

The Agency has determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects.

*E.O. 13175 (Indian Tribal Governments)*

This rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

*National Technology Transfer and Advancement Act (Technical Standards)*

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. FMCSA does not intend to adopt its own technical standard, thus there is no need to submit a separate statement to OMB on this matter. The standard being incorporated in this final rule is discussed in detail in section IV, Background, and is reasonably available through the CVSA Web site.

*Environment (NEPA, CAA, Environmental Justice)*

FMCSA analyzed this rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1(69 FR 9680, March 1, 2004), Appendix 2, paragraph (6)(b). This Categorical Exclusion (CE) covers minor revisions to regulations. The content in this rule is covered by this CE and the final action does not have any effect on the quality of the environment. The CE determination is available for inspection or copying in

the *Regulations.gov* Web site listed under **ADDRESSES**.

FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA’s general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.

Under E.O. 12898, each Federal agency must identify and address, as appropriate, “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations” in the United States, its possessions, and territories. FMCSA has determined that this rule has no environmental justice implications, nor does its promulgation cause any collective environmental impact.

**List of Subjects in 49 CFR Part 385**

Administrative practice and procedure, Highway safety, Incorporation by reference, Mexico, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA is amending 49 CFR chapter III, part 385, as set forth below:

**PART 385—SAFETY FITNESS PROCEDURES**

- 1. The authority citation for part 385 is revised to read as follows:

**Authority:** 49 U.S.C. 113, 504, 521(b), 5105(d), 5109, 13901–13905, 31133, 31135, 31136, 31137, 31144, 31148, and 31502; Sec. 113(a), Pub. L. 103–311; Sec. 408, Pub. L. 104–88 109 Stat. 803, 958 Sec. 350 of Pub. L. 107–87; and 49 CFR 1.87.

- 2. Revise § 385.4(b) to read as follows:

**§ 385.4 Matter incorporated by reference.**

\* \* \* \* \*

(b) “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403,” April 1, 2016; incorporation by reference approved for § 385.415(b).

\* \* \* \* \*

Issued under authority delegated in 49 CFR 1.87 on: June 10, 2016.

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 151210999–6348–02]

**RIN 0648–XE681**

**Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Nantucket Lightship North Access Area to General Category Individual Fishing Quota Scallop Vessels**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces that the Nantucket Lightship North Scallop Access Area will close to Limited Access General Category Individual Fishing Quota scallop vessels for the remainder of the 2016 fishing year as of the effective date below. No vessel issued a Limited Access General Category Individual Fishing Quota permit may fish for, possess, or land scallops from the Nantucket Lightship North Scallop Access Area. Regulations require this action once it is projected that 100 percent of trips allocated to the Limited Access General Category Individual Fishing Quota scallop vessels for the Nantucket Lightship North Scallop Access Area will be taken.

**DATES:** Effective 0001 hr local time, June 16, 2016, through February 28, 2017.

**FOR FURTHER INFORMATION CONTACT:** Shannah Jaburek, Fishery Management Specialist, (978) 282–8456.

**SUPPLEMENTARY INFORMATION:**

Regulations governing fishing activity in the Sea Scallop Access Areas can be found in 50 CFR 648.59 and 648.60. These regulations authorize vessels issued a valid Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) scallop permit to fish in the Nantucket Lightship North Scallop Access Area under specific conditions, including a total of 485 trips that may be taken during the 2016 fishing year. Section 648.60(g)(3)(iii) requires the Nantucket Lightship North Scallop

Access Area to be closed to LAGC IFQ permitted vessels for the remainder of the fishing year once the NMFS Greater Atlantic Regional Administrator determines that the allowed number of trips for fishing year 2016 are projected to be taken.

Based on trip declarations by LAGC IFQ scallop vessels fishing in the Nantucket Lightship North Scallop Access Area, analysis of fishing effort, and other information, NMFS projects that 485 trips will be taken as of June 16, 2016. Therefore, in accordance with § 648.60(g)(3)(iii), NMFS is closing the Nantucket Lightship North Scallop Access Area to all LAGC IFQ scallop vessels as of June 16, 2016. No vessel issued an LAGC IFQ permit may fish for, possess, or land scallops in or from the Nantucket Lightship North Scallop Access Area after 0001 local time, June 16, 2016. Any LAGC IFQ vessel that has declared into the Nantucket Lightship North Access Area scallop fishery, complied with all trip notification and observer requirements, and crossed the VMS demarcation line on the way to the area before 0001, June 16, 2016, may complete its trip without being subject to this closure. This closure is in effect for the remainder of the 2016 scallop fishing year.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. The Nantucket Lightship North Scallop Access Area opened for the 2016 fishing year on May 4, 2016. The regulations at § 648.60(g)(3)(iii) require this closure to ensure that LAGC IFQ scallop vessels do not take more than their allocated number of trips in the Nantucket Lightship North Scallop Access Area. The projections of the date on which the LAGC IFQ fleet will have taken all of its allocated trips in an Access Area become apparent only as trips into the area occur on a real-time basis and as activity trends begin to appear. As a result, NMFS can only make an accurate projection very close in time to when the fleet has taken all of its trips. In order to propose a closure for purposes of receiving prior public comment, NMFS would need to make a projection based on very little information, which would result in a closure too early or too late. To allow LAGC IFQ scallop vessels to continue to take trips in the Nantucket Lightship North Scallop Access Area during the period necessary

to publish and receive comments on a proposed rule would likely result in vessels taking much more than the allowed number of trips in the Nantucket Lightship North Scallop Access Area. Excessive trips and harvest from the Nantucket Lightship North Scallop Access Area would result in excessive fishing effort in the area, where effort controls are critical, thereby undermining conservation objectives of the Atlantic Sea Scallop Fishery Management Plan and requiring more restrictive future management measures. Also, the public had prior notice and full opportunity to comment on this closure process when we put these provisions in place. For these same reasons, NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: June 14, 2016.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2016-14403 Filed 6-14-16; 4:15 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 160609505-6505-01]

RIN 0648-BG07

#### Fisheries of the Northeastern United States; Blueline Tilefish Fishery; Secretarial Interim Action

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

**ACTION:** Temporary rule; interim measures; request for comments.

**SUMMARY:** This temporary rule implements possession limits and permit requirements for the commercial and recreational blueline tilefish fisheries in waters north of the Virginia/North Carolina border. These interim management measures are necessary to prevent a return to an unregulated fishery which could result in overfishing and to temporarily constrain fishing effort on the blueline tilefish stock while a long-term management plan is implemented. These measures are expected to constrain fishing mortality and help ensure the long-term sustainability of the stock, while potentially preventing overfishing.

**DATES:** Effective June 17, 2016, through December 14, 2016. Comments must be received on or before June 18, 2016.

**ADDRESSES:** You may submit comments, identified by NOAA-NMFS-2016-0063, by either of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0063](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0063), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Blueline Tilefish Interim Measures."

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Copies of the Environmental Assessment and Regulatory Impact Review (EA/RIR), Supplemental Information Report (SIR), and other supporting documents for these interim measures are available from John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. The EA/RIR and SIR are also accessible via the internet at: [www.greateratlantic.fisheries.noaa.gov/](http://www.greateratlantic.fisheries.noaa.gov/).

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Policy Analyst, (978) 281-9341.

#### SUPPLEMENTARY INFORMATION:

##### Background

Blueline tilefish (*Caulolatilus microps*) are mainly distributed in Atlantic waters off the eastern United States, and have been managed as part of the South Atlantic Fishery Management Council's Snapper Grouper Fishery Management Plan (FMP). However, South Atlantic management measures do not apply to vessels fishing for blueline tilefish north of the South Atlantic Council's jurisdiction (which