This action is the result of an airspace review caused by the decommissioning of the Charlevoix NDB.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1 (85 FR 50779; August 18, 2020). The Class E airspace designations listed in this document will be published subsequently 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 regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under 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 rule, when promulgated, would 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

Accordingly, pursuant to the authority delegated to me, 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 14 CFR 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 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 Charlevoix, MI [Amended]

Charlevoix Municipal Airport, MI
(Lat. 45°18′18″ N, long. 85°16′31″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Charlevoix Municipal Airport.

Issued in Fort Worth, Texas, on August 31, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–19553 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA—2020—0077]

Federal Motor Vehicle Safety Standards; Child Restraint Systems Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking from SafeGuard/IMMI (formerly Indiana Mills and Manufacturing, Inc.) and C.E. White requesting that NHTSA amend Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child restraint systems,'' to provide for ''school bus built-in belt-positioning seats.'' Under the petitioners' suggested amendment, a school bus built-in belt positioning seat would be a type of ''booster seat'' and would consist of a school bus seat with a lap/shoulder belt and a shoulder belt height adjuster. The agency is denying the petition because under the requested amendment, designs would be permitted that do not provide the full benefits of booster seats, namely the proper positioning of the child on the vehicle seat to improve the fit of the lap belt to mitigate the risk of abdominal injuries in a crash.

DATES: September 8, 2020.

ADDRESSES: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shashi Kuppa, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone: 202–366–3827, or Deirdre Fujita, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone: 202–366–2992, fax: 202–366–3820.

SUPPLEMENTARY INFORMATION:

The Petition

On January 15, 2013, the agency received a petition for rulemaking from SafeGuard/IMMI and C.E. White requesting that NHTSA amend FMVSS No. 213 to include the following definition in section S4, *Definitions:* ''*School bus built-in belt-positioning seat* means a passenger seat used on school buses that is equipped with an integrated Type II seat belt that includes a torso belt height adjuster.'' A Type 2 (or Type II) seat belt assembly is a combination of pelvic and upper torso restraints, *i.e.,* a lap/shoulder belt.[1] The seat belt height adjuster developed by the petitioners is a clip on the shoulder belt loop that can be moved along the shoulder belt webbing. The petitioners would like to certify their school bus seats with lap/shoulder belts and shoulder belt height adjusters as compliant with FMVSS No. 213's requirements for built-in booster seats.

Background on Booster Seats and Belt-Positioning Seats

Booster seats are one of several types of child restraint systems used for child passenger protection before the child is large enough to use the vehicle seat belt alone. A belt-positioning seat is a type of booster seat under FMVSS No. 213.[2] NHTSA recommends that 4 to 7-year-

[1] See FMVSS No. 209, ''Seat belt assemblies,'' 49 CFR 571.209 S3, *Definitions.*

[2] Under FMVSS No. 213 (S4), ''booster seat'' means ''either a backless child restraint system or a belt-positioning seat.'' ''Belt-positioning seat'' means ''a child restraint system that positions a child on a vehicle seat to improve the fit of a vehicle Type II belt system on the child and that lacks any component, such as a belt system or a structural element, designed to restrain forward movement of the child in a forward impact.'' The petitioners would like to have their product considered a kind of ''belt-positioning seat.'' For simplicity, hereafter in this document, the term ''booster seat'' means ''belt-positioning seat.''

old children be restrained in booster seats when they no longer fit in their forward-facing harnessed child restraints.[3] Booster seats lift (boost) and reposition the child such that vehicle seat belts (designed to fit adults) are routed appropriately relative to the child's body. For the seat belt to fit properly, the lap belt must lie entirely below the top of the pelvis and touch or lie flat across the upper thighs, and the shoulder belt should lie snugly across the shoulder and chest and not cross the neck or face.

An important function of a booster seat is to raise the child up relative to the vehicle seat belt to improve seat belt fit.[4] With a booster seat, the lap belt is positioned such that it loads and restrains the strong bones of the pelvis. Without a booster seat, the lap belt is not positioned effectively and the occupant can slide under the lap belt during deceleration, resulting in the seat belt loading the abdomen, vulnerable internal organs and spine instead of the pelvis. This event is called ''submarining.'' Elevating the position of the child upwards relative to where the lap belt is anchored increases the lap belt angle with respect to the horizontal plane. A steeper lap belt angle is better because it makes it harder for the child to slide under the lap belt (submarine) in a crash. Additionally, boosting the child compensates for the shorter torso of a child by positioning the child such that the shoulder belt is away from the neck and restrains the child through the shoulder structure in a crash.

Booster seats may also have seat belt guides to position the shoulder belt midway between the neck and arm, not so far outboard that it is at the edge of the shoulder or so far inboard that it is rubbing the neck. However, because belt fit is improved just by boosting the child upward, many booster seats work well even if they lack shoulder belt adjustability or belt guidance.[5]

The second benefit of booster seats is improving occupant posture so the child is more likely to be ''in position'' in a crash, similar to an older occupant. Ideally, to best distribute crash forces, the occupant is seated in an upright position with the back of the torso resting against the seat back, the pelvis at the seat bight, and the knees bent over the front of the seat cushion. However, several studies have documented that the rear seats of most vehicles are too deep for children to sit upright with their knees bent over the edge of the seat and with their back fully supported for comfort.[6] [7] [8] Consequently, children generally scoot forward so their legs can bend over the front of the seat in a comfortable position and then recline themselves rearward to rest against the seat back. A booster seat provides the child with a seat cushion length that is more fitted to the child's upper leg length. With a booster, a child's legs can bend comfortably over the end of the booster while the child's back rests against the seat back. A booster seat helps the child remain upright and in position.

Analysis of the Petition

NHTSA believes that children would be less protected under the suggested amendment. The petitioners' language would allow designs that unreasonably reduce the full benefits of booster seats, namely the proper positioning (boosting) of the child on the vehicle seat to improve the fit of the lap belt to mitigate the risk of abdominal injuries in a crash. The suggested amendment would permit designs that do not offer any seat cushion adjustability. The child could sit directly on the vehicle seat.

Booster seats are designed to raise the child with respect to the vehicle seat to improve lap belt fit, as raising the child positions the lap belt entirely below the top of the pelvis and touching or lying flat across the upper thighs. Improved lap belt fit reduces the risk of submarining and abdominal injury.[9] [10] The suggested language would permit devices to be certified as ''booster seats'' even though they lack any feature that reduces the risk of abdominal injuries. NHTSA believes adopting the suggested language would not be in the interest of safety as the devices do not provide the full benefits of a booster seat.

Further, as discussed above, booster seats contribute to occupant protection by improving occupant posture so the child is more likely to be ''in position'' in a crash.[11] When children recline themselves rearward on the seat to bend their knees comfortably over the edge of the seat, the risk of submarining under the belt in a crash increases. With the child in the reclined position, the lap portion of the seat belt can slide upward during a crash and intrude into the child's soft upper abdomen, thus increasing the likelihood of abdominal injury. Under the suggested amendment, designs could be introduced that have no seating platform with an appropriate cushion length. These designs would not have the raised seat cushion that ensure the child would be better positioned to ride down crash forces in a manner that best minimizes injury.

Field data have shown booster seats to be effective in reducing child passenger injuries. Children ages 4 to 8 using lap/shoulder belts alone have been found to be at higher risk of abdominal injury due to seat belt interaction compared to children using booster seats.[12] The agency's analysis of real world crash data [13] indicates that, among children between the ages of 4 to 8 years old, there is a 14 percent reduction in injury risk when restrained in booster seats versus when directly in the vehicle's lap/shoulder belts. The petition's language would allow designs that lack the defining features of booster seats that have been critical to their functionality transitioning the child to the vehicle's lap/shoulder belt system. The suggested language would facilitate designs that reduce the safety benefits of booster seats.

Conclusion

NHTSA has reviewed the petition for rulemaking submitted by SafeGuard/IMMI and C.E. White requesting that NHTSA amend FMVSS No. 213 to include a definition for ''school bus

[3] *https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#age-size-rec.*

[4] Klinich, K., Manary, M., Weber, K., ''Crash Protection for Child Passengers: Rationale for Best Practice,'' University of Michigan Transportation Research Institute Research Review, January–March 2012, Volume 43, No. 1, ISSN 0739 7100. Available at *http://www.umtri.umich.edu/content/rr_43_1.pdf.*

[5] Arbogast KB, Jermakian JS, Kallan MF, and Durbin DR. (2009). Effectiveness of Belt-positioning Booster Seats:

An Updated Assessment Pediatrics 124:1281–1286.

[6] Huang S and Reed M. (2006). Comparison of Child Body Dimensions with Rear Seat Geometry. SAE Technical Paper 2006–01–1142, 2006, doi:10.4271/2006–01–1142.

[7] Klinich KD, Pritz HB, Beebe MS, Welty K, Burton RW. (1994). *Study of older child restraint/booster seat fit and NASS injury analysis.* DOT/HS 808 248. National Highway Traffic Safety Administration, Vehicle Research and Test Center, East Liberty, OH.

[8] Bilston LE, Sagar N. (2007). Geometry of rear seats and child restraints compared to child anthropometry. *Stapp Car Crash Conference J* 51:275–98.

[9] Jermakian JS, Kallan MJ, Arbogast KB. (2007). Abdominal injury risk for children seated in belt-positioning booster seats. 20th International Technical Conference on the Enhanced Safety of Vehicles, Paper No. 07–0441.

[10] Jermakian JS, Locey CM, Haughey LJ, Arbogast. KB (2007). Lower extremity injuries in children seated in forward facing child restraint systems. Traffic Injury Prevention, 8:171–179, DOI: 10.1080/15389580601175250.

[11] Klinich, K., Manary, M., Weber, K., ''Crash Protection for Child Passengers: Rationale for Best Practice,'' *supra.*

[12] Durbin DR, Chen I, Smith R, Elliott MR Winston FK (2005). Effects of seating positon and appropriate restraint use on the risk of injury to children in motor vehicle crashes. *Pediatrics* 115(3):e305–9.

[13] Siviniski, R., ''Booster Seat Effectiveness Estimates Based on CDS and State Data,'' NHTSA Technical Report, DOT HS 811 338, July 2010. *http://www-nrd.nhtsa.dot.gov/Pubs/811338.pdf.* Last accessed on October 10, 2017.

built-in belt-positioning seat.'' The agency is denying the request because the language that the petitioner would introduce would unreasonably reduce safety by permitting designs that do not address the risks of submarining and abdominal injury that booster seats presently address.

For these reasons and in accordance with 49 U.S.C. 30162 and 49 CFR part 552, the petition for rulemaking from Safeguard/IMMI and C.E. White is denied.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95 and 501.8.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.8.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2020–17595 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2019–0115; FF09E23000 FXES1111090FEDR 201]

RIN 1018–BD84

Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS), propose to amend portions of our regulations that implement section 4 of the Endangered Species Act of 1973, as amended (Act). The proposed revisions set forth a process for excluding areas of critical habitat under section 4(b)(2) of the Act, which mandates our consideration of the impacts of designating critical habitat and permits exclusions of particular areas following a discretionary exclusion analysis. We want to articulate clearly when and how FWS will undertake an exclusion analysis, including identifying a non-exhaustive list of categories of potential impacts for FWS to consider. The proposed rulemaking would respond to applicable Supreme Court case law, reflect agency experience, codify some current agency practices, and make some modifications to current agency practice. The intended effect of this proposed rule is to provide greater transparency and certainty for the public and stakeholders.

DATES: We will accept comments from all interested parties until October 8, 2020. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES** below), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Standard Time on this date.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–HQ–ES–2019–0115, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–HQ–ES–2019–0115; U.S. Fish and Wildlife Service, MS:JAO/1N, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments below for more information).

FOR FURTHER INFORMATION CONTACT: DOI, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, telephone 202/208–4646. If you use a telecommunications device for the deaf, call the Federal Relay Service at 800/877–8339.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (''Act''; 16 U.S.C. 1531 *et seq.*), states that the purposes of the Act are to provide a means to conserve the ecosystems upon which listed species depend, to develop a program for the conservation of listed species, and to achieve the purposes of certain treaties and conventions. 16 U.S.C. 1531(b). Moreover, the Act states that it is the policy of Congress that the Federal Government will seek to conserve threatened and endangered species and use its authorities to further the purposes of the Act. 16 U.S.C. 1531(c)(1).

The Secretaries of the Interior and Commerce (the ''Secretaries'') share responsibilities for implementing most of the provisions of the Act. Generally, marine and anadromous species are under the jurisdiction of the Secretary of Commerce, and all other species are under the jurisdiction of the Secretary of the Interior. Authority to administer the Act has been delegated by the Secretary of the Interior to the Director of FWS and by the Secretary of Commerce to the Assistant Administrator for the National Marine Fisheries Service (NMFS) (collectively, the Services). Together, FWS and NMFS administer the Act via joint regulations in chapter IV of title 50 of the Code of Federal Regulations (CFR). In addition, each of the Services also has regulations specific to its own implementation of the Act (located at 50 CFR part 17 for FWS and at 50 CFR parts 222 through 226 for NMFS). Because this rulemaking, if finalized, would only apply to FWS, the regulatory requirements proposed in this rulemaking would not require NMFS to change its processes for consideration of exclusions under section 4(b)(2) of the Act. Since this rulemaking is solely applicable to FWS, when we refer to the Secretary, we mean the Secretary of the Interior.

One of the tools that the Act provides to conserve species is the designation of critical habitat. The purpose of critical habitat is to identify the areas that are essential to the species' conservation and recovery. When FWS lists a species, the Act requires that, to the maximum extent prudent and determinable, 16 U.S.C. 1533(a), the Secretary, acting through FWS, designate critical habitat after taking into consideration the economic impact, the impact on national security, and any other relevant impact, 16 U.S.C. 1533(b)(2).

In section 3(5)(A) of the Act, Congress defined ''critical habitat'' as: (i) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(b)(2) of the Act then provides the Secretary the authority to exclude any particular area from a critical habitat designation if the benefits of exclusion outweigh the benefits of inclusion for that area, so long as excluding it will not result in the extinction of the species: ''The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) on the basis of the best scientific data available and after taking