

exchanged that reflect the extension of the agreement. Accordingly, CBP is amending 19 CFR 12.104g(a) in order to reflect the extension of the import restrictions pursuant to the agreement.

The Designated List of Archaeological Materials and Ecclesiastical Ethnological Materials from Guatemala covered by these import restrictions is set forth in CBP Dec. 12–17. The Designated List may also be found online at <https://eca.state.gov/cultural-heritage-center/cultural-property-protection/bilateral-agreements/guatemala>.

The restrictions on the importation of these archaeological and ecclesiastical ethnological materials from Guatemala are to continue in effect for an additional five years. Importation of such material continues to be restricted unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

#### Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure (5 U.S.C. 553(a)(1)). In addition, CBP has determined that such notice or public procedure would be impracticable and contrary to the public interest because the action being taken is essential to avoid interruption of the application of the existing import restrictions (5 U.S.C. 553(b)(B)). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

#### Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

#### Executive Orders 12866 and 13771

Because this rule involves a foreign affairs function of the United States, it is not subject to either Executive Order 12866 or Executive Order 13771.

#### Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1).

#### List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

#### Amendment to CBP Regulations

For the reasons set forth above, part 12 of Title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

### PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*  
Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;  
\* \* \* \* \*

#### § 12.104g(a) [Amended]

■ 2. In § 12.104g(a), the table of the list of agreements imposing import restrictions on described articles of cultural property of State Parties is amended in the entry for Guatemala by adding the words “extended by CBP Dec. 17–14” after the words “CBP Dec. 12–17” in the column headed “Decision No.”.

**Kevin K. McAleenan,**

*Acting Commissioner, U.S. Customs and Border Protection.*

Approved: September 25, 2017.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*

[FR Doc. 2017–20785 Filed 9–27–17; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 490

[Docket No. FHWA–2013–0054]

RIN 2125–AF54

#### National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program

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

**ACTION:** Final regulation; announcement of effective date.

**SUMMARY:** This document announces the effective date for specific portions of the National Performance Management measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program Final Rule (PM#3).

**DATES:** The effective date of the amendments to 23 CFR 490.105(c)(5) and (d)(1)(v), 490.107(b)(1)(ii)(H), (b)(2)(ii)(J), (b)(3)(ii)(I), and (c)(4), 490.109(d)(1)(v) and (f)(1)(v), 490.503(a)(2), 490.505 (Definition of Greenhouse gas (GHG)), 490.507(b), 490.509(f), (g) and (h), 490.511(a)(2), (c), (d), and (f), and 490.513(d) published on January 18, 2017, at 82 FR 5970, is September 28, 2017.

**FOR FURTHER INFORMATION CONTACT:** Christopher Richardson, Assistant Chief Counsel for Legislation, Regulations, and General Law, Office of Chief Counsel, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–0761. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access and Filing

A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, the Final Rule, and all background material may be viewed online at <http://www.regulations.gov> using the docket numbers listed above. A copy of this document will be placed on the docket. Electronic retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's Web site at <http://www.ofr.gov> and the Government Publishing Office's Web site at <http://www.gpo.gov>.

##### Background

On May 19, 2017, at 82 FR 22879, FHWA announced that the majority of the PM#3 Final Rule would become effective on May 20, 2017, and that the portions of the PM#3 Final Rule pertaining to the measure on the percent change in CO<sub>2</sub> emissions from the reference year 2017, generated by on-road mobile sources on the National Highway System (the GHG) measure would be further suspended pending additional rulemaking.

This document confirms that the following sections of the Final Rule are effective as of September 28, 2017:

1. 23 CFR 490.105(c)(5)
2. 23 CFR 490.105(d)(1)(v)
3. 23 CFR 490.107(b)(1)(ii)(H)
4. 23 CFR 490.107(b)(2)(ii)(J)
5. 23 CFR 490.107(b)(3)(ii)(I)
6. 23 CFR 490.107(c)(4)
7. 23 CFR 490.109(d)(1)(v)
8. 23 CFR 490.109(f)(1)(v)
9. 23 CFR 490.503(a)(2)

- 10. 23 CFR 490.505 (Definition of *Greenhouse gas (GHG)*)
- 11. 23 CFR 490.507(b)
- 12. 23 CFR 490.509(f)
- 13. 23 CFR 490.509(g)
- 14. 23 CFR 490.509(h)
- 15. 23 CFR 490.511(a)(2)
- 16. 23 CFR 490.511(c)
- 17. 23 CFR 490.511(d)
- 18. 23 CFR 490.511(f)
- 19. 23 CFR 490.513(d).

The FHWA recognizes that there are short timeframes to comply with the October 1, 2018 reporting deadline. However, FHWA expects that the burden to comply with the upcoming reporting deadline will be minimal, consisting mostly of preliminary target-setting activities using existing data sources.

The FHWA has initiated additional rulemaking procedures proposing to repeal the GHG measure (RIN 2125-AF76) and anticipates publishing an NPRM in 2017 with a goal of issuing a Final Rule in Spring 2018.

**Waiver of Rulemaking**

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), FHWA generally offers interested parties the opportunity to comment on proposed regulations and publishes rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or delay effective dates when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B) and (d)(3)). There is good cause to waive these requirements here as unnecessary, because this rule merely ceases the suspension of the Final Rule pending additional rulemaking, as provided for in the May 19, 2017 document at 82 FR 22879, thus putting in effect the requirements of the above-referenced sections of the Final Rule as previously promulgated after notice and comment. The cessation of the suspension is therefore not significant in nature and impact, and does not impose new burdens on State departments of transportation and Metropolitan Planning Organizations.

**List of Subjects in 23 CFR Part 490**

Bridges, Highway safety, Highways and roads, Incorporation by reference, Reporting and recordkeeping requirements.

Issued on: September 22, 2017.  
**Brandye L. Hendrickson,**  
*Acting Administrator, Federal Highway Administration.*  
 [FR Doc. 2017-20804 Filed 9-25-17; 4:15 pm]  
**BILLING CODE 4910-22-P**

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**29 CFR Part 1610**  
**RIN 3046-AA90**

**Availability of Records**

**AGENCY:** Equal Employment Opportunity Commission.  
**ACTION:** Final rule.

**SUMMARY:** The Equal Employment Opportunity Commission (“EEOC” or “Commission”) is issuing a final rule revising its Freedom of Information Act (FOIA) regulations in order to implement the substantive and procedural changes to the FOIA identified in the FOIA Improvement Act of 2016 and update two district office addresses and the Office of Legal Counsel’s fax number.

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

**FOR FURTHER INFORMATION CONTACT:** Stephanie D. Garner, Assistant Legal Counsel, FOIA Programs, or Draga G. Anthony, Senior Attorney Advisor, Office of Legal Counsel, U.S. Equal Employment Opportunity Commission, at (202) 663-4640 (voice) or (202) 663-7026 (TTY). These are not toll-free telephone numbers. This final rule also is available in the following formats: Large print, Braille, audiotape, and electronic file on computer disk. Requests for this final rule in an alternative format should be made to EEOC’s Publications Center at 1-800-669-3362 (voice) or 1-800-800-3302 (TTY).

**SUPPLEMENTARY INFORMATION:**

**Introduction**

On December 29, 2016, EEOC published in the **Federal Register** an interim final rule setting forth revisions to EEOC’s FOIA regulations at 29 CFR part 1610. 81 FR 95869 (2016). The purpose of the revisions is to update the Commission’s FOIA regulations so that they are consistent with current Commission practice in responding to FOIA requests as reflected in the FOIA Improvement Act of 2016. The revisions also are intended to update two district office addresses and the Office of Legal Counsel’s fax number. The interim final rule sought public comments which were due on or before January 30, 2017.

EEOC received four comments in response to the interim final rule. Two comments were submitted by an individual, and the remaining two comments were submitted by the National Archives and Records Administration’s Office of Government Information Services (hereinafter “OGIS”).

The individual commenter suggested that EEOC reconsider the fifteen cent per page duplication fee charged for copies. This comment is outside the scope of the interim final rule, which did not propose changes to the duplication fees associated with processing FOIA requests. Therefore, the EEOC declines to change the duplication fees. The second comment asked the EEOC to remove the word “professional” in 1610.9(f)(3), which identifies the requirements of a requester seeking expedited processing. Congress strongly favors uniform FOIA regulations. The Office of Information Policy, to assist agencies in issuing uniform regulations, provided a template for agencies to utilize when revising FOIA regulations. In order to conform with the Office of Information Policy template language, the EEOC declines to remove the word “professional.”

The Commission has considered carefully the comments from OGIS and has made some changes to the final rule in response to them. The OGIS comments concerning Sections 1610.11 and 1610.13 and EEOC’s changes to the final rule are discussed in more detail below.

*Section 1610.2—Statutory Requirements*

The EEOC determined that the final two sentences of Section 1610.2(a) of the Draft Final Rule should be deleted. Those sentences read as follows: “As a matter of policy, the Commission may make discretionary disclosures of records or information exempt from disclosure under the FOIA whenever disclosure would not foreseeably harm an interest protected by the FOIA exemption. This policy does not create any right enforceable in Court.” The final rule now more closely aligns with the statutory language at 5 U.S.C. 552(a)(8). The FOIA Improvement Act of 2016 codified the foreseeable harm standard; therefore, release of the records is no longer a matter of agency policy. Records must be released unless there is a risk of foreseeable harm.

*Section 1610.5—Request for Records*

Section 1610.5(a)(2), of the interim final rule said that “(2)A requester who is making a request for records about himself or herself must comply with the