market. There is pent up demand for additional Far West Native spearmint oil that will not be available under the volume regulation provisions of the Order until this final rule is effective. Handlers want to take advantage of the relaxation of the limitation on the salable quantity of oil as soon as possible, as delay will likely result in the loss of marketing opportunities, in both the short and long term. Native spearmint oil demand that cannot be satisfied from spearmint oil from the Far West production area may be filled from other U.S. production areas or imported product. The loss of immediate business resulting from a delayed implementation of this rule could result in customers entering into long term contracts with other Native spearmint oil providers. There is therefore a risk that delayed implementation of this rule would have a negative impact on Far West spearmint oil handlers' sales in future marketing years.

List of Subjects in 7 CFR Part 985
Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

[Subpart Redesignated as Subpart A]

2. Redesignate “Subpart-Order Regulating Handling” as “Subpart A-Order Regulating Handling”.

[Subpart Redesignated as Subpart B and Amended]

3. Redesignate “Subpart-Administrative Rules and Regulations” as subpart B and revise the heading to read as follows:

Subpart B—Administrative Requirements

4. In § 985.236, revise paragraph (b) to read as follows:


* * * * * * * * * * *
(b) Class 3 (Native) oil—A salable quantity of 1,514,902 pounds and an allotment percentage of 62 percent.
the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients’ access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k) (see 21 U.S.C. 360c(f)(2)(B)(ii)). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application in order to market a substantially equivalent device (see 21 U.S.C. 360c(j), defining “substantial equivalence”). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On March 17, 2017, Innovative Health Solutions, Inc., submitted a request for De Novo classification of the NSS–2 BRIDGE. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on November 15, 2017, FDA issued an order to the requester classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 882.5896. We have named the generic type of device percutaneous nerve stimulator for substance use disorders, and it is identified as a device that stimulates nerves percutaneously to aid in the reduction of withdrawal symptoms associated with substance use disorders. FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in Table 1.

<table>
<thead>
<tr>
<th>Identified risks</th>
<th>Mitigation measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adverse tissue reaction</td>
<td>Bioocompatibility evaluation and Labeling, Electromagnetic compatibility testing,</td>
</tr>
<tr>
<td>Electrical, mechanical, or thermal hazards leading</td>
<td>Electrical, mechanical, and thermal safety testing; Non-clinical performance</td>
</tr>
<tr>
<td>to user discomfort or injury.</td>
<td>testing; Software verification, validation, and hazard analysis; and Labeling.</td>
</tr>
<tr>
<td>Infection</td>
<td>Sterility testing, Shelf life testing, and Labeling.</td>
</tr>
</tbody>
</table>

FDA has determined that special controls, in combination with the general controls, address the risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k).

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in the De Novo Classification Process (Evaluation of Automatic Class III Designation)” have been approved under OMB control number 0910–0844; the collections of information in part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 882

Medical devices, Neurological devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 882 is amended as follows:

PART 882—NEUROLOGICAL DEVICES

1. The authority citation for part 882 continues to read as follows:


2. Add § 882.5896 to subpart F to read as follows:

§ 882.5896 Percutaneous nerve stimulator for substance use disorders.

(a) Identification. A percutaneous nerve stimulator for substance use disorders is a device that stimulates nerves percutaneously to aid in the reduction of withdrawal symptoms associated with substance use disorders.

(b) Classification. Class II (special controls). The special controls for this device are:

1. The patient-contacting components of the device must be demonstrated to be biocompatible.

2. Electromagnetic compatibility and electrical, mechanical, and thermal safety testing must be performed.

3. Electrical performance testing of the device and electrodes must be conducted to validate the specified electrical output and duration of stimulation of the device.

4. Software verification, validation, and hazard analysis must be performed.

5. Sterility testing of the percutaneous components of the device must be performed.

6. Shelf life testing must be performed to demonstrate continued...
sterility, package integrity, and device functionality over the specified shelf life.

(7) Labeling must include the following:
(i) A detailed summary of the device technical parameters;
(ii) A warning stating that the device is only for use on clean, intact skin;
(iii) Instructions for use, including placement of the device on the patient; and
(iv) A shelf life.

Leslie Kux,
Associate Commissioner for Policy.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Kyle D. Berry, Sector Mobile, Waterways Management Division, U.S. Coast Guard; telephone 251–441–5940, email Kyle.D.Berry@uscg.mil.

SUPPLEMENTARY INFORMATION:
I. Table of Abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>DOT</td>
<td>Department of Transportation</td>
</tr>
<tr>
<td>NMFS</td>
<td>National Marine Fisheries Service</td>
</tr>
<tr>
<td>NGA</td>
<td>National Geodetic Survey</td>
</tr>
<tr>
<td>NOAA</td>
<td>National Oceanic and Atmospheric Administration</td>
</tr>
<tr>
<td>NRC</td>
<td>Nuclear Regulatory Commission</td>
</tr>
<tr>
<td>ORR</td>
<td>Office of the Secretary of the Interior</td>
</tr>
<tr>
<td>USCG</td>
<td>United States Coast Guard</td>
</tr>
<tr>
<td>USCS</td>
<td>United States Code of Federal Regulations</td>
</tr>
</tbody>
</table>

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The event sponsors have informed the U.S. Coast Guard that a marine event will occur on February 24, 2018. After gathering all necessary information, including safety needs related to this event, the Coast Guard determined that this special local regulation is necessary for this event. It is impracticable to publish an NPRM because we must establish this special local regulation by February 24, 2018 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the Federal Register. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is necessary to protect persons and property from the dangers associated with the rowing event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Sector Mobile (COTP) has determined that potential hazards associated with the rowing event on February 24, 2018 will be a safety concern for anyone within the area of the Black Warrior River between mile markers 339.0 and 341.5. This rule is needed to protect participants, spectators, and other persons and vessels during the rowing event on navigable waters.

IV. Discussion of the Rule

This rule establishes a special local regulation on February 24, 2018, which will be enforced between the 6 a.m. and noon. The special local regulation takes place on the Black Warrior River between mile markers 339.0 and 341.5, extending the entire width of the navigable channel. The duration of the regulation is intended to protect participants, spectators, and other persons and vessels before, during, and after the rowing event. No vessel or person will be permitted to enter into, transit through, or exist the regulated area without obtaining permission from the COTP or a designated representative.

The Coast Guard will patrol the regatta area under the direction of the COTP, or a designated representative. A designated representative may be a Coast Guard Patrol Commander (PATCOM). Patrol Commander (PATCOM) means a Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to monitor the rowing area, permit entry into the area, give legally enforceable orders to persons or vessels within the area, and take other actions authorized by the COTP. The PATCOM will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 (156.8 MHZ) by the call sign “Coast Guard Patrol Commander.”

All persons and vessels not registered with the event sponsor as participants or official patrol vessels are considered spectators. The “official patrol vessels” consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the regulated area.

Spectator vessels desiring to enter, transit through or within, or exit the regulated area may request permission to do so from the COTP or a PATCOM. When permitted to transit the area vessels must follow restrictions within the regulated area as directed by the Coast Guard, and must operate at a minimum safe navigation speed in a manner which will not endanger participants in the regulated area or any other vessels.

No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the event dates and times, unless cleared for entry by or through an official patrol vessel.