

or under an exemption issued by the FAA. The FAA will process requests for approval or exemption in a timely manner, with the order of preference being: First, for those operations in support of U.S. government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. government department, agency, or instrumentality; and third, for all other operations.

(2) [Reserved]

(d) *Emergency situations.* In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from this section to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of 14 CFR part 119, 121, 125, or 135, each person who deviates from this section must, within 10 days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the nearest FAA Flight Standards District Office a complete report of the operations of the aircraft involved in the deviation, including a description of the deviation and the reasons for it.

(e) *Expiration.* This Special Federal Aviation Regulation will remain in effect until March 20, 2019. The FAA may amend, rescind, or extend this Special Federal Aviation Regulation as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), on March 15, 2017.

Victoria B. Wassmer,

Acting Deputy Administrator.

[FR Doc. 2017-05515 Filed 3-16-17; 4:15 pm]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 234

[Docket No. DOT-RITA-2011-0001]

RIN 2105-AE65

Reporting of Data for Mishandled Baggage and Wheelchairs and Scooters Transported in Aircraft Cargo Compartments; Extension of Compliance Date

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The Department of Transportation is amending its

regulations by extending the compliance date of its final rule on reporting of data for mishandled baggage and wheelchairs in aircraft cargo compartments from January 1, 2018 to January 1, 2019. Under that final rule, the mishandled-baggage data that air carriers are required to report changed, from the number of Mishandled Baggage Reports and the number of domestic passenger enplanements to the number of mishandled bags and the number of enplaned bags. The rule also requires separate statistics for mishandled wheelchairs and scooters used by passengers with disabilities and transported in aircraft cargo compartments. This extension is in response to a request by Airlines for America (A4A) and Delta.

DATES: This final rule is effective March 21, 2017.

FOR FURTHER INFORMATION CONTACT:

Blane A. Workie, Office of Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, 202-366-9342, 202-366-7152 (fax), blane.workie@dot.gov (email).

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of all materials related to the original rulemaking proceeding (2105-AE41) may be viewed online at <http://www.regulations.gov> using the docket numbers listed above. A copy of this notice will also be placed on the 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 November 2, 2016, the Department of Transportation published a final rule in the **Federal Register** (81 FR 76300) (RIN 2105-AE41), titled "Reporting of Data for Mishandled Baggage and Wheelchairs and Scooters Transported in Aircraft Cargo Compartments." This rule changes the methodology for the mishandled-baggage data that U.S. air carriers are required to report to the Department and requires U.S. air carriers to report separate statistics in their mishandled baggage reporting for mishandled wheelchairs and scooters used by disabled passengers and transported in aircraft cargo compartments.

On January 20, 2017, the White House Chief of Staff issued a memorandum

entitled, "Regulatory Freeze Pending Review" ("Memo"). The Memo 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.

On January 27, 2017, the Department received a request from Airlines for America (A4A) to extend the compliance date of the final rule on reporting data for mishandled baggage and wheelchairs. In that request, the A4A cites the Memo as a reason to extend the compliance date. On February 10, 2017, Delta Air Lines also submitted a request to the Department expressing support for extending the compliance date which also referenced the Memo. On March 2, 2017, A4A sent a follow-up to its original request specifying that if the rulemaking remains that they are requesting that the implementation period of the final rule on mishandled baggage and wheelchairs be delayed one year until January 2019 in the spirit of the Memo. A4A states that industry is facing challenges with parts of this regulation and needs more time to implement it.

After carefully considering the requests, we have decided to grant an extension of the compliance date for the final rule on reporting of mishandled baggage and wheelchairs until January 1, 2019. As such, we also intend to extend the compliance date for the baggage handling statistics provision (14 CFR 234.6) in the final rule titled "Enhancing Airline Passenger Protections III," which was published contemporaneously with the final rule on reporting of data for mishandled baggage and wheelchairs, to January 1, 2019.

Issued this 2nd day of March 2017 in Washington, DC, under authority delegated in 49 CFR 1.27(n).

Judith S. Kaleta,

Deputy General Counsel.

List of Subjects in 14 CFR Part 234

Air carriers, Mishandled baggage, On-time statistics, Reporting, Uniform system of accounts.

Accordingly, the Department of Transportation amends 14 CFR part 234 as follows:

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.