

b. “Hazardous/severe-major” failure conditions can include events that are manageable by the crew by the use of proper procedures, which, if not implemented correctly or in a timely manner, may result in a catastrophic event.

5. *Catastrophic.* Failure conditions result in multiple fatalities to occupants, fatalities or incapacitation to the flight crew, or result in loss of the rotorcraft. The potential that a failure results in a condition characterized as catastrophic should be extremely improbable with probability of occurrence  $1 \times 10^{-9}$  failures/flight hour or less.

#### Requirements

Helitruk must comply with the existing requirements of § 27.1309 for all applicable design and operational aspects of the Helitruk AP with the failure condition categories of “no effect” and “minor,” and for non-complex systems whose failure condition category is classified as “major.” Helitruk must comply with the requirements of these special conditions for all applicable design and operational aspects of the Helitruk AP with the failure condition categories of “catastrophic” and “hazardous severe/major,” and for complex systems whose failure condition category is classified as “major.” A complex system is a system whose operations, failure conditions, or failure effects are difficult to comprehend without the aid of analytical methods (for example, FTA, Failure Modes and Effect Analysis, FHA).

#### System Design Integrity Requirements

Each of the failure condition categories defined in these special conditions relate to the corresponding aircraft system integrity requirements. The system design integrity requirements for the Helitruk AP, as they relate to the allowed probability of occurrence for each failure condition category and the proposed software design assurance level, are as follows:

Systems with failures that may result in a “major” effect must be shown to be remote and develop software to the Radio Technical Commission for Aeronautics (RTCA) Document DO-178B, *Software Considerations in Airborne Systems and Equipment Certification*, Level C software design assurance level and must develop complex hardware to the Radio Technical Commission for Aeronautics (RTCA) Document DO-254, *Design Assurance Guidance for Airborne Electronic Hardware*, Level C hardware design assurance level.

Systems with failures that may result in “hazardous/severe-major” effects must be shown to be extremely remote and develop software to the RTCA Document DO-178B, *Software Considerations in Airborne Systems and Equipment Certification*, Level B software design assurance level and must develop complex hardware to the Radio Technical Commission for Aeronautics (RTCA) Document DO-254, *Design Assurance Guidance for Airborne Electronic Hardware*, Level B hardware design assurance level.

Systems with failures that may result in “catastrophic” effects must be shown to be extremely improbable, and develop software to the RTCA Document DO-178B, *Software Considerations in Airborne Systems and Equipment Certification*, Level A design assurance level and must develop complex hardware to the Radio Technical Commission for Aeronautics (RTCA) Document DO-254, *Design Assurance Guidance for Airborne Electronic Hardware*, Level A hardware design assurance level.

#### System Design Environmental Requirements

The AP system equipment must be qualified to the appropriate environmental level per RTCA Document DO-160F, *Environmental Conditions and Test Procedures for Airborne Equipment*, for all relevant aspects. This is to show that the AP system performs its intended function under any foreseeable operating condition, including the expected environment in which the AP is intended to operate. Some of the main considerations for environmental concerns are installation locations and the resulting exposure to environmental conditions for the AP system equipment, including considerations for other equipment that may be affected environmentally by the AP equipment installation. The level of environmental qualification must be related to the severity of the considered failure conditions and effects on the rotorcraft.

#### Test & Analysis Requirements

Compliance with the requirements of these special conditions may be shown by a variety of methods, which typically consist of analysis, flight tests, ground tests, and simulation, at a minimum. Compliance methodology is related to the associated failure condition category. If the AP is a complex system, compliance with the requirements for failure conditions classified as “major” may be shown by analysis, in combination with appropriate testing, to validate the analysis. Compliance with

the requirements for failure conditions classified as “hazardous/severe-major” may be shown by flight-testing in combination with analysis and simulation, and the appropriate testing to validate the analysis. Flight tests may be limited for “hazardous/severe-major” failure conditions and effects due to safety considerations. Compliance with the requirements for failure conditions classified as “catastrophic” may be shown by analysis and appropriate testing in combination with simulation to validate the analysis. Very limited flight tests in combination with simulation are used as a part of a showing of compliance for “catastrophic” failure conditions. Flight tests are performed only in circumstances that use operational variations, or extrapolations from other flight performance aspects to address flight safety.

These special conditions require that the Helitruk AP system installed on a Robinson Model R22 BETA helicopter, Type Certificate No. H10WE, meet these requirements to adequately address the failure effects identified by the FHA, and subsequently verified by the SSA, within the defined design system integrity requirements.

Issued in Fort Worth, Texas, on March 10, 2017.

**Lance Gant,**

Manager Rotorcraft Standard Staff, Aircraft Certification Service.

[FR Doc. 2017-05268 Filed 3-15-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2016-0032]

RIN 1625-AA11

### Regulated Navigation Areas; Escorted Submarines Sector Jacksonville Captain of the Port Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing regulated navigation areas (RNA) covering the St. Marys Entrance Channel, portions of the Cumberland Sound, and the Atlantic Ocean that will be in effect whenever any Navy submarine (foreign or domestic) is escorted by the Coast Guard and operating within the jurisdictional waters of the Sector Jacksonville Captain of the Port Zone. These RNAs

are necessary to help ensure the safety and security of submarines, their Coast Guard escorts, and the public. The RNAs will do so by requiring all persons and vessels located within an RNA to follow lawful orders and/or directions given to them by Coast Guard designated representatives. Additionally, these RNAs will supersede the current temporary safety/security zone for Cumberland Sound, Georgia and St. Marys River Entrance Channel.

**DATES:** This rule is effective April 17, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2016–0032 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Allan Storm, Coast Guard Sector Jacksonville, Chief of Waterways Management, telephone (904) 714–7616, email [Allan.H.Storm@uscg.mil](mailto:Allan.H.Storm@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of proposed rulemaking  
 § Section  
 U.S.C. United States Code

**II. Background Information and Regulatory History**

Navy submarines frequently operate within the Cumberland Sound and the St. Marys Entrance Channel. When transiting these areas, the submarines and the vessels towing them are severely restricted in their ability to maneuver or deviate course. Due to the safety and security concerns involved with submarine operations near shore in restricted waters, the Coast Guard provides submarine escorts when they are operating in those areas and offshore in the Atlantic Ocean.

Because the existing regulatory options the Coast Guard uses to safeguard the movement of submarines, their Coast Guard escorts, and the public are insufficient, the Coast Guard published a notice of proposed rulemaking (NPRM) on June 13, 2016, titled “Regulated Navigation Areas; Escorted Submarines Sector Jacksonville Captain of the Port Zone” (81 FR 38119). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action. During

the comment period that ended July 13, 2016, we received no public comments and two interagency comments.

**III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Coast Guard has determined that RNAs are necessary to allow designated Coast Guard representatives adequate time to effectively order and/or direct persons and vessels operating within a RNA to stop, move, change orientation, or take other action as needed to ensure safety and/or security. The ability to order and/or direct persons and vessels will help avoid unnecessary and potentially dangerous close quarters contact between Coast Guard escorts and the maritime public within Cumberland Sound, the St. Marys Entrance Channel, and offshore in the Atlantic Ocean. In addition, it will give Coast Guard escorts an additional tool for determining the intention of vessels that are operating in close vicinity to an escorted submarine. The RNAs will mitigate the risks associated with these issues, and ensure the safety and security of the submarines, their Coast Guard escorts, and the maritime public.

**IV. Discussion of Comments, Changes, and the Rule**

As noted above, we received no public comments on the NPRM published on June 13, 2016. To better define the northern extent of the RNA, we have incorporated one change to the rule based on an interagency comment. The change includes adding the words “the southern tip of” to the Crab Island position.

This rule establishes a regulated area encompassing all waters within one (1) nautical mile of the charted center of the navigation channel from the southern tip of Crab Island in the Cumberland Sound, Georgia, to the St. Marys Entrance Channel and its approach extending eastward to lighted buoy “STM.” This portion of the regulation would allow Coast Guard vessels to direct waterway traffic in any portion of this confined channel when a submarine is being escorted.

Additionally, a regulated area will encompass waters within one (1) nautical mile of any Navy submarine while it is transiting territorial seas within the Sector Jacksonville Captain of the Port Zone. All persons and vessels located within the RNA are required to follow lawful orders and/or directions given to them by designated Coast Guard representatives.

**V. Regulatory Analyses**

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

**A. Regulatory Planning and Review**

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

The Coast Guard made this determination based on the fact that (1) the RNAs are only enforced for the short periods of time when submarines are operating in the St. Marys Entrance Channel, portions of the Cumberland Sound, and Atlantic Ocean and escorted by the Coast Guard or anytime a submarine is operating and escorted by the Coast Guard within the Sector Jacksonville Captain of the Port Zone territorial seas and (2) vessels may freely operate within the RNAs to the extent permitted by other law or regulation unless given a lawful order and/or direction by designated Coast Guard representatives.

The Coast Guard has determined that this rule, superseding the temporary safety/security zone implemented under 33 CFR 165.731(b), does not constitute a “significant regulatory action” under Executive Order 12866 based on the size and location of the security zone. The permanent security zone currently implemented under 33 CFR 165.731(a) remains in effect and covers approximately five square nautical miles of a sparsely populated section of Cumberland Sound and tributaries where few recreational or commercial vessels transit. Vessels transiting this area of Cumberland Sound can transit around the security zone.

**B. Impact on Small Entities**

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small

businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard did not receive any comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the RNA may be small entities, for the reasons stated in section V.A above, this rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism

principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of RNAs and an amendment to a safety/security zone covering the St. Marys Entrance Channel, portions of the Cumberland Sound, and Atlantic Ocean, that will be enforced whenever any Navy submarine (foreign or domestic) is being escorted by the Coast Guard and operating within the jurisdictional waters of the Sector Jacksonville Captain of the Port Zone. It is categorically excluded from further review under paragraph 34(g) of figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your

message can be received without jeopardizing the safety or security of people, places, or vessels.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 165.731 to read as follows:

#### § 165.731 Security Zone: Cumberland Sound, Georgia.

(a) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP) Jacksonville, Florida, in the enforcement of the regulated areas.

(b) *Location.* A permanent security zone is established within the following coordinates, the area enclosed by a line starting at 30°44'55" N., 081°29'39" W.; thence to 30°44'55" N., 081°29'18" W.; thence to 30°46'35" N., 081°29'18" W.; thence to 30°47'02" N., 081°29'34" W.; thence to 30°47'21" N., 081°29'39" W.; thence to 30°48'00" N., 081°29'42" W.; thence to 30°49'07" N., 081°29'56" W.; thence to 30°49'55" N., 081°30'35" W.; thence to 30°50'15" N., 081°31'08" W.; thence to 30°50'14" N., 081°31'30" W.; thence to 30°49'58" N., 081°31'45" W.; thence to 30°49'58" N., 081°32'03" W.; thence to 30°50'12" N., 081°32'17" W.; thence following the land based perimeter boundary to the point of origin.

(c) *Regulations.* (1) No person or vessel may enter or remain within the security zone without the permission of the COTP Jacksonville or designated representative.

(2) All persons and vessels authorized to enter the security zone shall immediately obey any direction or order of the COTP Jacksonville or designated representative.

(3) This regulation does not apply to persons or vessels operating under the authority of the United States Navy or to authorized law enforcement agencies.

■ 3. Add § 165.732 to read as follows:

**§ 165.732 Escorted Submarines Sector  
Jacksonville Captain of the Port Zone.**

(a) *Location.* The following areas are regulated navigation areas (RNA) whenever any Navy submarine (foreign or domestic) is being escorted by the Coast Guard within the Sector Jacksonville Captain of the Port Zone territorial seas:

(1) All waters within 1 nautical mile of any Navy submarine operating within the Sector Jacksonville Captain of the Port Zone territorial seas; and

(2) All waters within 1 nautical mile of the charted center of the navigation channel from the southern tip of Crab Island in the Cumberland Sound, Georgia, to the St. Marys Entrance Channel and its approach extending eastward to lighted buoy “STM.”

(b) *Regulations.* All persons and vessels located within a RNA created by paragraph (a) shall follow all lawful orders and/or directions given to them by designated Coast Guard representatives. 33 CFR 165, subpart B, contains additional provisions applicable to the RNA created in paragraph (a) of this section.

(c) *Notification.* The Coast Guard escort will attempt, when necessary and practicable, to notify any persons or vessels inside or approaching the vicinity of a RNA created in paragraph (a) of this section of its existence via VHF Channel 16 and/or any other means reasonably available.

Dated: March 10, 2017.

**S.A. Buschman,**

*Rear Admiral, U.S. Coast Guard, Commander,  
Seventh Coast Guard District.*

[FR Doc. 2017-05229 Filed 3-15-17; 8:45 am]

**BILLING CODE 9110-04-P**

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**DEPARTMENT OF EDUCATION**

**Office of Postsecondary Education**

**34 CFR Part 674**

**Federal Perkins Loan Program**

*CFR Correction*

In Title 34 of the Code of Federal Regulations, Parts 400 to 679, revised as of July 1, 2016, on page 698, in § 674.17, in the introductory text of paragraph (a), the words “one of” are removed.

[FR Doc. 2017-05299 Filed 3-15-17; 8:45 am]

**BILLING CODE 1301-00-D**

**ENVIRONMENTAL PROTECTION  
AGENCY**

**40 CFR Part 68**

[EPA-HQ-OEM-2015-0725; FRL-9959-57-OLEM]

**RIN 2050-AG82**

**Accidental Release Prevention  
Requirements: Risk Management  
Programs Under the Clean Air Act;  
Further Delay of Effective Date**

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

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** By a letter dated March 13, 2017, the Administrator announced the convening of a proceeding for reconsideration of the final rule that amends the chemical accident prevention provisions addressing Risk Management Programs under the Clean Air Act published in the **Federal Register** on January 13, 2017. The effective date of these regulations had been March 21, 2017. By this action, the EPA is administratively staying and delaying the effective date of this rule for 90 days. Thus, the January 13, 2017 rule will become effective on June 19, 2017.

**DATES:** The effective date of the rule amending 40 CFR part 68 published at 82 FR 4594 (January 13, 2017), as delayed at 82 FR 8499 (January 26, 2017) is further delayed to June 19, 2017.

**ADDRESSES:** The EPA has established a docket for the rule amending 40 CFR part 68 under Docket ID No. EPA-HQ-OEM-2015-0725. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** James Belke, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW. (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564-8023; email address: [belke.jim@epa.gov](mailto:belke.jim@epa.gov), or: Kathy Franklin, United States Environmental Protection

Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW. (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564-7987; email address: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov).

Electronic copies of this document and related news releases are available on EPA's Web site at <http://www.epa.gov/rmp>. Copies of this final rule are also available at <http://www.regulations.gov>.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On January 13, 2017, the EPA (“we”) issued a final rule amending 40 CFR part 68, the chemical accident prevention provisions under section 112(r)(7) of the Clean Air Act (CAA) ((42 U.S.C. 7412(r)). The amendments addressed various aspects of risk management programs, including prevention programs at stationary sources, emergency response preparedness requirements, information availability, and various other changes to streamline, clarify, and otherwise technically correct the underlying rules. Collectively, this rulemaking is known as the “Risk Management Program Amendments.” For further information on the Risk Management Program Amendments, see 82 FR 4594 (January 13, 2017).

On January 26, 2017, the EPA published a final rule extending the effective date of the Risk Management Program Amendments from March 14, 2017, to March 21, 2017, see 82 FR 8499. This revision to the effective date of the Risk Management Program Amendments was part of an EPA final rule implementing a memorandum dated January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review.” This memorandum directed the heads of agencies to extend until 60 days after the date of its issuance the effective date of rules that were published prior to January 20, 2017 but which had not yet become effective.

In a letter dated February 28, 2017, a group known as the “RMP Coalition,”<sup>1</sup> submitted a petition for reconsideration of the Risk Management Program Amendments (“RMP Coalition Petition”) as provided for in CAA section 307(d)(7)(B) (42 U.S.C.

<sup>1</sup> The RMP Coalition is comprised of the American Chemistry Council, the American Forest & Paper Association, the American Fuel & Petrochemical Manufacturers, the American Petroleum Institute, the Chamber of Commerce of the United States of America, the National Association of Manufacturers, and the Utility Air Regulatory Group.