

Environmental Analysis (OEA) regarding the environmental review process. By letter dated May 29, 2020, KTRRP requested a waiver of the requirements of 49 CFR 1105.6(a), which generally requires the preparation of an Environmental Impact Statement for rail construction and operation proposals. OEA granted the request on June 9, 2020, finding that preparation of an Environmental Assessment (EA) is the appropriate level of environmental documentation for this proceeding. OEA currently is preparing a Draft EA and any associated historic or cultural review that will be made available for public comment. Following the conclusion of the environmental review process, the Board will issue a further decision assessing the potential environmental impacts of the construction proposal and determining whether the exemption will become finally effective (subject to appropriate mitigation conditions, if necessary). *See Mo. Mining, Inc. v. ICC*, 33 F.3d 980 (8th Cir. 1994).

The decision issued today does not prejudice the Board's final decision, nor diminish the agency's environmental review process concerning the proposed Line's construction. *See Ill. Com. Comm'n v. ICC*, 848 F.2d 1246, 1259 (DC Cir. 1988). Construction may not begin until the Board's final decision in this proceeding has been issued and has become effective.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted.
2. Under 49 U.S.C. 10502, the Board preliminarily exempts the construction of the above-described Line from the prior approval requirements of 49 U.S.C. 10901, subject to further consideration of the potential environmental impacts of the proposal.
3. On completion of the environmental review, the Board will issue a further, final decision addressing any potential environmental impacts and determining whether the exemption should become effective (subject to any appropriate mitigation conditions). Construction may not begin until the Board's final decision has been issued and has become effective.
4. Notice of this decision will be published in the **Federal Register**.
5. Petitions to reconsider must be filed by December 21, 2020.
6. This decision is effective 30 days from the date of service.

Decided: November 30, 2020.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2020-26659 Filed 12-3-20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2021, Through December 31, 2021

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2021, through December 31, 2021, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

FOR FURTHER INFORMATION CONTACT: Ms. Vicky Dunne, Office of Aerospace Medicine, Drug Abatement Division, Program Policy Branch (AAM-820), Federal Aviation Administration, 800 Independence Avenue SW, Room 806, Washington, DC 20591; Telephone (202) 267-8442.

Discussion: Pursuant to 14 CFR 120.109(b), the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2019, the random drug test positive rate was 0.731%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2021.

Similarly, 14 CFR 120.217(c), requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2019, the random alcohol test violation rate was 0.114%. Therefore, the minimum random alcohol testing rate will remain at 10% for calendar year 2021.

SUPPLEMENTARY INFORMATION: If you have questions about how the annual random testing percentage rates are determined please refer to the Code of

Federal Regulations Title 14, section 120.109(b) (for drug testing), and 120.217(c) (for alcohol testing).

Issued in Washington, DC.

Brett A. Wyrick,
Acting Federal Air Surgeon.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0165]

Nationwide Freight Systems, et al.; Petition for Determination of Preemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of petition for determination of preemption; request for comments.

SUMMARY: FMCSA requests comments on a petition submitted by Nationwide Freight Systems, Inc., Leader U.S. Messenger, Inc., and Stott Contracting, LLC, requesting a determination that certain carrier identification requirements imposed by the Illinois Commerce Commission are preempted by 49 U.S.C. 14506.

DATES: Comments must be received on or before January 4, 2021.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA-2019-0165 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the *Privacy Act* heading below.

FOR FURTHER INFORMATION CONTACT: Frederic L. Wood, Legislative and Regulatory Affairs Division; FMCSA