

actions on State, local, and Tribal governments and the private sector. For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a),(b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA (62 FR 12820) (also available at <http://www.gc.doe.gov>). This final rule contains neither an intergovernmental mandate nor a mandate that may result in the expenditure of \$100 million or more in any year, so these requirements under the UMRA do not apply.

*I. Review Under the Treasury and General Government Appropriations Act, 1999*

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

*J. Review Under Executive Order 12630, “Governmental Actions and Interference With Constitutionally Protected Property Rights”*

The Department has determined, under Executive Order 12630, “Governmental Actions and Interference With Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), that this rule would not result in any takings which might require compensation under the Fifth Amendment to the United States Constitution.

*K. Review Under the Treasury and General Government Appropriations Act, 2001*

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (February 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this rulemaking under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

*L. Review Under Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”*

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This final rule would not have a significant adverse effect on the supply, distribution, or use of energy and, therefore, is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

*M. Congressional Notification*

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

**Approval of the Office of the Secretary**

The Secretary of Energy has approved publication of this final rule.

**List of Subjects in 10 CFR Part 430**

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Small businesses.

Issued in Washington, DC, on May 9, 2018.

**Daniel R. Simmons,**

*Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

For the reasons set forth in the preamble, DOE hereby amends chapter II, subchapter D, of title 10 of the Code of Federal Regulations as set forth below:

**PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS**

- 1. The authority citation for part 430 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

**§ 430.32 [Amended]**

- 2. Section 430.32 is amended by:
  - a. In paragraphs (s)(3), (4), (5), and (6), removing the language “January 7, 2019” each place it appears and adding in its place “January 21, 2020”.
  - b. In paragraph (s)(5), removing the language “paragraphs (s)(2) or (3)” and adding in its place “paragraph (s)(3) or (4)”.

[FR Doc. 2018–10440 Filed 5–15–18; 8:45 am]

BILLING CODE 6450–01–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2018–0413; Product Identifier 2018–NM–061–AD; Amendment 39–19283; AD 2018–10–08]

RIN 2120–AA64

**Airworthiness Directives; Boeing Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2016–09–05, which applied to certain The Boeing Company Model 717–200 airplanes. AD 2016–09–05 required a detailed inspection for distress of the vertical

stabilizer leading edge skin, and related investigative and corrective actions if necessary. It also required, for certain airplanes, repetitive inspections of the front spar cap for any loose or missing fasteners, or any cracking, and related investigative and corrective actions if necessary. This AD requires repetitive inspections for distress, cracking, and loose or missing fasteners in the vertical stabilizer leading edge skin and front spar cap, with new compliance times for certain airplanes. This AD was prompted by reports of cracking in the leading edge of the vertical stabilizer and front spar web. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 31, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 31, 2018.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0413.

#### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0413; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule,

the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Muoi Vuong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5205; fax: 562-627-5210; email: [muoi.vuong@faa.gov](mailto:muoi.vuong@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued AD 2016-09-05, Amendment 39-18503 (81 FR 26673, May 4, 2016) ("AD 2016-09-05"), for certain The Boeing Company Model 717-200 airplanes. AD 2016-09-05 required a detailed inspection for any distress of the vertical stabilizer leading edge skin, and related investigative and corrective actions if necessary. It also required, for certain airplanes, repetitive detailed inspections of the front spar cap for any loose or missing fasteners, repetitive eddy current testing high frequency (ETHF) and radiographic testing (RT) inspections of the front spar cap for any crack, and related investigative and corrective actions if necessary. AD 2016-09-05 resulted from reports of 10 cases of elongated fastener holes in the vertical stabilizer leading edge. We issued AD 2016-09-05 to address cracking in the vertical stabilizer leading edge and front spar cap, which may result in the structure becoming unable to support limit load, and may lead to the loss of the vertical stabilizer.

#### Actions Since AD 2016-09-05 Was Issued

Since we issued AD 2016-09-05, four cases of elongated fastener holes in the vertical stabilizer leading edge and nine cases of front spar cap damage or cracks were reported. Seven of the nine cases involved small cracks of approximately 0.3 inch in the front spar cap. Two of the nine cases involved a severed front spar cap and front spar web cracking, and one also involved skin cracking. The longest cracks, 4.5 inches in length, were discovered in the left skin of the vertical stabilizer leading edge and the front spar web of a Boeing Model 717-200 airplane during an initial inspection required by AD 2016-09-05. We determined that for airplanes on which an initial inspection has not been done as specified in AD 2016-09-05, a revised compliance time is needed. We

are issuing this AD to address the unsafe condition on these products.

#### Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 717-55A0012, Revision 1, dated April 11, 2018. The service information describes procedures for doing detailed inspections of the front spar cap for any loose or missing fasteners, ETHF or RT inspections for distress and for cracking in the vertical stabilizer leading edge and front spar cap at the splice at station Zfs=52.267, and applicable on-condition actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### AD Requirements

Although this AD does not explicitly restate the requirements of AD 2016-09-05, this AD would retain the requirements of AD 2016-09-05, with revised compliance times for airplanes that have not completed the requirements of AD 2016-09-05. The requirements of AD 2016-09-05 are referenced in the service information identified previously, which, in turn, is referenced in paragraph (g) of this AD.

#### FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comment prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because cracks in the vertical stabilizer leading edge and front spar cap could result in the structure becoming unable to support limit load, and may lead to the loss of the vertical stabilizer. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason(s) stated above, we find that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an

opportunity for public comment. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2018–0413 and Product Identifier 2018–NM–061–AD at the beginning of your comments. We specifically invite

comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We

will also post a report summarizing each substantive verbal contact we receive about this final rule.

#### Costs of Compliance

We estimate that this AD affects 106 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections for distress (retained actions from AD 2016–09–05).	11 work-hours × \$85 per hour = \$935 per inspection cycle.	\$0	\$935 per inspection cycle.	\$99,110 per inspection cycle.
Repetitive inspections for cracking and loose or missing fasteners (retained actions from AD 2016–09–05).	7 work-hours × \$85 per hour = \$595 per inspection cycle.	0	\$595 per inspection cycle.	\$63,070 per inspection cycle.

The new requirements of this AD add no additional economic burden.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

#### Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have 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.

For the reasons discussed above, I certify that this AD:

- (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),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–09–05, Amendment 39–18503 (81

FR 26673, May 4, 2016), and adding the following new AD:

**2018–10–08 The Boeing Company:**  
Amendment 39–19283; Docket No. FAA–2018–0413; Product Identifier 2018–NM–061–AD.

#### (a) Effective Date

This Airworthiness Directive (AD) is effective May 31, 2018.

#### (b) Affected ADs

This AD replaces AD 2016–09–05, Amendment 39–18503 (81 FR 26673, May 4, 2016) ("AD 2016–09–05").

#### (c) Applicability

This AD applies to The Boeing Company Model 717–200 airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 717–55A0012, Revision 1, dated April 11, 2018.

#### (d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

#### (e) Unsafe Condition

This AD was prompted by multiple reports of the vertical stabilizer leading edge showing signs of fastener distress, multiple cracked or severed front spar caps, and cracks in the left skin of the vertical stabilizer leading edge and in the front spar web, discovered during initial inspections required by AD 2016–09–05. We have determined that a revised compliance time is needed for airplanes on which the initial inspection has not been done as specified in AD 2016–09–05. We are issuing this AD to address cracking in the vertical stabilizer leading edge and front spar cap, which may result in the structure becoming unable to support limit load, and may lead to loss of the vertical stabilizer.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

**(g) Required Actions**

Except as required by paragraph (h) of this AD, at the applicable time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 717-55A0012, Revision 1, dated April 11, 2018, do all applicable actions identified as "RC" (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 717-55A0012, Revision 1, dated April 11, 2018.

**(h) Exceptions to Service Information Specifications**

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Service Bulletin 717-55A0012, Revision 1, dated April 11, 2018, uses the phrase "the Revision 1 issue date of this service bulletin," this AD requires using the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 717-55A0012, Revision 1, dated April 11, 2018, specifies contacting Boeing, and specifies that action as RC: This AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

**(i) Credit for Previous Actions**

(1) This paragraph provides credit for the initial inspection specified in paragraph (g) of this AD, if that inspection was performed before June 8, 2016 (the effective date of AD 2016-09-05), using Boeing MOM-MOM-14-0437-01B(R1), dated July 3, 2014. This service information is not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 717-55A0012, dated June 12, 2015. This service information was incorporated by reference in AD 2016-09-05.

**(j) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: [9-ANM-LAACO-AMOC-Requests@faa.gov](mailto:9-ANM-LAACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization

Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for AD 2016-09-05 are approved as AMOCs for the corresponding provisions of Boeing Alert Service Bulletin 717-55A0012, Revision 1, dated April 11, 2018, that are required by paragraph (g) of this AD.

(5) Except as required by paragraph (h)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(5)(i) and (j)(5)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled "RC Exempt," then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

**(k) Related Information**

(1) For more information about this AD, contact: Muoi Vuong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5205; fax: 562-627-5210; email: [muoi.vuong@faa.gov](mailto:muoi.vuong@faa.gov).

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

**(l) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 717-55A0012, Revision 1, dated April 11, 2018.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>.

(4) You may view this service information at FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For

information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Des Moines, Washington, on May 8, 2018.

**Jeffrey E. Duven,**

*Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018-10413 Filed 5-15-18; 8:45 am]

**BILLING CODE 4910-13-P**

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**DEPARTMENT OF HOMELAND SECURITY**
**Coast Guard****33 CFR Part 165**

[Docket No. USCG-2018-0250]

**Safety Zones; Fireworks and Swim Events in Captain of the Port New York Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce various safety zones within the Captain of the Port New York Zone on the specified dates and times. This action is necessary to ensure the safety of vessels, spectators and participants from hazards associated with fireworks. During the enforcement period, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP).

**DATES:** The regulation for the safety zones described in 33 CFR 165.160 will be enforced on the dates and times listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** If you have questions regarding this document, call or email Petty Officer First Class Ronald Sampert U.S. Coast Guard; telephone 718-354-4197, email [ronald.j.sampert@uscg.mil](mailto:ronald.j.sampert@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones listed in 33 CFR 165.160 on the specified dates and times as indicated in Tables 1 and 2 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).