

testimony of a current or former NMB employee should be addressed to the General Counsel, National Mediation Board, 1301 K Street NW., Suite 250E, Washington, DC 20005. No other official or employee of the NMB is authorized to accept service of a demand or subpoena on behalf of the Agency.

(b) No current or former employee may produce official records or information or provide testimony in response to a demand or subpoena unless authorized by the General Counsel.

(c) The General Counsel may grant an employee permission to testify or produce official records or information in response to a demand or subpoena. In making this determination, the General Counsel shall consider whether:

(1) Release of the requested records or testimony is prohibited under § 1208.5;

(2) The disclosure is appropriate under the rules of procedure governing the case or matter;

(3) The requested testimony or records are privileged under the relevant substantive law concerning privilege;

(4) Disclosure would violate a statute or regulation;

(5) Disclosure would reveal trade secrets without the owner's consent; and

(6) Allowing testimony or production of records would be in the best interest of the NMB or the United States.

Dated: January 27, 2017.

**Mary Johnson,**

*General Counsel, National Mediation Board.*

[FR Doc. 2017-02103 Filed 1-31-17; 8:45 am]

BILLING CODE 7550-01-P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, and 1926

[Docket No. OSHA-H005C-2006-0870]

RIN 1218-AB76

#### Occupational Exposure to Beryllium: Delay of Effective Date

**AGENCY:** Occupational Safety and Health Administration (OSHA), Department of Labor.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory

Freeze Pending Review," this action temporarily delays until March 21, 2017 the effective date of the rule entitled Occupational Exposure to Beryllium, published in the **Federal Register** on January 9, 2017 (82 FR 2470), to allow OSHA officials the opportunity for further review and consideration of new regulations.

**DATES:** This regulation is effective on February 1, 2017. The effective date of the regulation entitled Occupational Exposure to Beryllium published in the **Federal Register** on January 9, 2017 (82 FR 2470) is delayed to a new effective date of March 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** Frank Meilinger, Director, Office of Communications, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1999; email [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

**SUPPLEMENTARY INFORMATION:** OSHA bases this action on the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review." (82 FR 8346 (January 24, 2017)). That memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect. The memorandum also noted certain exceptions that do not apply here. OSHA is therefore delaying the effective date for the rule entitled "Occupational Exposure to Beryllium" to March 21, 2017.

The Agency's implementation of this action without opportunity for public comment is based on the good cause exception in 5 U.S.C. 553(b)(B), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary delay in effective date until March 21, 2017, will give Agency officials the opportunity for review and consideration of new regulations, as required by the memorandum of the Assistant to the President and Chief of Staff, dated January 20, 2017. Given the imminence of this effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. In addition, since the Occupational Exposure to Beryllium rule would not have taken effect until March 10, 2017, as a practical matter the new effective date for this regulation

would extend by only 11 days the original effective date. Thus, the good cause exception in 5 U.S.C. 553(b)(B) applies to OSHA's decision to extend the effective date of the beryllium rule without first going through notice and comment. This extension of the effective date will not impact the compliance dates of the Beryllium rule.

In taking this action, the Agency also invokes the good cause exception in 5 U.S.C. 553(d)(3), which allows the action to be immediately effective for "good cause" rather than subject to the requirement in the Administrative Procedure Act (5 U.S.C. 553(d)) that a minimum of 30 days is required before a rule may become effective. The nature of this action, which is to extend by 11 days a final rule that otherwise becomes effective on March 10, 2017, makes it unnecessary and impractical to delay the effectiveness of this action by 30 days.

Signed at Washington, DC, on January 26, 2017.

**Dorothy Dougherty,**

*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2017-02149 Filed 1-31-17; 8:45 am]

BILLING CODE 4510-26-P

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Part 1250

[FDMS No. NARA-17-0001; Agency No. NARA-2017-019]

RIN 3095-AB93

#### NARA Records Subject to FOIA

**AGENCY:** National Archives and Records Administration.

**ACTION:** Direct final rule.

**SUMMARY:** We are amending our Freedom of Information Act (FOIA) regulations on access to NARA's archival holdings and our operational records to make them consistent with the FOIA Improvement Act of 2016, and a few small administrative changes to remain current. The rule affects individuals and organizations that file FOIA requests for access to NARA operational records and archival holdings.

**DATES:** This rule is effective on March 3, 2017 without further notice, unless we receive adverse written comment by February 21, 2017. If we receive such comments, we will withdraw the rule.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Keravuori, by telephone at 301-837-3151, by email at [regulation\\_](mailto:regulation_)

comments@nara.gov, or by mail at Kimberly Keravuori, External Policy Program Manager; Strategy Division (MP), Suite 4100; NARA; 8601 Adelphi Road; College Park, MD 20740-6001.

**SUPPLEMENTARY INFORMATION:** We are revising our FOIA regulations to make them consistent with the FOIA Improvement Act of 2016 (Pub. L. 114-185) and to keep them up to date with small administrative changes. The revisions include: (a) Changing the appeal period from 60 to 90 calendar days; (b) clarifying access procedures to records of NARA's Office of Inspector General; (c) clarifying procedures for sending in FOIA requests; (d) deleting language that civilian personnel records transfer 62 years after date of separation from Federal service because not all civilian personnel folders are permanent and some thus do not transfer; (e) changing the General Records Schedule (GRS) number from 14 to 4.2 to reflect GRS revisions; (f) updating references from "twentieth-century" records to "twentieth- and twenty-first-century" records; and (g) reflecting the Office of Government Information Services' expanded role in the process.

**Regulatory Review Information**

This rule is not a significant regulatory action for the purposes of E.O. 12866 and has been reviewed by the Office of Management and Budget (OMB). It is also not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, we certify that this rule will not have a significant impact on a substantial number of small entities. It only clarifies the already-existing processes by which individuals or entities request access to NARA records, and updates them to reflect changes in Federal requirements to make access easier.

This rule is effective upon publication for good cause as permitted by the Administrative Procedure Act (5 U.S.C. 553(d)(3)). NARA believes a public comment period is unnecessary as this rule implements statutory requirements and makes only minor updates. This rule also does not have any Federalism implications.

**List of Subjects in 36 CFR Part 1250**

Administrative practice and procedure, Archives and records, Confidential business information, Freedom of information, Information, Records, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the National Archives and

Records Administration amends 36 CFR part 1250 as follows:

**PART 1250—NARA RECORDS SUBJECT TO FOIA**

■ 1. Revise the authority to read as follows:

**Authority:** 44 U.S.C. 2104(a) and 2204 (3)(c)(1); 5 U.S.C. 552; Public Law 114-185; E.O. 13526; E.O. 12600; 52 FR 23781; 3 CFR, 1987 Comp., p. 235.

■ 2. In § 1250.8, revise paragraphs (a), (b) introductory text, and (b)(1) to read as follows:

**§ 1250.8 Does NARA provide access under FOIA to all the executive branch records housed at NARA facilities?**

(a) NARA provides access under FOIA to the records NARA creates (*operational* records) and records originating in the executive branch that have been transferred to the legal custody of the Archivist of the United States (*archival* records). The NARA Office of Inspector General (OIG) is an independent unit within NARA that controls access under FOIA to the operational records that OIG creates. NARA OIG handles FOIA requests it receives separately and independently from FOIA requests to NARA.

(b) NARA's National Personnel Records Center (NPRC), located in St. Louis, Missouri, is the repository for twentieth- and twenty-first-century personnel and medical records of former members of the military and personnel records of former civilian employees of the Federal Government.

(1) Those official personnel and medical files that have been transferred to NARA's legal custody are processed by NARA according to this part, at §§ 1250.20 through 1250.32.

\* \* \* \* \*

**§ 1250.14 [Amended]**

■ 3. In § 1250.14, remove "General Records Schedule 14" and add in its place "General Records Schedule 4.2."

■ 4. In § 1250.20, revise the introductory text to read as follows:

**§ 1250.20 What do I include in my FOIA request?**

In your FOIA request, which must be submitted in writing:

\* \* \* \* \*

**§ 1250.22 [Amended]**

■ 5. § 1250.22(a), amend the table by removing the heading "Mail/submit request to or call:" and add in its place the heading, "Mail or email request to:"

■ 6. In § 1250.26, revise paragraph (h) to read as follows:

**§ 1250.26 How does NARA process my FOIA request?**

\* \* \* \* \*

(h) *Complex processing schedule.* If NARA needs to extend the deadline for more than an additional 10 working days due to the complexity of a request or as a result of unusual circumstances, we ask if you wish to modify your request so that we can answer the request sooner. If you do not wish to modify your request, we work with you to arrange an alternative schedule for review and release. We will also notify you that the Office of Government Information Services (OGIS) is available to provide dispute resolution services, and how to contact them.

\* \* \* \* \*

■ 7. In § 1250.30, revise paragraph (b) to read as follows:

**§ 1250.30 How does NARA respond to my request?**

\* \* \* \* \*

(b) If we deny any part of your request, our response will explain the reasons for the denial, which FOIA exemptions apply to withhold records, your right to appeal that determination, and your right to seek dispute resolution services from the FOIA Public Liaison or OGIS.

\* \* \* \* \*

■ 8. In § 1250.32, revise paragraph (a) to read as follows:

**§ 1250.32 How may I request assistance with the FOIA process?**

(a) For assistance at any point in the FOIA process, you may contact the NARA FOIA Public Liaison. That individual is responsible for assisting you to reduce delays, increase transparency and understanding of the status of requests, and resolve any FOIA disputes. You can find a list of our FOIA Public Liaisons at <http://www.archives.gov/foia/contacts.html>.

\* \* \* \* \*

■ 9. In § 1250.72, revise paragraphs (a) introductory text and (b)

**§ 1250.72 How do I file an appeal?**

(a) You may submit your appeal via mail or electronically. All appeals must be in writing and received by NARA within 90 calendar days from the date of our determination letter.

\* \* \* \* \*

(b) In your appeal correspondence, clearly identify NARA's initial determination letter (including the assigned request number, if known) from which you are appealing. Please explain why you believe our response does not meet the requirements of the FOIA, including why we should release

the records, grant your fee waiver request, or expedite the processing of your request. If we were not able to find the records you wanted, explain why you believe NARA's search was inadequate. If we denied you access to records and told you that those records were not subject to FOIA, please explain why you believe the records are subject to FOIA.

■ 10. In § 1250.74, revise paragraphs (a) introductory text, (a)(2) and (c) introductory text to read as follows:

**§ 1250.74 How does NARA process appeals?**

(a) We respond to your appeal within 20 working days after the appeal official designated in 36 CFR 1250.72(a)(1)(i) and (ii) receives it. NARA has adopted the practice of generally handling backlogged appeals on a first-in, first-out basis.

\* \* \* \* \*

(2) In the event you decide to file a FOIA lawsuit, NARA will administratively close your request.

\* \* \* \* \*

(c) We also inform you that OGIS offers dispute resolution services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Dispute resolution is a voluntary process. If we agree to participate in the dispute resolution services provided by OGIS, we will actively engage as a partner to the process in an attempt to resolve the dispute. You may contact OGIS in any of the following ways:

\* \* \* \* \*

Dated: January 3, 2017.

**David S. Ferriero,**

*Archivist of the United States.*

[FR Doc. 2017-00329 Filed 1-31-17; 8:45 am]

**BILLING CODE 7515-01-P**

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**FEDERAL MARITIME COMMISSION**

**46 CFR Part 502**

[Docket No. 16-08]

RIN 3072-AC64

**Rules of Practice and Procedure; Presentation of Evidence in Commission Proceedings**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule, delay of effective date.

**SUMMARY:** The Federal Maritime Commission is temporarily delaying the effective date of its December 22, 2016 final rule reorganizing several subparts of its Rules of Practice and Procedure

and revising its rules regarding presentation of evidence in Commission proceedings.

**DATES:** Effective January 26, 2017, the effective date for the final rule published December 22, 2016, at 81 FR 93831, and corrected on January 3, 2017, at 82 FR 46, is delayed until April 3, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Rachel E. Dickon, Assistant Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001, Phone: (202) 523-5725, Email: *secretary@fmc.gov*.

**SUPPLEMENTARY INFORMATION:** The Commission has determined to delay the effective date of the final rule regarding its Rules of Practice and Procedure until 60 days from the date of this publication.

By the Commission.

**Rachel E. Dickon,**

*Assistant Secretary.*

[FR Doc. 2017-02072 Filed 1-26-17; 4:15 pm]

**BILLING CODE 6731-AA-P**

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

**49 CFR Parts 380, 383, and 384**

[FMCSA-2007-27748]

RIN 2126-AB66

**Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," this action temporarily delays until March 21, 2017, the effective date of the final rule titled "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators," initially effective February 6, 2017, is delayed.

**DATES:** The effective date of the final rule published on December 8, 2016 (81 FR 88732), is delayed until March 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, Driver and Carrier Operations (MC-PSD) Division,

FMCSA, 1200 New Jersey Ave. SE., Washington, DC 20590-0001, by telephone at 202-366-4325, or by email at *MCPD@dot.gov*.

**SUPPLEMENTARY INFORMATION: FMCSA**

bases this action on the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review." That memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the memorandum the effective dates of certain regulations that had been published in the **Federal Register**, but had not yet taken effect. Because the original effective date of the final rule published on December 8, 2016, falls within that 60-day window, the effective date of the rule is delayed until March 21, 2017.

The Agency's implementation of this action without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary delay in the effective date until March 21, 2017, is necessary to give Agency officials the opportunity for further review and consideration of this new regulation, consistent with the memorandum of the Assistant to the President and Chief of Staff, dated January 20, 2017. Given the imminence of the effective date of the "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators" final rule, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

The Agency may consider delaying the effective date of the above referenced regulation beyond March 21, 2017, consistent with the memorandum of the Assistant to the President and Chief of Staff.

Issued under the authority of delegation in 49 CFR 1.87 on: January 27, 2017.

**John Van Steenburg,**

*Chief Safety Officer.*

[FR Doc. 2017-02150 Filed 1-31-17; 8:45 am]

**BILLING CODE 4910-EX-P**