

*Drinking Water of Animals* to provide for the safe use of GLA safflower oil as a source of omega-6 fatty acids in dry food for adult cats in the maintenance life stage.

The petitioner has claimed that this action is categorically excluded under 21 CFR 25.32(r) because it is of a type that does not individually or cumulatively have a significant effect on the human environment. In addition, the petitioner has stated that to their knowledge, no extraordinary circumstances exist. If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Dated: September 8, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-19491 Filed 9-13-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 658

[Docket No. FHWA-2017-0030]

#### Definition of Automobile Transporter

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Request for comments.

**SUMMARY:** This document requests comments on including non-cargo-carrying tractor-high mount automobile semi-trailer combination in the definition of automobile transporter in the FHWA's guidance.

**DATES:** Comments must be received on or before October 16, 2017.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.

• *Instructions:* You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to <http://www.regulations.gov> including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** For questions about the Definition of Automobile Transporters, contact Crystal Jones, FHWA Office of Freight Management and Operations, (202) 366-2976, or by email at [Crystal.Jones@dot.gov](mailto:Crystal.Jones@dot.gov). For legal questions, please contact William Winne, FHWA Office of the Chief Counsel, (202) 366-1397, or by email at [William.Winne@dot.gov](mailto:William.Winne@dot.gov). Business hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may retrieve a copy of the notice through the Federal eRulemaking portal at: <http://www.regulations.gov>. The Web site is available 24 hours each day, every day of the year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site. An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: [http://www.archives.gov/federal\\_register](http://www.archives.gov/federal_register) and the Government Publishing Office's Web page at: <http://www.gpoaccess.gov>.

##### Background

Federal laws and regulations pertaining to vehicles that are classified as automobile transporters, and providing for a minimum vehicle length and allowable overhang lengths for these configurations, support the safe and efficient movement of autos by truck through States and across State lines. In accordance with 49 U.S.C. 31111(a)(1) and 23 CFR 658.5, the term "automobile transporter" means any vehicle combination designed and used for the transport of assembled highway vehicles, including truck camper units. Federal regulations classify automobile transporters as specialized equipment and identify three possible configurations of automobile transporters: Traditional, "low boys," and stinger steered. 23 CFR 658.13(e)(1)(i). As provided in 23 CFR 658.13(e), and in the definition of a "Tractor or Truck Tractor" at 23 CFR 658.5, automobile transporters may carry vehicles on the power unit behind the cab and on an over-cab rack.

If a vehicle is classified as an automobile transporter, no State shall impose an overall length limitation of

less than 65 feet on traditional automobile transporters, including "low boys," or less than 80 feet on stinger-steered automobile transporters. 49 U.S.C. 31111(b)(1)(G). All length provisions regarding automobile transporters are exclusive of front and rear cargo overhang. For traditional automobile transporters, no State shall impose a front overhang limitation of less than 3 feet or a rear overhang limitation of less than 4 feet. 23 CFR 658.13(e)(1)(ii). For stinger-steered automobile transporters, no State shall impose a front overhang limitation of less than 4 feet or a rear overhang limitation of less than 6 feet. 49 U.S.C. 31111(b)(1)(G).

Other truck tractor-semitrailer combinations (not specifically defined as automobile transporters) are subject to the length provisions of 23 CFR 658.13(c). Under this regulatory provision, States determine the maximum length limits for semitrailers operating in a truck tractor-semitrailer combination; but no State shall prohibit the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on December 1, 1982, as set out in appendix B to 23 CFR 658.

It is a longstanding FHWA policy position, established through guidance, that to qualify as an automobile transporter as defined in 49 U.S.C. 31111(a)(1) and be treated as specialized equipment as described in 23 CFR 658.13(e)(1)(i), both traditional and stinger-steered automobile transporter combinations must be capable of carrying cargo on the power unit/tractor. Because a truck-tractor in high-mount, truck-tractor-semitrailer combination is not capable of carrying vehicles on the power unit, FHWA's current policy interpretation is that such a vehicle combination may not be considered an automobile transporter subject to the length allowances in 23 CFR 658.13(e)(1)(ii).

In response to the recent inquiries, FHWA has considered the definitions and length provisions that apply to automobile transporters and language in the Surface Transportation Act of 1982 section 411(f), which states "a tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit," and finds that it may be within the Department's current legislative authority to interpret this language to include auto transporter combinations that are not capable of carrying vehicles on the power unit, such as a high-mount, truck-tractor-semitrailer combination, without additional action from Congress.

Defining the high-mount combination as an automobile transporter would trigger the use of the same length allowances that currently apply to a traditional automobile transporter. In doing so, Federal laws would govern the operation of this vehicle on certain roadways, and no State would be able to impose an overall length limitation of less than 65 feet or a front overhang limitation of less than 3 feet or a rear overhang limitation of less than 4 feet for this vehicle combination.

#### Purpose of the Request

The FHWA is requesting comments from affected stakeholders and the public regarding interpreting the statutory and regulatory language to include a high-mount, truck-tractor-semitrailer combination as an automobile transporter and treating the combination as specialized equipment. Comments are requested on the following questions related to defining a high-mount, truck-tractor-semitrailer combination as an automobile transporter:

- How will the inclusion of a high-mount, truck-tractor-semitrailer combination in the definition of automobile transporter impact the flow of Interstate commerce?
- Are there safety issues with a high-mount, truck-tractor-semitrailer combination as an automobile transporter as it relates to the operation of this vehicle configuration on the National Network?
- What are implementation implications (e.g. roadside enforcement and changes to State laws) if Federal versus State laws would govern the operation of this vehicle configuration on the National Network?
- What State laws are currently in place regarding a highmount, truck-tractor-semitrailer combination? Please provide legal citations, if applicable.
- Are there States that allow the high-mount, truck-tractor-semitrailer combination to operate under the same length provisions as a traditional automobile transporter?
- Is there any other information relating to safety, vehicle productivity, or infrastructure preservation relevant to these questions?

**Authority:** 49 U.S.C. 31111 and Section 411 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424)

Issued on: September 7, 2017.

**Brandye L. Hendrickson,**  
*Acting Administrator.*

[FR Doc. 2017-19516 Filed 9-13-17; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 30

[178A2100DD/AAKC001030/  
AOA501010.999900 253G]

#### Bureau of Indian Education Standards, Assessments, and Accountability System Negotiated Rulemaking Committee Establishment; Nominations

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Request for nominations and notice of intent to establish committee.

**SUMMARY:** The U.S. Department of the Interior is announcing its intent to establish the Bureau of Indian Education (BIE) Standards, Assessments, and Accountability System Negotiated Rulemaking Committee (Committee) to advise the Secretary of the Interior (Secretary) through the BIE on a proposed rule to revise the Adequate Yearly Progress regulation and invite Tribes whose students attend BIE-funded schools operated by either the BIE or by the Tribe through a contract or grant who would be affected by the final rule to nominate a representative for membership on the Committee. The BIE also invites nominations for Committee members who will adequately represent the interests that are likely to be significantly affected by the proposed rule such as: Students enrolled, or parents of students enrolled at the 174 BIE-funded schools, school teachers and administrators, Tribes, and Indian communities served by these schools. The BIE also solicits comments on the proposal to establish the Committee.

**DATES:** Comments regarding the intent to establish this Committee and nominations for Committee members must be submitted no later than October 16, 2017.

**ADDRESSES:** Send written comments to Ms. Juanita Mendoza, Bureau of Indian Education, by any of the following methods:

- (Preferred method) Email to: [BIEdcomments@bia.gov](mailto:BIEdcomments@bia.gov);
- Mail, hand-carry or use an overnight courier service to Ms. Juanita Mendoza, Bureau of Indian Education, 1849 C Street NW., Mail Stop 4657, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Ms. Juanita Mendoza, Bureau of Indian Education; telephone: (202) 208-3559.

**SUPPLEMENTARY INFORMATION:**

## I. Background

In 2005, BIA promulgated regulations at 25 CFR part 30 that require BIE to use the accountability system of the State in which a BIE-funded school is located. There are BIE-funded schools in 23 different States; and each State has its own accountability system. As a result, each State system produced student achievement data that cannot be directly compared with data from other States. This created problems for the BIE in identifying under-performing schools and in directing resources effectively.

On November 9, 2015, BIE published a notice of intent requesting nominations for a negotiated rulemaking committee to recommend revisions to the existing regulations for BIE's accountability system (80 FR 69161). In that notice of intent, the BIE solicited nominations from Tribes whose students attend BIE-funded schools operated either by the BIE or by the Tribe through a contract or grant, to nominate Tribal representatives to serve on the Committee and Tribal alternates to serve when the representative is unavailable.

The Every Student Succeeds Act (ESSA), Pub. L. 114-95, then became law, requiring an update to the subject, scope, and issues that the Committee would address. On April 14, 2016 (81 FR 22039), BIE announced its intent to expand the scope of the Committee and reopened the comment and nomination period, requesting comments and nominations by May 31, 2016. The request for nominations was extended on August 17, 2016 (81 FR 54768). On January 18, 2017 a notice of proposed membership, request for nomination and a request for comments was published (82 FR 5473).

Taking into consideration the interests of the new Administration in participating in this process, the Department has decided that a new negotiated rulemaking process, as required by the ESEA, should begin.

Under ESEA Section 8204(c)(2), as amended, Tribes have the authority to waive, in part or in whole, the definitions of standards, assessments, and accountability system established by the Secretary in accordance with this rulemaking. The BIE encourages Tribal self-determination in Native education; and where a Tribal governing body or school board determines it to be appropriate, encourages the development of alternative standards, assessments, or accountability systems.

The Committee would be charged, consistent with ESEA Section 8204, with developing proposed regulations for implementation of the Secretary's