

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

EPA believes that this action would not have disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

*K. Congressional Review Act (CRA)*

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 171**

Environmental protection, Applicator competency, Agricultural worker safety, Certified applicator, Pesticide safety training, Pesticide worker safety, Pesticides and pests, Restricted use pesticides.

Dated: May 17, 2017.

**Louise P. Wise,**

*Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2017-10541 Filed 5-18-17; 4:15 pm]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Part 270**

[Docket No. FRA-2011-0060, Notice No. 6]

RIN 2130-AC31

**System Safety Program**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation.

**ACTION:** Final rule; stay of regulations.

**SUMMARY:** On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement a system safety program (SSP) to improve the safety of their operations. On February 10, 2017, FRA stayed the SSP final rule’s requirements until March 21, 2017, and on March 20, 2017, FRA extended the stay to May 22, 2017. This document extends that stay until June 5, 2017.

**DATES:** Effective May 18, 2017, 49 CFR part 270 is stayed until June 5, 2017.

**FOR FURTHER INFORMATION CONTACT:** Matthew Navarrete, Trial Attorney, U.S.

Department of Transportation, Federal Railroad Administration, Office of Chief Counsel; telephone: 202-493-0138; email: *Matthew.Navarrete@dot.gov*.

**SUPPLEMENTARY INFORMATION:** On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement an SSP to improve the safety of their operations. See 81 FR 53850. On February 10, 2017, FRA stayed the SSP final rule’s requirements until March 21, 2017 consistent with the new Administration’s guidance issued January 20, 2017, intended to provide the Administration an adequate opportunity to review new and pending regulations. 82 FR 10443 (Feb. 13, 2017). To provide additional time for that review, FRA extended the stay until May 22, 2017. 82 FR 14476 (Mar. 21, 2017). To continue this review, FRA needs to extend the stay until June 5, 2017.

FRA’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 delay in the effective date until June 5, 2017, is necessary to provide the opportunity for further review and consideration of this new regulation, consistent with the new Administration’s January 20, 2017 guidance. Given the imminence of the effective date of the “System Safety Program” final rule, seeking prior public comment on this temporary delay would be impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

**Authority:** 49 U.S.C. 20103, 20106-20107, 20118-20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

Issued in Washington, DC, on May 18, 2017.

**Patrick T. Warren,**  
*Executive Director.*

[FR Doc. 2017-10519 Filed 5-18-17; 4:15 pm]

**BILLING CODE 4910-06-P**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Parts 571 and 585**

[Docket No. NHTSA-2016-0125]

RIN 2126-AK93

**Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (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 June 5, 2017, the effective date of the final rule titled “Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles,” initially scheduled to become effective on February 13, 2017.

**DATES:** The effective date of the final rule published on December 14, 2016 (81 FR 90416), is delayed until June 5, 2017. The initial compliance date is September 1, 2018, with full phase in by September 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** For legal issues, contact Thomas Healy, Office of Chief Counsel, at (202) 366-2992. For non-legal issues, contact Mike Pyne, Office of Rulemaking, at (202) 366-4171.

**SUPPLEMENTARY INFORMATION:** NHTSA bases this action on the Presidential directive expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review” (the January 20, 2017 memorandum). 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 14, 2016, fell within that 60-day window, the effective date of the rule was extended to March 21, 2017, in a final rule published on February 6, 2017 (82 FR 9368). The effective date was again extended to May 22, 2017, in a final rule

published March 21, 2017. Consistent with the memorandum of the Assistant to the President and Chief of Staff, and as stated in the February 6, 2017, final rule delaying the effective date, the Agency further delays the effective date of this regulation until June 5, 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 delay in the effective date until June 5, 2017, is necessary to provide the opportunity for further review and consideration of this new regulation, consistent with the January 20, 2017 memorandum. Given the imminence of the effective date of the "Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles" final rule, seeking prior public comment on this temporary delay would be impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30116; delegation of authority at 49 CFR 1.95.

**Jack Danielson,**

*Acting Deputy Administrator.*

[FR Doc. 2017-10504 Filed 5-18-17; 4:15 pm]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 101206604-1758-02]

RIN 0648-XF414

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2016-2017 Commercial Accountability Measure and Closure for King Mackerel in Western Zone of the Gulf of Mexico

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure (AM) for commercial king mackerel in the western zone of the Gulf of Mexico (Gulf) exclusive economic zone (EEZ) through this temporary rule. NMFS has determined that the commercial quota

for king mackerel in the western zone of the Gulf EEZ will be reached by May 21, 2017. Therefore, NMFS closes the western zone of the Gulf EEZ to commercial king mackerel fishing on May 21, 2017. This closure is necessary to protect the Gulf king mackerel resource.

**DATES:** The closure is effective at 12:01 p.m., local time, May 21, 2017, until 12:01 a.m., local time, on July 1, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727-824-5305, email: [kelli.odonnell@noaa.gov](mailto:kelli.odonnell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish includes king mackerel, Spanish mackerel, and cobia, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights for Gulf king mackerel below apply as either round or gutted weight.

On October 14, 2016, NMFS closed the commercial sector for king mackerel in the western zone, because the commercial harvest of king mackerel in the July 1, 2016, through June 30, 2017, fishing year reached the commercial quota that was in place at that time (81 FR 71410, October 17, 2016). The western zone of Gulf migratory group king mackerel is located in the EEZ between a line extending east from the border of the United States and Mexico, and 87°31.1' W. long., which is a line extending south from the state boundary of Alabama and Florida.

On April 11, 2017, NMFS published a final rule to implement Amendment 26 to the FMP in the **Federal Register** (82 FR 17387). That final rule adjusted the management boundaries, zones, and annual catch limits for Gulf migratory group king mackerel (Gulf king mackerel) that resulted in increased commercial quotas for each zone of the Gulf EEZ. Consequently, NMFS reopened the western zone to commercial harvest of king mackerel on May 11, 2017, to allow harvest up to the new commercial quota for that zone of 1,180,000 lb (535,239 kg) (82 FR 21314, May 8, 2017).

Regulations at 50 CFR 622.388(a)(1)(i) require NMFS to close the commercial sector for Gulf king mackerel in the western zone when the commercial quota is reached, or is projected to be

reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined the commercial quota of 1,180,000 lb (535,239 kg) for Gulf king mackerel in the western zone will be reached by May 21, 2017. Accordingly, the western zone is closed to commercial fishing for Gulf king mackerel effective at 12:01 p.m., local time, May 21, 2017, through June 30, 2017, the end of the current fishing year.

Except for a person aboard a charter vessel or headboat, during the closure no person aboard a vessel that has been issued a Federal commercial permit for king mackerel may fish for or retain Gulf king mackerel in the EEZ in the closed zone (50 CFR 622.384(e)(1)). A person aboard a vessel that has a valid Federal charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zone under the recreational bag and possession limits set forth in 50 CFR 622.382(a)(1)(ii) and (a)(2), provided the vessel is operating as a charter vessel or headboat (50 CFR 622.384(e)(2)). A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to king mackerel from the closed zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(3)).

#### Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Gulf migratory group king mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.384(e) and 622.388(a)(1)(i), and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds good cause to waive the requirements to provide prior