

### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Proposal

The FAA proposes an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace and Class E airspace extending upward from 700 feet or more above the surface of McEntire JNGB, due to the decommissioning of the McEntire NDB, and cancellation of the NDB approach. The changes would enhance the safety and management of IFR operations at the airport.

The geographic coordinates of the McEntire JNGB, Shaw AFB, Sumter Airport, Sumter, SC, and the McEntire JNGB TACAN also would be adjusted to coincide with the FAA's aeronautical database, and the airport names would be updated to McEntire JNGB (formerly McEntire ANGB), and Sumter Airport (formerly Sumter Municipal Airport). Also, this action would update the name of the McEntire ANGB TACAN navigation aid to the McEntire JNGB TACAN.

Finally, an editorial change would be made to the airspace designation removing the city from the airport name associated with McEntire JNGB and Shaw AFB to comply with a recent change to FAA Order 7400.2L, Procedures for Handling Airspace Matters.

Class D and E airspace designations are published in Paragraphs 5000 and 6005, respectively of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (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); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

- 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### **§ 71.1 [Amended]**

- 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### **ASO SC D Eastover, SC [Amended]**

McEntire JNGB, SC

(Lat. 33°55'15" N, long. 80°48'04" W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4.5-mile radius of McEntire JNGB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### **ASO SC E5 Sumter, SC [Amended]**

Shaw AFB, SC

(Lat. 33°58'22" N, long. 80°28'14" W)

McEntire JNGB

(Lat. 33°55'15" N, long. 80°48'04" W)

McEntire JNGB TACAN

(Lat. 33°55'45" N, long. 80°48'31" W)

Sumter Airport, SC

(Lat. 33°59'42" N, long. 80°21'41" W)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Shaw AFB and within a 6.8-mile radius of McEntire JNGB and within 3 miles each side of McEntire JNGB TACAN 138° radial, extending from the 6.8-mile radius to 12 miles southeast of the TACAN and within a 7-mile radius of Sumter Airport; excluding that airspace contained within Restricted Area R-6002 when it is in use.

Issued in College Park, Georgia, on March 27, 2018.

**Ryan W. Almasy,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

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## FEDERAL TRADE COMMISSION

### 16 CFR Part 312

#### RIN 3084–AB20

#### **Children's Online Privacy Protection Rule Safe Harbor Proposed Self-Regulatory Guidelines; the Entertainment Software Rating Board's COPPA Safe Harbor Program Application To Modify Program Requirements**

**AGENCY:** Federal Trade Commission (FTC or Commission).

**ACTION:** Notification of modifications to guidelines, requesting public comment.

**SUMMARY:** The Federal Trade Commission publishes this notification and request for public comment concerning proposed modifications to Entertainment Software Rating Board's ("ESRB") Commission-approved self-regulatory guidelines, under the "safe harbor" provision of the Children's Online Privacy Protection Rule.

**DATES:** Written comments must be received by May 9, 2018.

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "ESRB Application for Modifications to Safe Harbor Program Requirements, Project No. P024526" on your comment, and file your comment online at <https://ftcpbcommentworks.com/ftc/esrbcoppaapp>, by following the instructions on the web-

based form. If you prefer to file your comment on paper, write “ESRB Application for Modifications to Safe Harbor Program Requirements, Project No. P024526” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex E), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Shameka L. Walker, Attorney, (202) 326–2570, Division of Privacy and Identity Protection, Federal Trade Commission, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:**

**Section A. Background**

On October 20, 1999, the Commission issued its final Rule pursuant to the Children’s Online Privacy Protection Act, 15 U.S.C. 6501 *et seq.*, which became effective on April 21, 2000.<sup>1</sup> On December 19, 2012, the Commission amended the Rule, and these amendments became effective on July 1, 2013.<sup>2</sup> The Rule requires certain website and online service operators to post privacy policies and provide notice, and obtain verifiable parental consent, prior to collecting, using, or disclosing personal information from children under the age of 13.<sup>3</sup> The Rule contains a “safe harbor” provision enabling industry groups or others to submit to the Commission for approval self-regulatory guidelines that would implement the Rule’s protections.<sup>4</sup>

Pursuant to Section 312.11 of the Rule, ESRB submitted proposed self-regulatory guidelines to the Commission that the FTC approved in 2001. ESRB subsequently updated its guidelines to comply with the revised Rule, which became effective on July 1, 2013. ESRB is now seeking to modify its Commission-approved Safe Harbor program requirements. The text of the proposed modified program requirements is available on the Commission’s website, at [www.ftc.gov](http://www.ftc.gov).

**Section B. Questions on the Proposed Modified Program Requirements**

The Commission is seeking comment on various aspects of ESRB’s proposed modified program requirements, and is particularly interested in receiving

comment on the questions that follow. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. Each response should cite the number and subsection of the question being answered. For all comments submitted, please provide any relevant data, statistics, or any other evidence, upon which those comments are based.

1. Please provide comments on any or all of the proposed modifications to ESRB’s program requirements. For each provision commented on please describe (a) the impact of the provision(s), including benefits and costs, if any, and (b) what alternatives, if any, should be considered, as well as the costs and benefits of those alternatives.

2. Are the mechanisms used to assess operators’ compliance with the proposed modified program requirements effective?<sup>5</sup> If not, please describe (a) whether and how ESRB could modify the assessment mechanisms to satisfy the Rule’s requirements, and (b) the costs and benefits of those modifications.

3. Are the incentives for operators’ compliance with the proposed modified program requirements effective?<sup>6</sup> If not, please describe (a) whether and how the incentives could be modified to satisfy the Rule’s requirements, and (b) the costs and benefits of those modifications.

4. Please provide comments on any other issue deemed relevant to this matter.

**Section C. Invitation to Comment**

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before May 9, 2018. Write “ESRB Application for Modifications to Safe Harbor Program Requirements, Project No. P024526” on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at <http://www.ftc.gov/os/publiccomments>. As a matter of discretion, the Commission tries to remove individuals’ home contact information from comments before placing them on the Commission website.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the

Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/esrbcoppaapp>, by following the instructions on the web-based form. If this document appears at <http://www.regulations.gov/#/home>, you also may file a comment through that website.

If you file your comment on paper, write “ESRB Application for Modifications to Safe Harbor Program Requirements, Project No. P024526” on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex E), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at [www.ftc.gov](http://www.ftc.gov), you are solely responsible for making sure that your comment does not include any sensitive personal information. In particular, your comment should not include any sensitive personal information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other state identification number or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “[t]rade secret or any commercial or financial information which . . . is privileged or confidential”—as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request in accordance with the law and the public interest. Comments containing material for which confidential treatment is

<sup>1</sup> 64 FR 59888 (1999).

<sup>2</sup> 78 FR 3972 (2013).

<sup>3</sup> 16 CFR part 312.

<sup>4</sup> See 16 CFR 312.11; 78 FR at 3995–96, 4012–13.

<sup>5</sup> See 16 CFR 312.11(b)(2); 78 FR at 4013.

<sup>6</sup> See 16 CFR 312.11(b)(3); 78 FR at 4013.

requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment must include the factual and legal basis for the request, and must identify the specific portion of the comment to be withheld from the public record. See FTC Rule 4.9(c).

Visit the Commission website at <http://www.ftc.gov> to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 9, 2018. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 1

RIN 2900-AQ27

#### Release of Information From Department of Veterans Affairs' Records

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Proposed rule.

**SUMMARY:** This document amends the Department of Veterans Affairs' (VA) regulations governing the submission and processing of requests for information under the Freedom of Information Act (FOIA) and the Privacy Act in order to reorganize, streamline, and clarify existing regulations.

**DATES:** Comments must be received on or before June 4, 2018.

**ADDRESSES:** Written comments may be submitted through <http://www.Regulations.gov/>; by mail or hand-delivery to the Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273-9026. Comments should indicate that they are submitted in response to "RIN 2900-AQ27, Release of Information from Department of Veterans Affairs Records." Copies of comments received

will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at <http://www.Regulations.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Catherine Nachmann, Attorney, Office of General Counsel (024), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461-7742 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** VA's authority for publishing this proposed rule reads as follows: 5 U.S.C. 552, 552a, 38 U.S.C. 501(a), unless otherwise noted. The FOIA, codified at 5 U.S.C. 552, requires an agency to publish public guidance regarding its implementation of the statute, such as rules of procedure and substantive rules of general applicability. The Privacy Act of 1974, as amended, codified at 5 U.S.C. 552a, requires an agency to publish its rules and procedures implementing that statute. Section 501(a) of title 38, U.S.C., authorizes the Secretary of Veterans Affairs to prescribe rules and regulations to carry out the laws administered by VA.

We propose to update VA's regulations pertaining to the release of information from VA claimant records; the regulations are codified at 38 CFR 1.500 through 1.527. Specifically, VA proposes to amend 38 CFR 1.519 regarding the release of lists of names and addresses.

In addition, we propose to amend VA's regulations pertaining to release of information under the FOIA. VA's current FOIA regulations are codified at 38 CFR 1.550 through 1.562. We propose to update these regulations to ensure compliance with the FOIA Improvement Act of 2016, Public Law 114-185, streamline existing procedures based on our experience administering the FOIA, clarify portions of the regulations to make the regulations and VA's implementing procedures consistent with applicable law and easier for the public to understand, eliminate inherent conflict, ensure that the Department's intent is clear with regard to the agency's processing of requests for records and information under these statutes, and generally reorganize provisions as necessary.

We have also made minor, non-substantive changes to the regulations to correct typographical or grammatical

errors and make the language of the text generally more consistent.

Finally, we propose to amend VA's regulations pertaining to the release of information from claimant records protected under the Privacy Act of 1974; the regulations are codified at 38 CFR 1.575 through 1.584. Specifically, we propose to amend 38 CFR 1.577(c) and 1.577(e) pertaining to VA's procedures regarding requests for access to records and fees, respectively, and 38 CFR 1.580 pertaining to administrative review of denials of requests for amendment of records.

#### Changes to 38 CFR Part 1

##### *Release of Information From Department of Veterans Affairs Claimant Records, 1.500-1.527*

##### 1.519 Lists of Names and Addresses

Current § 1.519(c) provides, in part, that the Associate Deputy Assistant Secretary for Information Resources Management, with the concurrence of the General Counsel (emphasis added), is authorized to release names and addresses of present or former personnel of the armed services and their dependents from VA records to organizations under specific circumstances outlined in that section. Current § 1.519(e) provides that a denial of a request for the release of names and addresses of present or former personnel of the armed services and their dependents from VA records may be appealed to the General Counsel.

We propose to amend § 1.519(c) to delete the requirement that the General Counsel concur in a release of names and addresses; this requirement inherently conflicts with the General Counsel's authority to address appeals in these cases. As it stands, the regulation requires the General Counsel to be involved in the initial determination and address the appeal regarding the release of information. In order to preserve the integrity of the appeals process, however, the General Counsel should review the request for the first time on appeal. Removing the requirement that the General Counsel concur in the determination of Information Resources Management in these cases would resolve this conflict.

##### *Procedures for Disclosure of Records Under the Freedom of Information Act, 1.550-1.562*

We propose to make minor stylistic changes throughout the regulations as necessary that have no substantive effect. We also propose more specific and substantive revisions as outlined below.