

equipment and computer software support, publications and technical documentation, common munitions and test equipment, repair and return services and equipment, personnel training and training equipment, integration support and test equipment, and U.S. Government and contractor, engineering, technical and logistics support services, and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (HU-D-YAD); Army (HU-B-UCU)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services*

*Proposed to be Sold:* See Attached Annex.

(viii) *Date Report Delivered to Congress:* August 27, 2019

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

*Hungary—AIM-120C-7 Advanced Medium-Range Air-to-Air Missiles (AMRAAM)*

The Government of Hungary has requested to buy one hundred and eighty (180) AIM-120C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM), and four (4) spare AIM-120C-7 AMRAAM guidance sections. Also included are four (4) spare AIM-120C-7 control sections, six (6) AMRAAM training missiles (CATM-120C), missile containers, classified software (for the AN/MPQ-64F1 Sentinel Radar requested by Hungary through Direct Commercial Sale), spare and repair parts, cryptographic and communication security devices, precision navigation equipment, other software, site surveys, weapons system equipment and computer software support, publications and technical documentation, common munitions and test equipment, repair and return services and equipment, personnel training and training equipment, integration support and test equipment, and U.S. Government and contractor, engineering, technical and logistics support services, and other related elements of logistical and program support. The total estimated cost is \$500 million.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO ally which is an important force for political stability and economic progress in Europe. This sale is consistent with U.S. initiatives to

provide key allies in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

Hungary intends to use these defense articles and services to modernize its armed forces and expand its capability to deter regional threats and strengthen its homeland defense. This sale will contribute to Hungary's interoperability with the United States and other allies. Hungary should not have any difficulties absorbing this equipment into its armed forces.

The proposed sale of this equipment and support does not alter the basic military balance in the region.

The prime contractor and integrator will be Raytheon Missile Systems of Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of additional U.S. Government and contractor representatives to Hungary.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 19-25

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. AIM-120C Advance Medium Range Air-to-Air Missile (AMRAAM) is a radar guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying and low flying and maneuvering targets. AIM-120 Captive Air Training Missiles are non-functioning, inert missile rounds used for armament load training, and which also simulate the correct weight and balance of live missiles during captive carry on training sorties. Although designed as an air-to-air missile, the AMRAAM can also be employed in a surface-launch mode when integrated on systems such as the National Advanced Surface-to-Air System (NASAMS). The AIM-120C7, as employed on NASAMS, protects national assets from imminent hostile air threats. The AMRAAM All Up Round is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. The classified radar operational software utilized with the exportable AN/MPQ-4F1 Sentinel Radar contains specific Electronic Counter-Counter Measures (ECCM) capability, but it does not contain Non-Cooperative Target Recognition (NCTR)/classification capabilities. This software will only be released for export in an executable format with no source code. Without source code, the ability of a foreign entity to analyze the operating software, its processes, and its algorithms is slowed. The highest classification of this software is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the enclosed Policy Justification. A determination has been made that Hungary can provide the same degree of protection for the sensitive technology being released as the U.S. Government.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Hungary.

[FR Doc. 2019-27634 Filed 12-20-19; 8:45 am]

BILLING CODE 5001-06-P

#### DEPARTMENT OF ENERGY

[EERE-2019-BT-PET-0019-0008]

#### Energy Efficiency Program for Industrial Equipment: Interim Determination Classifying North Carolina Advanced Energy Corporation as a Nationally Recognized Certification Program for Electric Motors and Small Electric Motors

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of interim determination and request for public comments.

**SUMMARY:** This notice announces an interim determination classifying North Carolina Advanced Energy Corporation as a nationally recognized certification program under the Department of Energy's (DOE's) regulations regarding recognition of nationally recognized certification programs and procedures for recognition and withdrawal of

recognition of accreditation bodies and certification programs for electric and small electric motors.

**DATES:** DOE will accept comments, data, and information with respect to the Advanced Energy Petition until January 22, 2020.

**ADDRESSES:** You may submit comments, identified by docket number “EERE–2019–BT–PET–0019–0008,” by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.  
*Email:*

*AdvEnergyElecMotorsPet2019PET0019@ee.doe.gov*. Include the docket number and/or RIN in the subject line of the message.

*Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (“CD”), in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

*Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L’Enfant Plaza, SW, Suite 600, Washington, DC, 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

*Docket:* The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at <https://www.regulations.gov/docket?D=EERE-2019-BT-PET-0019>. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeremy Dommu, U.S. Department of Energy, Building Technologies Program, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: [Jeremy.Dommu@ee.doe.gov](mailto:Jeremy.Dommu@ee.doe.gov).

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel,

GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0103.

Telephone: (202) 586–8145. Email: [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov).

For further information on how to submit a comment, review other public comments and the docket, or to request a public meeting, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background and Authority**

Part C of Title III of the Energy Policy and Conservation Act, as amended (“EPCA”) contains energy conservation requirements for, among other things, electric motors and small electric motors, including test procedures, energy efficiency standards, and compliance certification requirements. 42 U.S.C. 6311–6316.<sup>1</sup> Section 345(c) of EPCA directs the Secretary of Energy to require manufacturers of electric motors “to certify through an independent testing or certification program nationally recognized in the United States, that [each electric motor subject to EPCA efficiency standards] meets the applicable standard.” 42 U.S.C. 6316(c). The United States Department of Energy (“DOE” or, in context, “the Department”) codified this requirement at 10 CFR 431.17(a)(5). DOE also established certain compliance testing requirements for manufacturers of small electric motors. 77 FR 26608 (May 4, 2012) Manufacturers of small electric motors have the option of either self-certifying the efficiency of their small electric motors or they can use a certification program nationally recognized in the U.S to certify them. (10 CFR 431.445) DOE developed a regulatory process for the recognition, and withdrawal of recognition, for certification programs nationally recognized in the U.S. The criteria and procedures for national recognition of an energy efficiency certification program for electric motors are codified at 10 CFR 431.20–10 CFR 431.21 for electric motors and at 10 CFR 431.447–10 CFR 431.448 for small electric motors. Each step of the process and evaluation criteria are discussed below.

For a certification program to be classified by DOE as being nationally recognized in the United States for the testing and certification of electric motors and small electric motors, the organization operating the program must submit a petition to the Department requesting such

classification, in accordance with the aforementioned sections.

For the Department to grant such a petition, the petitioner’s certification program must:

(1) Have satisfactory standards and procedures for conducting and administering a certification system, and for granting a certificate of conformity;

(2) Be independent of electric motor and small electric motor manufacturers (as applicable), importers, distributors, private labelers or vendors;

(3) Be qualified to operate a certification system in a highly competent manner; and

(4) Be expert in the following test procedures and methodologies:

(a) For electric motors, it must be expert in the content and application of the test procedures and methodologies in IEEE Std 112–2004 Test Method B or CSA C390–10. It must have satisfactory criteria and procedures for the selection and sampling of electric motors tested for energy efficiency. (10 CFR 431.20(b)); and

(b) For small electric motors, it must be expert in the content and application of the test procedures and methodologies in IEEE Std 112–2004 Test Methods A and B, IEEE Std 114–2010, CSA C390–10, and CSA C747, or similar procedures and methodologies for determining the energy efficiency of small electric motors. It must have satisfactory criteria and procedures for the selection and sampling of electric motors tested for energy efficiency. (10 CFR 431.447(b))

The petition requesting classification as a nationally recognized certification program must contain a narrative statement explaining why the organization meets the above criteria, be accompanied by documentation that supports the narrative statement, and be signed by an authorized representative. (10 CFR 431.20(c), and 10 CFR 431.447(c)).

##### **II. Discussion**

Pursuant to §§ 431.20, 431.21, 431.447 and 431.448, on February 11, 2019, North Carolina Advanced Energy Corporation Efficiency Verification Services (“Advanced Energy”) submitted to DOE a Petition for Recognition related to the group’s motor efficiency verification services. That petition, titled, “Energy Efficiency Evaluation of Electric Motors and Small Electric Motors to US Department of Energy Regulations as stipulated in 10 CFR part 431, subpart B and Subpart X” (“Petition” or “Advanced Energy Petition”), was accompanied by a cover letter from Advanced Energy to the

<sup>1</sup> For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A–1.

Department containing four separate sections including individual narrative statements—(1) Standards and Procedures, (2) Independent Status, (3) Qualification of Advanced Energy to Operate a Certification System, and (4) Expertise in Electric Motor Test Procedures. The petition included supporting documentation on these subjects. The Department is required to publish in the **Federal Register** such petitions for public notice and solicitation of comments, data and information as to whether the Petition should be granted. 10 CFR 431.21(b) and 10 CFR 431.448(b). In accordance with requirements in 10 CFR 431.21(b) and 10 CFR 431.448(b), DOE published Advanced Energy's petition in the **Federal Register** on July 8, 2019 and requested public comments. 84 FR 32437.

In response to the notice of petition, DOE did not receive any comments. In addition, based on DOE's review of Advanced Energy's certification program, DOE has tentatively determined that Advanced Energy meets the requirements at 10 CFR 431.20–10 CFR 431.21 for electric motors and at 10 CFR 431.447–10 CFR 431.448 for small electric motors because they (1) have satisfactory standards and procedures for conducting and administering a certification system, (2) are independent of electric motor and small electric motor manufacturers, and (3) have expertise with both the electric motors and small electric motors test procedures. Therefore, after reviewing the materials submitted by Advanced Energy and comparing them against the required criteria under the relevant regulations, DOE finds no specific cause to reject Advanced Energy's request for recognition as a nationally recognized certification program for electric motors and small electric motors.

The Department hereby announces its interim determination pursuant to 10 CFR 431.21(d) and 10 CFR 431.448(d) that Advanced Energy is classified as a nationally recognized certification program for electric motors and small electric motors and will accept comments on this interim determination until January 22, 2020. Any person submitting written comments to DOE with respect to the Advanced Energy Petition must also, at the same time, send a copy of such comments to Advanced Energy. As provided under §§ 431.21(c) and 431.448(c), Advanced Energy may submit to the Department a written response to any such comments. After receiving any such comments and responses, the Department will issue a final determination on the Advanced Energy Petition, in accordance with

§ 431.21(e), and § 431.448(e) of 10 CFR part 431.

Signed in Washington, DC, on December 6, 2019.

**Alexander N. Fitzsimmons,**

*Acting Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.*

[FR Doc. 2019–27630 Filed 12–20–19; 8:45 am]

**BILLING CODE 6450–01–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL–10003–58–Region 2]**

### **Territory of the U.S. Virgin Islands; Final Determination of Adequacy of U.S. Virgin Islands' Municipal Solid Waste Landfill Permitting Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final determination of adequacy of the Territory of the U.S. Virgin Islands' municipal solid waste landfill permit program.

**SUMMARY:** The Territory of the U.S. Virgin Islands (USVI) applied for a Determination of Adequacy of its Municipal Solid Waste Landfill (MSWLF) Permit Program under Section 4005 of the Resource Conservation and Recovery Act (RCRA). The components of authority and capability were contained in the USVI's application and its revisions. EPA reviewed the USVI's application, and revisions thereto, including its revised solid waste regulations. After consideration of all public comments received regarding the Tentative Determination of Adequacy, EPA is today issuing a Final Determination that the U.S. Virgin Islands' MSWLF permit program is adequate to ensure compliance with the revised MSWLF permit program criteria.

**DATES:** The Final Determination of Adequacy of the USVI MSWLF Permit Program shall be effective immediately upon publication of this **Federal Register** Notice, December 23, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kimiko Link, Sustainable Materials Management Section, Land, Chemicals and Redevelopment Division, [link.kimiko@epa.gov](mailto:link.kimiko@epa.gov), 212–637–4182.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

Section 4005(c)(1)(B) of the Resource, Conservation and Recovery Act (RCRA) Subtitle D, as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires states to develop and implement permit programs or other systems of prior

approval to ensure that MSWLFs, which may receive hazardous household waste or small quantity generator waste, will comply with the revised federal MSWLF regulations codified in 40 CFR part 258.

RCRA section 4005(c)(1)(C) requires the EPA to determine whether states have adequate permit programs for MSWLFs. Pursuant to RCRA, the term "State" includes the Territory of the U.S. Virgin Islands. Title 40 CFR part 239 specifies the minimum requirements that state landfill permit programs must satisfy to be determined to be adequate by EPA, including: the state must have legally adopted enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF landfill criteria; the state must have an adequate compliance monitoring program and the legal authority to issue permits or other forms of prior approval to all new and existing MSWLFs in its jurisdiction; the state must provide for public participation in permit issuance and enforcement as required in Section 7004(b) of RCRA, 42 U.S.C. 6974(b); and the state must also demonstrate that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator who fails to comply with applicable regulations or its landfill permit.

The EPA regions are authorized to determine whether a state has submitted an adequate program based on the statute and the regulations summarized above. EPA expects each state to meet all of these requirements for its MSWLF program before it gives full approval of the adequacy of a MSWLF program. As a general matter, the Agency believes that approvals of state programs have an important benefit. Approved state permit programs establish procedures for interaction between a state and an owner/operator regarding site-specific permit conditions. Also, EPA approval of state MSWLF programs provides directors of approved states with various flexibilities including: The authority to approve expansion of an existing landfill or siting a new landfill in a seismic zone; application of alternative daily cover; and alternate financial assurance mechanisms. EPA notes that regardless of the approval status of a state and the permit status of any facility, the federal landfill criteria apply to all permitted and unpermitted MSWLF facilities. EPA also notes that Section 4005(a) of RCRA, 42 U.S.C. 6945(a), provides that citizens may use the citizen suit provisions of Section 7002 of RCRA to enforce the federal MSWLF criteria in 40 CFR part 258