

**PART 234—AIRLINE SERVICE QUALITY PERFORMANCE REPORTS**

■ 1. The authority citation for part 234 continues to read as follows:

**Authority:** 49 U.S.C. 329, 41101, and 41701.

**§ 234.6 [Amended]**

■ 2. In § 234.6, in paragraphs (a) and (b) introductory text, remove the date “January 1, 2018” and add in its place “January 1, 2019”.

[FR Doc. 2017–04582 Filed 3–20–17; 8:45 am]

**BILLING CODE** 4910–9X–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**23 CFR Part 490**

[Docket No. FHWA–2013–0053; FHWA–2013–0054]

RIN 2125–AF53; 2125–AF54

**National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program; 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 regulations; delay of effective dates.

**SUMMARY:** This document announces the further extension of the effective date of the following regulations until May 20, 2017: National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance program and Bridge Condition for the National Highway Performance Program, RIN 2125–AF53; and 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, RIN 2125–AF54.

**DATES:** As of March 21, 2017, the effective date of the final rules published on January 18, 2017, at 82 FR 5886 and January 18, 2017, at 82 FR 5970, respectively, delayed until March 21, 2017 on February 13, 2017 at 82 FR 10441, is further delayed to May 20, 2017.

The incorporation by reference of certain publications listed in the final rule published on January 18, 2017, at 82 FR 5886 is approved by the Director of the Federal Register as of May 20, 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 Rulemakings (NPRMs), all comments received, the Final Rules, and all background material may be viewed online at <http://www.regulations.gov> using the docket numbers listed above. A copy of this notice will be placed on each 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 January 20, 2017, the Assistant to the President and Chief of Staff issued a memorandum entitled, “Regulatory Freeze Pending Review.” This memorandum directed heads of executive departments and agencies to take certain steps to ensure that the President’s appointees and designees have the opportunity to review new and pending regulations. It instructed agencies to temporarily postpone the effective dates of regulations that had been published in the **Federal Register** but were not yet effective until 60 days after the date of the memorandum (January 20, 2017). In accordance with that directive, the FHWA delayed the effective date of both regulations to March 21, 2017 on February 13, 2017 at 82 FR 10441. After conducting a preliminary review, the Department is delaying the effective dates of the regulations for an additional 60 days as listed below:

RIN	Title	Agency contact	Original effective date	Delayed effective date
2125–AF53 ....	Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program.	Francine Shaw Whitson, Office of Infrastructure, 202–366–8028.	February 17, 2017 .....	May 20, 2017.
2125–AF54 ....	Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program.	Francine Shaw Whitson, Office of Infrastructure, 202–366–8028.	February 17, 2017 .....	May 20, 2017.

**Waiver of Rulemaking and Delayed Effective Date**

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 both of these requirements here as the

President’s appointees and designees need to delay the effective dates of these regulations to have adequate time to review new or pending regulations, and neither the notice and comment process nor delayed effective date could be implemented in time to allow for this review.

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

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

Issued on: March 15, 2017.

**Walter C. Waidelech, Jr.,**

*Acting Deputy Administrator, Federal Highway Administration.*

[FR Doc. 2017-05518 Filed 3-20-17; 8:45 am]

**BILLING CODE 4910-22-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; Further Delay of Effective Date**

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

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

**SUMMARY:** On January 9, 2017, the Occupational Safety and Health Administration (OSHA) published a rule entitled “Occupational Exposure to Beryllium” with an effective date of March 10, 2017 (“Beryllium Final Rule”). OSHA subsequently delayed the effective date of the Beryllium Final Rule to March 21, 2017 (February 1, 2017) and proposed to further delay the effective date to May 20, 2017 (March 2, 2017). This action finalizes that proposal. The additional time will allow OSHA the opportunity for further review of the new Beryllium Final Rule, including review of concerns that commenters raised, and is consistent with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review.”

**DATES:** As of March 21, 2017, the effective date of the final rule amending 29 CFR parts 1910, 1915, and 1926 that published in the **Federal Register** of January 9, 2017 at 82 FR 2470, delayed at 82 FR 8901 on February 1, 2017, is further delayed to May 20, 2017.

**ADDRESSES:** In accordance with 28 U.S.C. 2112(a), the Agency designates Ann Rosenthal, Associate Solicitor of Labor for Occupational Safety and Health, Office of the Solicitor of Labor, Room S-4004, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, to receive petitions for review of this action.

**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*.

**SUPPLEMENTARY INFORMATION:** OSHA promulgated the Beryllium Final Rule on January 9, 2017 with an effective date of March 10, 2017 (82 FR 2470). On February 1, 2017, OSHA delayed the effective date of the rule to March 21, 2017 (82 FR 8901). OSHA promulgated the extension consistent with 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) (“Memorandum”), which contemplated temporarily postponing for 60 days the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect, absent certain inapplicable exceptions.

In addition, the Memorandum directed agencies to consider further delaying the effective date for regulations beyond that 60-day period. After further review, OSHA preliminarily determined that it was appropriate to further delay the effective date of the Beryllium Final Rule, for the purpose of further reviewing questions of fact, law, and policy raised therein. Therefore, consistent with the Memorandum, OSHA proposed to further delay the effective date of the Beryllium Final Rule to May 20, 2017 (82 FR 12318; March 2, 2017). Finalization of the proposed delay of the effective date would not affect the compliance dates of the Beryllium Final Rule.

OSHA received twenty-five unique comments on its proposal to extend the effective date by 60 days to May 20, 2017. Several commenters supported the proposal. (*e.g.*, Document ID 2048; 2049; 2050; 2051.) Many of these commenters indicated that they supported the delay considering the ongoing transition to a new administration. (*See* Document ID 2058; 2052.) Some commenters supported the proposed extension and requested that OSHA further review the impact of the standards on entities which would be affected by changes from the proposed beryllium rule. (Document ID 2051; 2055; 2068.) Congressman Byrne, Chairman of the Subcommittee on Workforce Protections, among others, urged OSHA to delay the effective date beyond the proposed 60 days or even indefinitely and re-propose the Beryllium Final Rule (Document ID

2064; 2067), citing concerns with the rule’s coverage of abrasive blasting operations under the construction and shipyard standards. OSHA also received approximately 2,500 comments with nearly identical messages, urging the Agency to adopt the proposal and delay the effective date, particularly for the construction and shipyards standards. (*See, e.g.*, Document ID 2072.) Several commenters opposed the proposal and argued in favor of keeping the effective date of March 21, 2017, stating that the Beryllium Final Rule was long overdue, based on sound science, and that all interested parties had the opportunity to participate in the rulemaking. (*See, e.g.*, Document ID 2053; 2054; 2059; 2061; 2062.)

After carefully reviewing these comments, OSHA believes commenters have raised substantive concerns, including about the Beryllium Final Rule’s treatment of the construction and shipyard industries, as suggested by Congressman Byrne. Thus, OSHA has decided to adopt the proposal and delay the effective date by an additional 60 days to May 20, 2017 to further evaluate the Beryllium Final Rule in light of those substantive concerns. The Agency has determined that 60 days will provide adequate time to review the rule and consider the issues raised without hindering protections of workers affected by the rule because the delay of the effective date does not alter the Beryllium Final Rule’s compliance dates.

Signed at Washington, DC, on March 16, 2017.

**Dorothy Dougherty,**

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

[FR Doc. 2017-05569 Filed 3-17-17; 8:45 am]

**BILLING CODE 4510-26-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket Number USCG-2017-0021]

RIN 1625-AA-08

**Safety Zone; Cooper River Bridge Run, Cooper River and Town Creek Reaches, Charleston, SC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the waters of the Cooper River and Town Creek Reaches in Charleston, South Carolina