15'27" W
34°01'24" N .....	075°28'48" W
34°36'25" N .....	075°02'00" W
36°06'17" N .....	074°40'11" W
36°43'37" N .....	074°31'02" W
38°42'09" N .....	074°04'30" W
38°58'51" N .....	074°00'42" W

\* Crosses the Cape Charles to Montauk Point Fairway.

2. The potential Delaware Bay Connector Fairway is about 125 miles long, approximately 10 nautical miles wide, and includes the customary route taken by vessels transiting between the Port of Miami, FL; Port Everglades, FL; Port Canaveral, FL; and the Port of Virginia; the Port of Baltimore, MD; the Port of Philadelphia, PA; the Port of Wilmington, DE; and also to the Port of

<sup>12</sup> The North American Datum of 1983 (NAD 83) is the horizontal and geometric control datum for the United States, Canada, Mexico, and Central America. NAD 83 was released in 1986. A geodetic datum or reference frame is an abstract coordinate system with a reference surface (such as sea level) that serves to provide known locations to begin surveys and create maps.

New York and New Jersey, by linking with the St. Lucie to New York Fairway in the vicinity of Cape Henry, VA.<sup>13</sup> This potential fairway is an area enclosed by rhumb lines joining points at:

**THE DELAWARE BAY CONNECTOR FAIRWAY**

Latitude	Longitude
36°06'17" N .....	074°40'11" W
37°52'59" N .....	074°42'50" W
38°05'39" N .....	074°32'53" W
36°43'37" N .....	074°31'02" W
36°06'17" N .....	074°40'11" W

3. The potential St. Lucie to Chesapeake Bay Nearshore Fairway is about 1,200 miles long, approximately 5 nautical miles wide, and includes the customary route taken by vessels transiting between the Port of Miami, FL; Port Everglades, FL; Port Canaveral, FL; the Port of Jacksonville, FL; Kings Bay, GA; the Port of Brunswick, GA; the Port of Savannah, GA; the Port of Charleston, SC; the Port of Morehead City, NC; the Port of Wilmington, NC; the Port of Virginia,; and the Port of Baltimore, MD. This potential fairway is an area enclosed by rhumb lines joining points at:

**THE ST. LUCIE TO CHESAPEAKE BAY NEARSHORE FAIRWAY**

Latitude	Longitude
27°10'12" N .....	080°03'04" W
27°22'58" N .....	080°07'20" W
27°44'21" N .....	080°10'14" W
28°38'07" N .....	080°21'01" W
30°56'24" N .....	080°45'09" W
31°22'43" N .....	080°34'10" W
31°31'32" N .....	080°29'18" W
31°49'26" N .....	080°17'05" W
31°57'30" N .....	080°06'05" W
33°20'02" N .....	077°50'47" W
33°28'47" N .....	077°35'05" W
34°18'07" N .....	076°23'59" W
35°09'05" N .....	075°17'23" W
35°35'43" N .....	075°19'23" W
36°15'49" N .....	075°35'37" W
36°35'21" N .....	075°43'52" W
36°35'09" N .....	075°38'39" W
36°17'21" N .....	075°29'56" W
35°36'38" N .....	075°13'27" W
35°07'04" N .....	075°11'13" W
34°14'24" N .....	076°20'01" W
33°24'47" N .....	077°31'29" W
33°15'52" N .....	077°47'28" W
31°53'39" N .....	080°02'10" W
31°46'08" N .....	080°12'24" W
31°28'58" N .....	080°24'08" W
31°19'07" N .....	080°30'22" W
30°55'58" N .....	080°40'02" W
28°38'50" N .....	080°16'06" W
27°45'00" N .....	080°05'18" W

<sup>13</sup>To see an illustration of this linkage, see the Mid Atlantic Chart in the docket.

**THE ST. LUCIE TO CHESAPEAKE BAY NEARSHORE FAIRWAY—Continued**

Latitude	Longitude
27°23'53" N .....	080°02'26" W
27°11'28" N .....	079°58'17" W
27°10'12" N .....	080°03'04" W

4. The potential St. Lucie to Chesapeake Bay Offshore Fairway is about 1,200 miles long, approximately 10 nautical miles wide, and includes the customary route taken by vessels transiting between the Port of Miami, FL; Port Everglades, FL; Port Canaveral, FL; the Port of Jacksonville, FL; Kings Bay, GA; the Port of Brunswick, GA; the Port of Savannah, GA; Charleston, SC; the Port of Morehead City, NC; the Port of Wilmington, NC; and the Port of Virginia. It is located seaward of the St. Lucie to Chesapeake Bay Nearshore Fairway. This potential fairway is an area enclosed by rhumb lines joining points at:

**THE ST. LUCIE TO CHESAPEAKE BAY OFFSHORE FAIRWAY<sup>14</sup>**

Latitude	Longitude
27°11'28" N .....	079°58'17" W
27°45'00" N .....	080°05'18" W
28°38'50" N .....	080°16'06" W
30°55'58" N .....	080°40'02" W
31°19'07" N .....	080°30'22" W
31°28'58" N .....	080°24'08" W
31°46'08" N .....	080°12'24" W
31°53'39" N .....	080°02'10" W
33°15'52" N .....	077°47'28" W
33°24'47" N .....	077°31'29" W
34°14'24" N .....	076°20'01" W
35°10'58" N .....	075°06'08" W
35°59'41" N .....	075°06'58" W
36°35'09" N .....	075°38'39" W
36°38'54" N .....	075°32'10" W
36°01'48" N .....	074°59'01" W
35°06'32" N .....	074°58'03" W
34°08'12" N .....	076°13'25" W
33°18'05" N .....	077°25'30" W
33°09'00" N .....	077°41'48" W
31°47'03" N .....	079°55'54" W
31°40'38" N .....	080°04'37" W
31°24'48" N .....	080°15'25" W
31°15'38" N .....	080°21'14" W
30°55'07" N .....	080°29'47" W
28°40'16" N .....	080°06'15" W
27°13'02" N .....	079°48'27" W
27°11'28" N .....	079°58'17" W

<sup>14</sup>Portions of BOEM North Carolina Lease OCS-A 0508, in OCS sub-block 6664D are located within protraction NJ18-11. This potential fairway overlaps a portion of this sub-block by 120 meters at its widest point. This is a renewable energy lease for wind-generated energy. We have placed a chart in the docket that displays specific areas where the potential St. Lucie to Chesapeake Bay Offshore Fairway overlap areas of this lease. The chart is entitled "Chart Showing Overlap of BOEM North Carolina Lease OCS-A 0508."

5. The potential Cape Charles to Montauk Point Fairway is about 400 miles long, varies from approximately 5 to 10 nautical miles wide, and includes the customary route taken by vessels transiting between the Port of New York and New Jersey; the Port of Philadelphia, PA; the Port of Wilmington, DE; and the Port of Baltimore, MD. This potential fairway is an area enclosed by rhumb lines joining points at:

**THE CAPE CHARLES TO MONTAUK POINT FAIRWAY<sup>15 16</sup>**

Latitude	Longitude
37°07'24" N .....	075°40'59" W
37°32'04" N .....	075°25'53" W
37°50'37" N .....	075°12'06" W
37°59'42" N .....	075°01'23" W
38°04'21" N .....	074°54'04" W
38°21'43" N .....	074°41'01" W †
38°26'49" N .....	074°37'11" W †
38°30'53" N .....	074°34'07" W
38°44'16" N .....	074°32'52" W ††
38°50'05" N .....	074°32'20" W ††
38°58'12" N .....	074°31'35" W
39°07'51" N .....	074°31'24" W
39°24'49" N .....	074°13'47" W
39°40'32" N .....	074°02'55" W
39°45'42" N .....	073°54'22" W
39°54'39" N .....	073°39'43" W
40°02'33" N .....	073°26'46" W ‡
40°10'45" N .....	073°13'18" W ‡
40°21'01" N .....	072°56'29" W ‡
40°23'05" N .....	072°53'05" W ‡
40°29'17" N .....	072°42'55" W
40°31'21" N .....	072°39'31" W
40°51'49" N .....	072°05'57" W
41°01'54" N .....	071°32'17" W
40°31'42" N .....	072°21'59" W ‡
40°29'38" N .....	072°25'24" W ‡
40°23'25" N .....	072°35'36" W
40°21'21" N .....	072°39'00" W ‡
40°05'14" N .....	073°05'37" W ‡
39°57'08" N .....	073°19'03" W

<sup>15</sup>Portions of BOEM Maryland Lease OCS-A 0490, in the following OCS blocks and sub-blocks are located within protraction NI18-05: 6726K, 6726N, 6726O, 6726P, 6775, 6776, 6777E, 6777I, 6777J, 6777M, 6777N, 6825, 6826, 6827A, 6827B, 6827C, 6827E, 6827F, 6827H, 6827I, and 6827M. This is a renewable energy lease for wind-generated energy. We have placed a chart in the docket that displays specific areas where the potential Cape Charles to Montauk Point Fairway overlap areas of this lease. The chart is entitled "Chart Showing Overlap of BOEM Maryland Lease OCS-A-0490, and New Jersey Leases OCS-A-0498 and OCS-A-0499."

<sup>16</sup>Portions of BOEM New Jersey Leases OCS-A 0498 and OCS-A 0499 (123 sub-blocks) were found to overlap with this potential fairway. One hundred of these 123 sub-blocks were identified in BOEM's ATLW-5 Final Sale Notice (FSN) as potentially being not available for development. These are renewable energy leases for wind-generated energy. We have placed a chart in the docket that displays specific areas where the potential Cape Charles to Montauk Point Fairway overlap areas of these leases. The chart is entitled "Chart Showing Overlap of BOEM Maryland Lease OCS-A-0490, and New Jersey Leases OCS-A-0498 and OCS-A-0499."

THE CAPE CHARLES TO MONTAUK  
POINT FAIRWAY<sup>15 16</sup>—Continued

Latitude	Longitude
39°45'42" N .....	073°37'40" W ‡‡
39°38'23" N .....	073°54'48" W ‡‡
39°36'12" N .....	073°59'57" W ‡‡
39°22'41" N .....	074°09'36" W
39°06'27" N .....	074°26'26" W
38°58'02" N .....	074°26'35" W
38°50'42" N .....	074°27'16" W ††
38°43'39" N .....	074°27'56" W ††
38°29'41" N .....	074°29'14" W
38°23'38" N .....	074°33'47" W †
38°18'03" N .....	074°37'58" W †
38°01'44" N .....	074°50'13" W
37°56'49" N .....	074°57'58" W
37°48'15" N .....	075°08'04" W
37°30'12" N .....	075°21'28" W
37°05'38" N .....	075°36'30" W
37°07'24" N .....	075°40'59" W

† Crosses the Off Delaware Bay Southern Approach Cutoff Fairway.

†† Crosses the Off Delaware Eastern Approach Cutoff Fairway.

‡ Crosses Traffic Separation Scheme.

‡‡ Crosses the St. Lucie to New York Fairway.

6. The potential Chesapeake Bay to Delaware Bay: Eastern Approach Cutoff Fairway is about 200 miles long, approximately 10 nautical miles wide, and includes the customary route taken by vessels transiting between the Port of Virginia; the Port of Baltimore, MD; the Port of Philadelphia, PA; and the Port of Wilmington, DE. This potential fairway is an area enclosed by rhumb lines joining points at:

THE CHESAPEAKE BAY TO DELAWARE  
BAY: EASTERN APPROACH CUTOFF  
FAIRWAY

Latitude	Longitude
36°57'07" N .....	075°35'54" W
37°04'32" N .....	075°29'41" W
38°04'39" N .....	074°43'07" W
38°14'35" N .....	074°35'05" W *
38°20'25" N .....	074°30'22" W *
38°41'54" N .....	074°13'57" W
38°42'09" N .....	074°04'30" W
38°05'39" N .....	074°32'53" W
37°52'59" N .....	074°42'50" W
37°19'37" N .....	075°08'42" W
36°52'24" N .....	075°34'11" W
36°57'07" N .....	075°35'54" W

\* Crosses the Off Delaware Bay Southern Approach Cutoff Fairway.

7. The potential Off Delaware Bay: Southern Approach Cutoff Fairway is about 20 miles long, approximately 10 nautical miles wide, and includes the customary route taken by vessels transiting between the Port of Miami, FL; Port Everglades, FL; Port Canaveral, FL; and the Port of Virginia; the Port of Baltimore, MD; the Port of Philadelphia, PA; and the Port of Wilmington, DE, by

linking with the St. Lucie to New York Fairway in the vicinity of Cape Henlopen, DE.<sup>17</sup> This potential fairway is an area enclosed by rhumb lines joining points at:

THE OFF DELAWARE BAY: SOUTHERN  
APPROACH CUTOFF FAIRWAY

Latitude	Longitude
38°14'35" N .....	074°35'05" W
38°18'03" N .....	074°37'58" W
38°21'43" N .....	074°41'01" W
38°27'00" N .....	074°45'24" W
38°28'48" N .....	074°39'18" W
38°23'38" N .....	074°33'47" W
38°20'25" N .....	074°30'22" W
38°14'35" N .....	074°35'05" W

8. The potential Off Delaware Bay: Eastern Approach Cutoff Fairway is about 50 miles long, approximately 10 nautical miles wide, and includes the customary route taken by vessels transiting between the Port of Miami, FL; Port Everglades, FL; Port Canaveral, FL; by linking the St. Lucie to New York Fairway in the vicinity of Cape May, NJ; or the Port of Virginia and the Port of Baltimore, MD; and the Port of Philadelphia, PA; and the Port of Wilmington, DE, by linking with the Chesapeake Bay to Delaware Bay Eastern Approach Cutoff in the vicinity of Cape May.<sup>18</sup> This potential fairway is an area enclosed by rhumb lines joining points at:

THE OFF DELAWARE BAY: EASTERN  
APPROACH CUTOFF FAIRWAY

Latitude	Longitude
38°41'54" N .....	074°13'57" W
38°43'39" N .....	074°27'56" W *
38°44'16" N .....	074°32'52" W *
38°44'27" N .....	074°34'21" W
38°50'05" N .....	074°32'20" W
38°50'42" N .....	074°27'16" W
38°53'30" N .....	074°04'39" W
38°58'51" N .....	074°00'42" W
38°42'09" N .....	074°04'30" W
38°41'54" N .....	074°13'57" W

\* Crosses the Cape Charles to Montauk Point Fairway.

9. The potential Long Island Fairway is about 150 miles long, approximately 5 nautical miles wide, and includes the customary route taken by vessels transiting between the Long Island Sound Eastern Entrances; the Port of Groton, CT; the Port of New Haven Harbor, CT; and the Port of New York and New Jersey. This potential fairway

<sup>17</sup> To see an illustration of this linkage, see the Northern Area Chart in the docket.

<sup>18</sup> To see an illustration of this linkage, see the Northern Area Chart in the docket.

is an area enclosed by rhumb lines joining points at:

THE LONG ISLAND FAIRWAY

Latitude	Longitude
40°28'15" N .....	073°38'59" W
40°31'52" N .....	073°39'54" W
40°35'59" N .....	073°11'39" W
41°06'36" N .....	071°30'06" W
41°03'06" N .....	071°28'15" W
40°32'12" N .....	073°11'28" W
40°28'15" N .....	073°38'59" W

You can find three charts depicting and labelling the locations of these potential fairways in the docket. The Northern Area chart illustrates all nine. As numbered in the tables above, the Mid-Atlantic Area chart illustrates potential fairways 1, 2, 3, 4, 5, and 8, and the Southern Area chart illustrates potential fairways 1, 3, and 4. These charts only show the portion of the potential fairway in the area covered by the chart. Additionally, two charts depicting and labelling the locations of overlaps between the proposed fairways and existing BOEM leases are contained in the docket: Chart Showing Overlap of BOEM Maryland Lease OCS-A-0490, and New Jersey Leases OCS-A-0498 and OCS-A-0499; and Chart Showing Overlap of BOEM North Carolina Lease OCS-A 0508.

C. Study of Potential Port Approach Fairways

As announced in the **Federal Register** on March 15, 2019, the Coast Guard is also conducting Port Access Route Studies in accordance with 46 U.S.C. 70003(c) to determine whether or not fairways should be established or whether other routing measures for existing port approaches would be more appropriate. 84 FR 9541. These port approach fairways would provide access to the potential fairways identified in the ACPARS final report and in this ANPRM, would be important to the safe and efficient movement of ships and cargo, and would be critical to sustaining interstate and international commerce.

Each Coast Guard district commander will study the ports in their district that are economically significant, support military operations, or are critical to national defense. For an example of this multi-Coast Guard District effort, see a recent notice announcing PARS for approaches to the Chesapeake Bay, Virginia (84 FR 65398, November 27, 2019). Results of each PARS will be published separately in the **Federal Register** by the district commander.

Like the ACPARS, these PARS will use AIS data and information from

stakeholders to identify and verify customary navigation routes. Each PARS will identify potential conflicts involving alternative activities in the studied area, such as wind energy generation and offshore mineral exploration and exploitation.

The following 23 U.S. ports are initially under consideration for PARS:

#### PORTS UNDER CONSIDERATION FOR PARS

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Kennebec River/Bath, ME.  
 Port of Portland, ME.  
 Port of Portsmouth, NH.  
 Port of New Bedford, MA.  
 Port of Boston, MA.  
 Narragansett Bay, RI.  
 Long Island Sound Eastern Entrances.  
 Port of Groton, CT.  
 Port of New Haven, CT.  
 Port of New York and New Jersey, including Port Elizabeth and Newark.  
 Port of Philadelphia, PA, including Camden-Gloucester City, NJ, Port of Wilmington, DE.  
 Port of Baltimore, MD.  
 Port of Virginia, including Norfolk, Newport News and Hampton Roads, VA.  
 Port of Morehead City, NC.  
 Port of Wilmington, NC.  
 Port of Charleston, SC.  
 Port of Savannah, GA.  
 Port of Brunswick, GA.  
 Kings Bay, GA.  
 Port of Jacksonville, FL.  
 Port Canaveral, FL.  
 Port Everglades, FL.  
 Port of Miami, FL.

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#### *D. International Entry and Departure Transit Areas*

We also announced studies related to international entry and departure transit areas seaward of the potential fairways in the U.S. EEZ. 84 FR 9541. International entry and departure transit areas are integral to the safe, efficient, and unimpeded flow of ships. Fairways established based on the studies of international entry and departure transit areas would be used by vessels coming from a foreign port and transiting to a coastwise or offshore fairway or directly to a port approach leading to a U.S. port. It is important that fairways for regions of the U.S. EEZ between principal international ports and the United States are considered to ensure the safe and direct movement of ships and cargo between international origins and destinations. Each route or fairway would be a link in a chain connecting ports in the United States and abroad, and each link should be as robust and effective as the routes identified in the ACPARS.

#### V. Information Requested

Public participation will help the Coast Guard decide whether to establish coastwise and offshore fairways and, if so, how to balance ship routing with offshore development activities and other uses. The Coast Guard seeks public comments, positive or negative, on the impacts that the nine potential fairways under consideration may have on navigational safety and on other activities in these offshore areas to aid us in developing a proposed rule and the supporting analyses. Where possible and pertinent, please provide sources, citations and references to back up or justify your responses. Also, for all pertinent responses, please provide a detailed explanation of how you arrived at this conclusion and the underlying assessment that supports your conclusion. Finally, for all numerical responses please provide us with sufficient information to recreate your calculations.

We seek public feedback on the following questions:

1. Do the nine potential fairways provide safe and efficient routes for vessels transiting to and from international ports to the United States? Why or why not? If not, what would you recommend instead?

2. Are the ACPARS-potential fairways described in this ANPRM, or similar ones, necessary for ensuring a safe and orderly passage for vessels transiting among U.S. domestic ports of call? Why or why not? Please explain your answer, including your specific comments on how the fairways described in this ANPRM would affect maritime traffic patterns, navigational safety and access to ports.

3. Are there any positive or negative impacts of not establishing the nine fairways noted in this ANPRM? If so, please describe them.

4. If these potential fairways are established, what persons, entities, or organizations would be positively or negatively impacted? In other words, which groups of people, businesses, or industries (maritime and non-maritime) would be positively or negatively impacted by these potential fairways?

5. What other offshore uses may be positively or negatively affected by the potential fairways? Please include specific locations, potential impact, and associated costs or benefits. Please also describe the safety significance of the potential fairways on the activity.

6. Do the nine potential fairways unduly limit offshore development? If so, is there a cost model or structure that should be considered for analysis? What

are the limitations of the cost model? If so, why do you believe the proposal would limit offshore development and what specific development would it limit?

7. From an environmental perspective, would the potential fairways described in this ANPRM negatively impact living marine resources? If so, which marine resources would be impacted and how? What measures within the Coast Guard's jurisdiction should be considered to avoid, minimize, or mitigate any such impacts?

8. Beyond the environmental impacts mentioned in question 7, are there any other positive or negative environmental impacts from these potential fairways? If so, please provide detail as to how and what would be impacted. To the degree possible, please provide the data, impact assessments, and other pertinent background information necessary to understand and reproduce your results.

9. What mitigation measures within the Coast Guard's jurisdiction could be used to relieve the economic and safety impacts of the potential fairways on other offshore uses? What are the expected costs and associated benefits of the suggested mitigation measures?

10. Are there additional measures that should be considered to improve safety or relieve an economic burden imposed by these potential fairways? What are the expected costs and associated benefits of the suggested additional measures?

11. Are there other variables that should be considered in developing this system of potential fairways? If so, please indicate particular issues and the specific areas to which they pertain.

13. Besides the Coast Guard's noted intention and purpose of this rulemaking, what positive aspects would this proposal produce for the safety of maritime transportation?

14. Have there been any offshore developments built or installed in the past 10 years that have impacted traffic patterns, navigational safety, or maritime commerce? If so, were the net impacts positive or negative? Please provide a detailed explanation of how you arrived at this conclusion.

15. Please offer any other comments or suggestions that may improve this initiative.

Please submit comments or concerns you may have in accordance with the "Public Participation and Request for Comments" section above.

This notice is issued under the authority of 46 U.S.C. 70003 and 5 U.S.C. 552.

Dated: June 10, 2020.

**R.V. Timme,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.*

[FR Doc. 2020-12910 Filed 6-18-20; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Parts 2 and 7

[Docket No. PTO-T-2019-0027]

RIN 0651-AD42

#### Trademark Fee Adjustment

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The United States Patent and Trademark Office (Office or USPTO) proposes to set or adjust certain trademark fees, as authorized by the Leahy-Smith America Invents Act (AIA), as amended by the Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018 (SUCCESS Act). The proposed fees are intended to recover the prospective aggregate costs of future strategic and operational trademark and Trademark Trial and Appeal Board (TTAB or Board) goals (based on workload projections included in the USPTO fiscal year (FY) 2021 Congressional Justification), including associated administrative costs. The proposed fees will further USPTO strategic objectives by: Better aligning fees with costs, protecting the integrity of the trademark register, improving the efficiency of agency processes, and ensuring financial sustainability to facilitate effective trademark operations. Before a final rule is issued, the USPTO will consider the state of the U.S. economy, the operational needs of the agency, and public comments submitted pursuant to this rulemaking. The USPTO will make adjustments as necessary to the substance and timing of any final rule based on all of these considerations.

**DATES:** Written comments must be received on or before August 3, 2020.

**ADDRESSES:** The USPTO prefers that comments be submitted electronically via email to [TMFRNotices@uspto.gov](mailto:TMFRNotices@uspto.gov). Written comments may also be submitted by mail to Commissioner for Trademarks, P.O. Box 1451, Alexandria,

VA 22313-1451, attention Catherine Cain; by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building-East Wing, 600 Dulany Street, Alexandria, Virginia 22314, attention Catherine Cain; or via the Federal eRulemaking Portal. See the Federal eRulemaking Portal website (<https://www.regulations.gov>) for additional instructions on providing comments via the portal. All comments submitted directly to the USPTO or provided on the Federal eRulemaking Portal should include the docket number (PTO-T-2019-0027).

Although comments may be submitted by postal mail, the USPTO prefers to receive comments electronically because the Office may more easily share such comments with the public. The USPTO prefers that comments submitted electronically be in plain text, but they also may be submitted in portable document format (PDF) or a word processing file format (DOC or DOCX). Comments not submitted electronically should be submitted on paper in a format that facilitates convenient digital scanning into PDF.

The comments will be available for public inspection on the USPTO's website at <http://www.uspto.gov>, on the Federal eRulemaking Portal, and at the Office of the Commissioner for Trademarks, Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia 22314. Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included.

**FOR FURTHER INFORMATION CONTACT:** Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, at 571-272-8946, or by email at [TMPolicy@uspto.gov](mailto:TMPolicy@uspto.gov).

**SUPPLEMENTARY INFORMATION:** The USPTO conducted a fee assessment in January 2019 that formed the basis for this regulatory process to propose adjusting and setting new trademark user fees. While trademark-related costs of operations have risen, trademark fees have not changed since January 2017. The revenue and workload assumptions in this notice of proposed rulemaking (NPRM) are based on the assumptions found in the FY 2021 Congressional Justification. However, projections of aggregate revenues and costs are based on point-in-time estimates, and the circumstances surrounding these assumptions can change quickly. Notably, since the FY 2021 Congressional Justification was published, fee collections have been lower than anticipated, in part due to

lower than expected application filings as a result of the COVID-19 outbreak.

The USPTO is also mindful of the current difficulties many USPTO users are experiencing as a result of the pandemic. The USPTO has undertaken many efforts to provide various types of relief, including deadline extensions and fee postponements. Ultimately, the goal of the USPTO is to ensure not only that businesses and entrepreneurs can weather this storm, but that they can hit the ground running once it passes.

The USPTO anticipates that the earliest any proposed trademark fee changes could take effect is October 2020. Before a final rule is issued, the USPTO will consider the state of the U.S. economy, the operational needs of the agency, and public comments submitted pursuant to this NPRM. The USPTO will make adjustments as necessary to the substance and timing of any final rule based on all of these considerations.

As part of the multi-year fee-setting process, the Trademark Public Advisory Committee (TPAC) held a public hearing at the USPTO on September 23, 2019. The Office considered and analyzed all comments, advice, and recommendations received from the TPAC before publishing this NPRM. The USPTO is now moving to the next step in the process. This NPRM proposes changes to fees and also proposes new fees in order to solicit public comment.

**Purpose:** The USPTO protects consumers and provides benefits to businesses by effectively and efficiently carrying out the trademark laws of the United States. As a fee funded agency, appropriate fees are critically important for the USPTO to maintain the quality and timeliness of examination and other services, and to stabilize and modernize aging information technology (IT) infrastructure. The fee schedule proposed in this rulemaking will recover the USPTO's aggregate estimated future costs and ensure the USPTO can achieve strategic and operational goals, such as effectively using resources to maintain low trademark pendency and high quality, fostering business effectiveness (ensuring quality results for employees and managers), stabilizing and modernizing trademark IT systems, continuing programs for stakeholder and public outreach, enhancing operations of the TTAB, and ensuring financial sustainability to facilitate effective trademark operations.

Section 10 of the AIA authorizes the Director of the USPTO (Director) to set or adjust by rule any fee established, authorized, or charged under the Trademark Act of 1946, 15 U.S.C. 1051