

distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.

*O. E.O. 13783 (Promoting Energy Independence and Economic Growth)*

E.O. 13783 directs executive departments and agencies to review existing regulations that potentially burden the development or use of domestically produced energy resources, and to appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources. In accordance with E.O. 13783, DOT prepared and submitted a report to the Director of OMB that provides specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency action that burden domestic energy production. This rule has not been identified by DOT under E.O. 13783 as potentially alleviating unnecessary burdens on domestic energy production.

*P. 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 does 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.

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

The National Technology Transfer and Advancement Act (note following 15 U.S.C. 272) 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 will 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. This rule does not use technical standards. Therefore, FMCSA did not consider the use of voluntary consensus standards.

*R. Environment (NEPA)*

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, Mar. 1, 2004), Appendix 2, paragraph 6.b. This Categorical Exclusion addresses minor corrections such as those found in this rulemaking; therefore, preparation of an environmental assessment or environmental impact statement is not necessary. The Categorical Exclusion determination is available for inspection or copying in docket FMCSA–2004–19608.

*S. Fixing America's Surface Transportation Act (FAST Act)*

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking, unless the Agency finds good cause that an ANPRM is impracticable, unnecessary, or contrary to the public interest, or conduct a negotiated rulemaking when it engages in certain rulemakings. These requirements pertain to a proposed rulemaking likely to result in a “major rule.”<sup>6</sup> Because this rulemaking does not involve issuance of a proposed rule, and today's final rule is not a “major rule,” these requirements are not applicable.

**List of Subjects for 49 CFR Part 395**

Highway safety, Motor carriers, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA amends 49 CFR part 395 to read as follows.

**PART 395—HOURS OF SERVICE OF DRIVERS**

■ 1. The authority citation for part 395 continues to read as follows:

**Authority:** 49 U.S.C. 504, 31133, 31136, 31137, 31502; sec. 113, Pub. L. 103–311, 108 Stat. 1673, 1676; sec. 229, Pub. L. 106–159 (as added and transferred by sec. 4115 and amended by secs. 4130–4132, Pub. L. 109–59, 119 Stat. 1144, 1726, 1743, 1744); sec. 4133, Pub. L. 109–59, 119 Stat. 1144, 1744; sec. 108, Pub. L. 110–432, 122 Stat. 4860–4866; sec. 32934, Pub. L. 112–141, 126 Stat. 405, 830; sec. 5206(b), Pub. L. 114–94, 129 Stat. 1312, 1537; and 49 CFR 1.87.

■ 2. In § 395.3, revise paragraph (c) and remove paragraph (d) to read as follows:

<sup>6</sup> In enacting this provision, Congress did not define “major rule.” See section 5202 of the FAST Act, Public Law 114–94, 129 Stat. 1312, 1534–1535 (December 4, 2015). However, Congress used the term in enacting another statute addressing Agency rulemaking, popularly referred to as the Congressional Review Act, which includes a definition of the term “major rule.” See 5 U.S.C. 804(2). The Agency relies on this definition in evaluating the application of 49 U.S.C. 31136(g).

**§ 395.3 Maximum driving time for property-carrying vehicles.**

\* \* \* \* \*

(c)(1) Any period of 7 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours.

(2) Any period of 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours.

Issued under authority delegated in 49 CFR 1.87.

Dated: September 5, 2019.

**Raymond P. Martinez,**  
Administrator.

[FR Doc. 2019–19648 Filed 9–11–19; 8:45 am]

**BILLING CODE 4910–EX–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 180209147–8509–02]

RIN 0648–XX010

**Fisheries of the Northeastern United States; Small-Mesh Multispecies Fishery; Inseason Adjustment to the Northern Red Hake Possession Limit**

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

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** This action reduces the commercial per-trip possession limit for northern red hake for the remainder of the 2019 fishing year. Regulations governing the small-mesh multispecies fishery require this action because the northern red hake fishery is projected to reach 37.9 percent of its total allowable landing limit for the year. This action is intended to prevent this limit from being exceeded. This announcement also informs the public of the reduced northern red hake possession limit.

**DATES:** Effective September 9, 2019, through April 30, 2020.

**FOR FURTHER INFORMATION CONTACT:** Laura Hansen, Fishery Management Specialist, (978) 281–9225.

**SUPPLEMENTARY INFORMATION:** Regulations governing the red hake fishery are found at 50 CFR part 648. The small-mesh multispecies fishery is managed primarily through a series of exemptions from the Northeast Multispecies Fisheries Management Plan. The regulations describing the

process to adjust inseason commercial possession limits of northern red hake are described in § 648.86(d)(4) and § 648.90(b)(5). These regulations require the NMFS Regional Administrator, Greater Atlantic Region, to reduce the northern red hake possession limit from 3,000 lb (1,361 kg) to the incidental limit of 400 lb (181 kg) when landings have been projected to reach or exceed 37.9 percent of the total allowable landings (TAL), unless such a reduction would be expected to prevent the TAL from being reached. The final rule implementing the small-mesh multispecies specifications for 2018–2020 (83 FR 27713; June 14, 2018) set the northern red hake inseason adjustment threshold for the 2019 fishing year at 228,941 lb (103,846 kg); 37.9 percent of the northern red hake TAL for the year.

Based on commercial landings data reported through September 3, 2019, the northern red hake fishery is projected to reach 37.9 percent of the TAL on September 4, 2019. It is not expected

that this reduction will prevent the TAL from being reached. Using this projection, NMFS is required to reduce the commercial northern red hake possession limit to prevent the TAL from being exceeded. Therefore, effective September 9, 2019, no person may possess on board or land more than 400 lb (181 kg) of northern red hake per trip for the remainder of the fishing year (*i.e.*, through April 30, 2020). Vessels that are currently on a trip when this reduction becomes effective may retain northern red hake up to the prior possession limit of 3,000 lb (1,361 kg) for the completion of that trip.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 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. This action reduces the per-trip possession limit for

northern red hake to the incidental limit of 400 lb (181 kg) until April 30, 2020, under current small-mesh multispecies fishery regulations. The regulations at § 648.86(d) require such action to ensure that commercial small-mesh multispecies vessels do not exceed the TAL set for the northern red hake stock. If implementation of this reduction is delayed, the northern red hake TAL for this fishing year may be exceeded, thereby undermining the conservation objectives of the Northeast Multispecies Fishery Management Plan. Therefore, pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator further finds good cause to waive the 30-day delayed effectiveness period for the reason stated above.

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

Dated: September 9, 2019.

**Jennifer M. Wallace,**

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

[FR Doc. 2019–19808 Filed 9–9–19; 4:15 pm]

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