

- e. In paragraph (10)(i)(C), removing “\$191,000” and adding “\$180,000” in its place; and
- f. In paragraphs (10)(i)(D) through (F), removing “\$77,533” wherever it appears and adding “\$80,317” in its place.

**225.7017-3 [Amended]**

- 3. Amend section 225.7017-3, in paragraph (b), by removing “\$191,000” and adding “\$180,000” in its place.

**225.7017-4 [Amended]**

- 4. Amend section 225.7017-4, in paragraphs (a)(1) and (b)(1), by removing “\$191,000” and adding “\$180,000” in both places.

**225.7503 [Amended]**

- 5. Amend section 225.7503 by—
- a. In paragraphs (a) and (b) introductory text, removing “\$7,358,000” and adding “\$6,932,000” in both places;
- b. In paragraph (b)(1), removing “\$10,079,365” and adding “\$10,441,216” in its place;
- c. In paragraph (b)(2), removing “\$7,358,000” and adding “\$6,932,000” in its place, and removing “\$10,079,365” and adding “\$10,441,216” in its place;
- d. In paragraph (b)(3), removing “\$10,079,365” and adding “\$10,441,216” in its place; and
- e. In paragraph (b)(4), removing “\$7,358,000” and adding “\$6,932,000” in its place, and removing “\$10,079,365” and adding “\$10,441,216” in its place.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****252.225-7017 [Amended]**

- 6. Amend section 252.225-7017 by—
- a. Removing clause date “(DEC 2016)” and adding “(JAN 2018)” in its place;
- b. In paragraphs (c)(2) and (3), removing “\$77,533” and adding “\$80,317” in its place; and
- c. In paragraphs (c)(4) and (5), removing “\$191,000” and adding “\$180,000” in its place.

**252.225-7018 [Amended]**

- 7. Amend section 252.225-7018 by—
- a. Removing clause date “(JAN 2016)” and adding “(JAN 2018)” in its place;
- b. In paragraph (b)(1) introductory text, removing “\$191,000” and adding “\$180,000” in its place;
- c. In paragraph (b)(2), removing “\$191,000” and adding “\$180,000” in its place;
- d. In paragraphs (d)(3) and (4) introductory text, removing “\$77,533”

and adding “\$80,317” in both places; and

- e. In paragraphs (d)(5) and (6) introductory text, removing “\$191,000” and adding “\$180,000” in its place.

[FR Doc. 2017-27781 Filed 12-27-17; 8:45 am]

BILLING CODE 5001-06-P

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Parts 225 and 252**

[Docket DARS-2017-0020]

RIN 0750-AJ47

**Defense Federal Acquisition Regulation Supplement: New Qualifying Country-Latvia (DFARS Case 2017-D037)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add Latvia as a qualifying country.

**DATES:** Effective December 28, 2017.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, telephone 571-372-6106.

**SUPPLEMENTARY INFORMATION:****I. Background**

DoD is amending the DFARS to add Latvia as a qualifying country. On April 10, 2017, the Secretary of Defense and the Minister of Defense of the Republic of Latvia signed a Reciprocal Defense Procurement Agreement. The Secretary of Defense also signed, on that day, a determination and findings that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of articles, materials, and supplies, produced or manufactured in the Republic of Latvia. The agreement removes discriminatory barriers to procurements of supplies and services produced by industrial enterprises of the other country to the extent mutually beneficial and consistent with national laws, regulations, policies, and international obligations. This agreement does not cover construction or construction material. Latvia is already a designated country under the World Trade Organization Government Procurement Agreement.

**II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items**

This rule only updates the list of qualifying countries in the DFARS by adding the newly qualifying country of Latvia. The definition of “qualifying country” is updated in each of the following clauses; however, this revision does not impact the clause prescriptions for use, or applicability at or below the simplified acquisition threshold, or applicability to commercial items. The clauses are: DFARS 252.225-7001, Buy American and Balance of Payments Program; DFARS 252.225-7002, Qualifying Country Sources as Subcontractors; DFARS 252.225-7012, Preference for Certain Domestic Commodities; DFARS 252.225-7017, Photovoltaic Devices; DFARS 252.225-7021, Trade Agreements; and DFARS 252.225-7036, Buy American—Trade Agreements—Balance of Payments Program.

**III. Publication of This Final Rule for Public Comment Is Not Required by Statute**

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707 entitled “Publication of Proposed Regulations.” Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it does not constitute a significant DFARS revision within the meaning of FAR 1.501-1 and does not have a significant cost or administrative impact on contractors or offerors. Latvia is added to the list of 26 other countries that have similar reciprocal defense procurement agreements with DoD. These requirements affect only the internal operating procedures of the Government.

**IV. Executive Orders 12866 and 13563**

Executive Order (E.O.) 12866, Regulatory Planning and Review, and E.O. 13563, Improving Regulation and Regulatory Review, direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation

is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### V. Executive Order 13771

This rule is not subject to E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, because this rule is not a significant regulatory action under E.O. 12866.

#### VI. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule, because this final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501-1, and 41 U.S.C. 1707 does not require publication for public comment.

#### VII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does apply, because the final rule affects the definition of “qualifying country” in each of the following clauses: DFARS 252.225-7001, Buy American and Balance of Payments Program; DFARS 252.225-7002, Qualifying Country Sources as Subcontractors; DFARS 252.225-7012, Preference for Certain Domestic Commodities; DFARS 252.225-7017, Photovoltaic Devices; DFARS 252.225-7021, Trade Agreements; and DFARS 252.225-7036, Buy American—Trade Agreements—Balance of Payments Program. The changes to these DFARS clauses do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 0704-0229, entitled “DFARS Part 225, Foreign Acquisition and related clauses,” because the rule merely shifts the category under which items from Latvia must be listed.

#### List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Jennifer L. Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 225 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

#### PART 225—FOREIGN ACQUISITION

##### 225.003 [Amended]

■ 2. Section 225.003 is amended in paragraph (10), the definition of “Qualifying country”, by adding, in alphabetical order, the country of “Latvia”.

##### 225.872-1 [Amended]

■ 3. Section 225.872-1 is amended in paragraph (a) by adding, in alphabetical order, the country of “Latvia”.

#### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

##### 252.225-7001 [Amended]

■ 4. Section 252.225-7001 is amended by—

■ a. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place;

■ b. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”; and

■ c. In Alternate I—

■ i. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ ii. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”.

##### 252.225-7002 [Amended]

■ 5. Section 252.225-7002 is amended by—

■ a. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ b. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”.

##### 252.225-7012 [Amended]

■ 6. Section 252.225-7012 is amended by—

■ a. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ b. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”.

##### 252.225-7017 [Amended]

■ 7. Section 252.225-7017 is amended by—

■ a. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ b. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”.

##### 252.225-7021 [Amended]

■ 8. Section 252.225-7021 is amended by—

■ a. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place;

■ b. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”; and

■ c. In Alternate II—

■ i. In the clause heading, removing the date of “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ ii. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”.

##### 252.225-7036 [Amended]

■ 9. Section 252.225-7036 is amended by—

■ a. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place;

■ b. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”;

■ c. In Alternate I—

■ i. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ ii. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”;

■ d. In Alternate II—

■ i. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ ii. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”;

■ e. In Alternate III—

■ i. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ ii. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”;

■ f. In Alternate IV—

■ i. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and

■ ii. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”;

- g. In Alternate V—
- i. In the clause heading, removing the date “(DEC 2016)” and adding “(DEC 2017)” in its place; and
- ii. In paragraph (a), the definition of “Qualifying country”, adding, in alphabetical order, the country of “Latvia”.

[FR Doc. 2017-27780 Filed 12-27-17; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 219

[Docket No. FRA-2001-11213, Notice No. 22]

#### Drug and Alcohol Testing: Determination of Minimum Random Testing Rates for 2018

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notification of determination.

**SUMMARY:** This notification of determination announces the FRA Administrator’s minimum annual random drug and alcohol testing rates for calendar year 2018.

**DATES:** This notification of determination is effective December 28, 2017.

**FOR FURTHER INFORMATION CONTACT:** Jerry Powers, FRA Drug and Alcohol Program Manager, W33-310, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202-493-6313); or Sam Noe, FRA Drug and Alcohol Program Specialist (telephone 615-719-2951).

**SUPPLEMENTARY INFORMATION:** For the next calendar year, FRA determines the minimum annual random drug testing rate and the minimum annual random alcohol testing rate for railroad employees covered by hours of service laws and regulations (covered service employees) based on the railroad industry data available for the two previous calendar years (for this document, calendar years 2015 and 2016). Railroad industry data submitted to FRA’s Management Information System (MIS) shows the rail industry’s random drug testing positive rate for covered service employees has continued to be below 1.0 percent for the applicable two calendar years. FRA’s Administrator has therefore determined the minimum annual random drug testing rate from January 1, 2018 through December 31, 2018, will remain at 25 percent of covered service

employees under § 219.602 of FRA’s drug and alcohol rule (49 CFR part 219). In addition, because the industry-wide random alcohol testing violation rate for covered service employees has continued to be below 0.5 percent for the applicable two calendar years, the Administrator has determined the minimum annual random alcohol testing rate will remain at 10 percent of covered service employees from January 1, 2018 through December 31, 2018, under § 219.608. Because these rates represent minimums, railroads may conduct FRA random testing of covered service employees at higher rates.

On June 12, 2017, maintenance-of-way (MOW) employees became subject to FRA random drug and alcohol testing. In the final rule which expanded the scope of part 219 to include MOW employees (81 FR 37894, June 10, 2016), FRA had set the initial minimum annual random testing rates for MOW employees at 50 percent of MOW employees for drugs and 25 percent of MOW employees for alcohol; FRA had set identical initial minimum random testing rates for covered employees when they first became subject to random testing. Unlike covered employees, however, FRA does not yet have two full years of MIS data to gauge the industry-wide random drug and random alcohol positive rates for MOW employees. For this reason, FRA’s Administrator has determined that for MOW employees, from January 1, 2018 through December 31, 2018, the minimum annual random drug testing rate will remain at 50 percent of MOW employees, and the minimum annual random alcohol testing rate will remain at 25 percent of MOW employees. As with covered service employees, because these rates represent minimums, railroads may conduct FRA random testing of MOW employees at higher rates.

Issued in Washington, DC, on December 21, 2017.

**Juan D. Reyes, III,**  
Chief Counsel.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 170816768-7999-02]

RIN 0648-BH14

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Modifications to Greater Amberjack Allowable Harvest and Rebuilding Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues regulations to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico Fishery Management Council (Council). This final rule revises the commercial and recreational annual catch limits (ACLs) and annual catch targets (ACTs), and modifies the recreational fixed closed season for greater amberjack in the Gulf of Mexico (Gulf) exclusive economic zone (EEZ). The purpose of this final rule and the framework action is to adjust the rebuilding time period and to revise the sector ACLs and ACTs consistent with updated stock status information to end overfishing and rebuild the greater amberjack stock in the Gulf.

**DATES:** This final rule is effective January 27, 2018.

**ADDRESSES:** Electronic copies of the framework action, which includes an environmental assessment, a regulatory impact review, and a Regulatory Flexibility Act (RFA) analysis may be obtained from the Southeast Regional Office website at [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/gulf\\_fisheries/reef\\_fish/2017/GAJ\\_Framework/gaj\\_framework.pdf](http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2017/GAJ_Framework/gaj_framework.pdf).

**FOR FURTHER INFORMATION CONTACT:** Kelli O’Donnell, Southeast Regional Office, NMFS, telephone: 727-824-5305, email: [Kelli.ODonnell@noaa.gov](mailto:Kelli.ODonnell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Gulf reef fish fishery, which includes greater amberjack, is managed under the FMP. The Council prepared the FMP, and NMFS implements the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622.