

must be presented to law enforcement officials upon request.

3. Motor carriers operating under this exemption must have a "Satisfactory" safety rating with FMCSA, or be "Unrated." Motor carriers with "Conditional" or "Unsatisfactory" FMCSA safety ratings are prohibited from using this exemption.

#### *Period of the Exemption*

This exemption from the requirements of 49 CFR 395.3(a)(3)(ii) is granted for the period from 12:01 a.m., November 1, 2016 through 11:59 p.m., November 1, 2018.

#### *Extent of the Exemption*

This exemption is limited to the provisions of 49 CFR 395.3(a)(3)(ii). These motor carriers and drivers must comply with all other applicable provisions of the FMCSRs.

#### *Preemption*

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

#### *Notification to FMCSA*

Any motor carrier utilizing this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMV drivers operating under the terms of this exemption. The notification must include the following information:

- a. Name of Exemption: "SC&RA cranes"
- b. Name of operating motor carrier and USDOT number,
- c. Date of the accident,
- d. City or town, and State, in which the accident occurred, or closest to the accident scene,
- e. Driver's name and license number and State of issuance
- f. Vehicle number and State license plate number,
- g. Number of individuals suffering physical injury,
- h. Number of fatalities,
- i. The police-reported cause of the accident,
- j. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and
- k. The driver's total driving time and total on-duty time prior to the accident.

Reports filed under this provision shall be emailed to [MCPSPD@DOT.GOV](mailto:MCPSPD@DOT.GOV).

#### *Termination*

FMCSA believes motor carriers conducting crane operations under this exemption will continue to maintain their safety record while operating under this exemption. However, should safety be compromised, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. The FMCSA will immediately revoke or restrict the exemption for failure to comply with its terms and conditions.

Issued on: October 20, 2016.

**T.F. Scott Darling, III,**

*Administrator.*

[FR Doc. 2016-26333 Filed 10-31-16; 8:45 am]

**BILLING CODE 4910-EX-P**

## **NATIONAL TRANSPORTATION SAFETY BOARD**

### **49 CFR Parts 800, 803, and 804**

[Docket No.: NTSB-GC-2017-001]

RIN 3147-AA03, 3147-AA08, 3147-AA09

### **Administrative Rules; Official Seal; Rules Implementing the Government in the Sunshine Act**

**AGENCY:** National Transportation Safety Board (NTSB).

**ACTION:** Final rule.

**SUMMARY:** The NTSB makes technical updates and corrects citations in its administrative regulations governing agency organization and functions, delegations of authority to staff members, and procedures for adopting rules, regulations governing the agency's official seal, and regulations implementing the Government in the Sunshine Act. These revisions make no substantive changes.

**DATES:** This rule is effective November 1, 2016.

**ADDRESSES:** A copy of this Final Rule, published in the **Federal Register** (FR), is available for inspection and copying in the NTSB's public reading room, located at 490 L'Enfant Plaza SW., Washington, DC 20594-2003. Alternatively, a copy is available on the government-wide Web site on regulations at <http://www.regulations.gov> (Docket ID Number NTSB-GC-2017-001).

**FOR FURTHER INFORMATION CONTACT:** Matthew D. McKenzie, Attorney-Advisor, (202) 314-6080, [rulemaking@ntsb.gov](mailto:rulemaking@ntsb.gov).

**SUPPLEMENTARY INFORMATION:**

## **I. Legal Basis for the Final Rule**

The Administrative Procedure Act (APA), 5 U.S.C. 553, provides exceptions to its notice and public comment rulemaking procedures where (1) the rules are rules of agency organization, procedure, or practice; or (2) the agency finds there is good cause to forego notice and comment, and incorporates the finding and a brief statement of reasons therefore in the rule issued. Generally, good cause exists where the agency determines that notice and public comment procedures are impractical, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b).

Parts 800, 803, and 804 govern internal agency organization, procedure, or practice. Part 800, subparts A and B, describes the organization of the agency. Part 800, subpart C, prescribes procedures for the agency's rulemakings. Part 803 describes the agency's seal and limits its use. Part 804 prescribes procedures for the agency's open meetings.

The amendments made in this final rule merely correct inadvertent errors and omissions, remove obsolete references, and make minor editorial changes to improve clarity and consistency. The technical amendments do not impose any new requirements, nor do they make any substantive changes to the Code of Federal Regulations. For these reasons, the NTSB finds good cause that notice and public comment on this final rule are unnecessary. For these same reasons, this rule will be effective on the date of publication in the **Federal Register**.

## **II. Background**

On June 25, 2012, the NTSB announced its plan to review its regulations, 49 CFR parts 800 through 850, to comply with Executive Order (E.O.) 13563, *Improving Regulation and Regulatory Review*, 76 FR 3821 (Jan. 21, 2011); E.O. 13579, *Regulation and Independent Regulatory Agencies*, 76 FR 41587 (July 11, 2011); and E.O. 13610, *Identifying and Reducing Regulatory Burdens*, 77 FR 28469 (May 14, 2012). *NTSB Plan for Retrospective Analysis of Existing Rules*, 77 FR 37865. Though the Executive Orders require retrospective review of only "significant regulations," NTSB stated it would review all of its regulations to implement the principles in the Orders. *Id.* at 37867.

On January 8, 2013, after reviewing its regulations, the NTSB announced its plan to update its regulations, including revising internal agency procedures for which no public comment was required. *Retrospective Analysis of Existing Rules; Notification*, 78 FR 1193, 1194.

Pursuant to that plan, in this Final Rule, the NTSB makes editorial improvements and corrects obsolete information and citations in parts 800 (Administrative Rules), 803 (Official Seal), and 804 (Rules Implementing the Government in the Sunshine Act).

### III. Regulatory Analysis

This rule does not require an assessment of its potential costs and benefits under section 6(a)(3) of E.O. 12866, *Regulatory Planning and Review*, 58 FR 51735 (Sept. 30, 1993), because it is not a “significant regulatory action” under section 3(f) of that Order. Thus, the Office of Management and Budget has not reviewed this rule under E.O. 12866. Likewise, this rule does not require an analysis under the Unfunded Mandates Reform Act, 2 U.S.C. 1501–71, or the National Environmental Policy Act, 42 U.S.C. 4321–47.

In addition, under the Regulatory Flexibility Act, 5 U.S.C. 601–12, the NTSB has considered whether this rule would have a significant economic impact on a substantial number of small entities. The NTSB certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. Moreover, in accordance with 5 U.S.C. 605(b), the NTSB will submit this certification to the Chief Counsel for Advocacy at the Small Business Administration.

Moreover, the NTSB does not anticipate this rule will have a substantial, direct effect on state or local governments or will preempt state law; as such, this rule does not have implications for federalism under E.O. 13132, *Federalism*, 64 FR 43255 (Aug. 4, 1999).

This rule also complies with all applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, *Civil Justice Reform*, 61 FR 4729 (Feb. 5, 1996), to minimize litigation, eliminate ambiguity, and reduce burden.

NTSB has evaluated this rule under: E.O. 12630, *Governmental Actions and Interference with Constitutionally Protected Property Rights*, 53 FR 8859 (Mar. 15, 1988); E.O. 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, 62 FR 19885 (Apr. 21, 1997); E.O. 13175, *Consultation and Coordination with Indian Tribal Governments*, 65 FR 67249 (Nov. 6, 2000); E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*, 66 FR 28355 (May 18, 2001); and the National Technology Transfer and Advancement Act, 15 U.S.C. 272 note. The NTSB has concluded that this Final Rule neither

violates, nor requires further consideration under, those Orders and statutes.

### List of Subjects

#### 49 CFR Part 800

Administrative practice and procedure, Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies).

#### 49 CFR Part 803

Seals and insignia.

#### 49 CFR Part 804

Sunshine Act.

For the reasons stated in the preamble, the National Transportation Safety Board amends 49 CFR parts 800, 803, and 804 as set forth below:

### PART 800—ADMINISTRATIVE RULES

- 1. The authority citation for part 800 is revised to read as follows:

**Authority:** 49 U.S.C. 1101 *et seq.*; 49 U.S.C.40101 *et seq.*

#### Subpart A—Organization and functions

##### § 800.1 [Amended]

- 1. Amend § 800.1 by removing “part” and adding in its place “subpart”.

##### § 800.2 [Amended]

- 2. Amend § 800.2 as follows:
  - a. In the introductory text, remove “the Federal Aviation Act of 1958, as amended (49 U.S.C. 40101 *et seq.*), and the Independent Safety Board Act of 1974, as amended (49 U.S.C. 1101 *et seq.*)” and add in its place “49 U.S.C. chapter 11”.
  - b. In paragraph (d), remove “the Federal Aviation Act of 1958, as amended” and add in its place “49 U.S.C. 1133”.

- 3. Revise § 800.3 to read as follows:

##### § 800.3 Functions.

(a) The primary function of the Board is to promote safety in transportation. The Board is responsible for the investigation, determination of facts, conditions, and circumstances and the cause or probable cause or causes of:

- (1) All accidents involving civil aircraft, and certain public aircraft;
- (2) Highway accidents, including railroad grade-crossing accidents, the investigation of which is selected in cooperation with the States;
- (3) Railroad accidents in which there is a fatality, substantial property damage, or which involve a passenger train;

(4) Pipeline accidents in which there is a fatality, significant injury to the environment, or substantial property damage; and

(5) Major marine casualties and marine accidents involving a public and a non-public vessel or involving Coast Guard functions.

(b) The Board makes transportation safety recommendations to federal, state, and local agencies and private organizations to reduce the likelihood of transportation accidents. It initiates and conducts safety studies and special investigations on matters pertaining to safety in transportation, assesses techniques and methods of accident investigation, evaluates the effectiveness of transportation safety consciousness and efficacy of other Government agencies, and evaluates the adequacy of safeguards and procedures concerning the transportation of hazardous materials.

(c) Upon application of affected parties, the Board reviews in quasijudicial proceedings, conducted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, denials by the Administrator of the Federal Aviation Administration of applications for airman certificates and orders of the Administrator modifying, amending, suspending, or revoking certificates or imposing civil penalties. The Board also reviews on appeal the decisions of the head of the agency in which the U.S. Coast Guard is operating, on appeals from orders of administrative law judges suspending, revoking, or denying seamen licenses, certificates, or documents.

(d) The Board, as provided in part 801 of this chapter, issues reports and orders pursuant to its duties to determine the cause or probable cause or causes of transportation accidents and to report the facts, conditions and circumstances relating to such accidents; issues opinions and/or orders in accordance with 49 U.S.C. 1133 after reviewing on appeal the imposition of a civil penalty or the suspension, amendment, modification, revocation, or denial of a certificate or license issued by the Secretary of the Department of Transportation (who acts through the Administrator of the Federal Aviation Administration) or by the Commandant of the United States Coast Guard; and issues and makes available to the public safety recommendations, safety studies, and reports of special investigations.

##### § 800.4 [Amended]

- 4. Amend § 800.4 as follows:
  - a. In paragraph (b), removing “Government Printing Office” and

adding in its place “Government Publishing Office”.

■ b. In paragraph (e), adding “, or the Commandant of the United States Coast Guard” after “Department of Transportation”.

#### § 800.5 [Amended]

■ 5. Amend § 800.5 by adding “-003” after “20594”.

### Subpart B—Delegations of Authority to Staff Members

#### § 800.21 [Amended]

■ 6. Amend § 800.21 by removing “Subpart B” and adding in its place “subpart”.

#### § 800.22 [Amended]

■ 7. Amend § 800.22(a)(2) by removing “sections 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (49 U.S.C. 1131(d) and 1135(c))” adding in its place “49 U.S.C. 1131(e), 1135(c)”.

#### § 800.24 [Amended]

■ 8. Amend § 800.24(f) by removing “the Independent Safety Board Act of 1974, as amended,” adding in its place “49 U.S.C. chapter 11, subchapter IV,”.

#### § 800.25 [Amended]

■ 9. Amend § 800.25 as follows:  
 ■ a. In paragraph (c), removing “§ 845.41 of this Chapter” adding in its place “§ 845.32 of this chapter”.  
 ■ b. In paragraph (d), removing “§ 304(a) of the Independent Safety Board Act of 1974, as amended (49 U.S.C. 1131(a)) and the Appendix to this Part” adding in its place “49 U.S.C. 1131 and the appendix to this part”.

#### § 800.26 [Amended]

■ 10. Amend § 800.26 by removing “board” and adding in its place “Board”.

#### § 800.27 [Amended]

■ 11. Amend § 800.27 by removing “of the Safety Board”.

### Subpart C—Procedures for Adoption of Rules

#### § 800.30 [Amended]

■ 12. Amend § 800.30 by removing “1101–1155” and adding in its place “1113(f)”.

#### § 800.31 [Amended]

■ 13. Amend § 800.31 by removing “deemed relevant by the NTSB relating to rulemaking” and adding in its place “relevant to NTSB rulemaking”.

#### § 800.33 [Amended]

■ 14. Amend § 800.33 by removing “551” and adding in its place “553”.

#### § 800.35 [Amended]

■ 15. Amend § 800.35(a) by:  
 ■ a. Removing “in rulemaking” and adding in its place “in a rulemaking”; and  
 ■ b. Removing “comments in writing containing” adding in its place “written comments,”.

#### § 800.41 [Amended]

■ 16. Amend § 800.41 by removing “unless all persons subject to it are named and are personally served with a copy of it”.

### PART 803—OFFICIAL SEAL

■ 17. The authority citation for part 803 is revised to read as follows:

**Authority:** 49 U.S.C. 1111(j), 1113(f).

#### § 803.3 [Amended]

■ 18. Amend § 803.3 by removing “Bureau” everywhere it appears and adding in its place “Office”.

#### § 803.5 [Amended]

■ 19. Amend § 803.5(c) by:  
 ■ a. Removing “Bureau” and adding in its place “Office”;  
 ■ b. Removing “800 Independence Avenue” and adding in its place “490 L’Enfant Plaza”; and  
 ■ c. Adding “-003” after “20594”.

### PART 804—RULES IMPLEMENTING THE GOVERNMENT IN THE SUNSHINE ACT

■ 20. The authority citation for part 804 is revised to read as follows:

**Authority:** 5 U.S.C. 552b; 49 U.S.C. 1113(f).

#### § 804.1 [Amended]

■ 21. Amend § 804.1(b) by removing “the NTSB regulations (49 CFR part 801)” and adding in its place “this chapter”.

■ 22. Revise § 804.5(d) to read as follows:

**§ 804.5 Ground on which meetings may be closed or information may be withheld.**

\* \* \* \* \*

(d) Disclose trade secrets or privileged or confidential commercial or financial information obtained from a person;

\* \* \* \* \*

#### § 804.6 [Amended]

■ 23. Amend § 804.6(b) by:  
 ■ a. Removing “800 Independence Avenue” and adding in its place “490 L’Enfant Plaza”; and  
 ■ b. Adding “-003” after “20594”.

#### § 804.7 [Amended]

■ 24. Amend § 804.7(b)(2) by removing “be” and adding in its place “is”.

#### § 804.10 [Amended]

■ 25. Amend § 804.10 by removing “the NTSB shall maintain” and adding in its place “The NTSB shall maintain”.

**David Tochen,**

*General Counsel.*

[FR Doc. 2016–26232 Filed 10–31–16; 8:45 am]

**BILLING CODE 7533–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 151215999–6960–02]

RIN 0648–BF64

### Fisheries of the Northeastern United States; Atlantic Herring Fishery; Specification of Management Measures for Atlantic Herring for the 2016–2018 Fishing Years

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS is implementing final specifications and management measures for the 2016–2018 Atlantic herring fishery. This action sets harvest specifications and river herring/shad catch caps for the herring fishery for the 2016–2018 fishing years, as recommended to NMFS by the New England Fishery Management Council. The river herring/shad catch caps are area and gear-specific. River herring and shad catch from a specific area with a specific gear counts against a cap for trips landing more than a minimum amount of herring. The specifications and management measures in this action meet conservation objectives while providing sustainable levels of access to the fishery.

**DATES:** Effective December 1, 2016.

**ADDRESSES:** Copies of supporting documents used by the New England Fishery Management Council, including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465–0492. The EA/RIR/IRFA is also accessible via the Internet at <http://www.greateratlantic.fisheries.noaa.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Shannah Jaburek, Fishery Management