

or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

This final rule will not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

*J. Plain Language*

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public’s needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make this rulemaking easier to understand?

If you have any responses to these questions, please include them in your comments to the docket number cited in the heading of this final rule.

*K. Regulation Identifier Number (RIN)*

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

**List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

■ In consideration of the foregoing, the Federal Motor Vehicle Safety Standards (49 CFR Part 571), are amended as set forth below.

**PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

■ 1. The authority citation for part 571 continues to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.102 is amended by revising in S3.1.3.2, the introductory text and paragraph (a) to read as follows:

**§ 571.102 Standard No. 102; Transmission shift position sequence, starter interlock, and transmission braking effect.**

\* \* \* \* \*

S3.1.3.2 Notwithstanding S3.1.3.1, the engine may stop and start at any time after the driver has activated the vehicle’s propulsion system if the vehicle can meet the requirements specified in paragraphs (a) and (b):

(a) For passenger cars, multi-purpose passenger vehicles, trucks and buses with a GVWR less than or equal to 4,536 kg (10,000 pounds), the vehicle’s propulsion system can propel the vehicle in the normal travel mode in all forward and reverse drive gears without the engine operating. For passenger cars, multipurpose passenger vehicles, trucks and buses with a GVWR greater than 4,536 kg (10,000 pounds), the vehicle’s propulsion system can propel the vehicle in the normal travel mode in Reverse and at least one forward drive gear without the engine operating.

\* \* \* \* \*

Issued on: December 19, 2005.

**Jacqueline Glassman,**  
*Deputy Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 040804229–4300–02; I.D. 121405A]

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for Western and Eastern U.S./Canada Areas**

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

**ACTION:** Temporary rule; yellowtail flounder landing limit.

**SUMMARY:** NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), is reducing the Georges Bank (GB) yellowtail flounder trip limit from an unlimited amount to 15,000 lb (6,804.1 kg) per trip

for Northeast (NE) multispecies Days-at-Sea (DAS) vessels fishing in both the Western and Eastern U.S./Canada Areas. This action is necessary to prevent the GB yellowtail total allowable catch (TAC) from being caught before the end of the 2005 fishing year and to increase the likelihood that the GB yellowtail TAC will be available through the end of the 2005 fishing year on April 30, 2006. This action is being taken to slow the rate of harvest of GB yellowtail flounder under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Effective 0001 hours local time, December 21, 2005, through April 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mark Grant, Fishery Management Specialist, (978) 281–9145, fax (978) 281–9135.

**SUPPLEMENTARY INFORMATION:** Regulations governing the GB yellowtail flounder landing limit within the Western and Eastern U.S./Canada Areas are found at 50 CFR 648.85(a)(3)(iv)(C). The regulations authorize vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./Canada Management Area as defined at § 648.85(a)(1), under specific conditions. The TAC allocation for GB yellowtail flounder for the 2005 fishing year is 4,260 mt (July 7, 2005; 70 FR 39190). When 30 percent of the GB yellowtail flounder TAC is projected to be harvested, the regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to reduce the yellowtail flounder landing limit for NE multispecies DAS vessels fishing in both the Western and Eastern U.S./Canada Areas to prevent over-harvesting the GB yellowtail TAC allocation.

Based upon vessel monitoring system reports and other available information, the Regional Administrator has determined that over 51 percent (2,172.6 mt) of the GB yellowtail flounder TAC of 4,260 mt has been harvested. Based on current and historic catch rates, it is likely the entire GB yellowtail flounder TAC may be caught before the end of the 2005 fishing year. In order to slow the catch of GB yellowtail flounder to prevent over harvesting and to increase the likelihood that GB yellowtail flounder will be available through the end of the 2005 fishing year on April 30, 2006, the Regional Administrator is reducing the trip limit for GB yellowtail flounder to 15,000 lb (6,804.1 kg) per trip for NE multispecies DAS vessels fishing in both the Western and Eastern U.S./Canada Areas for the remainder of

the 2005 fishing year, effective December 21, 2005, through April 30, 2006.

#### Classification

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

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment for this action, because notice and comment would be impracticable and contrary to the public interest. The regulations under § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to reduce the yellowtail flounder landing limit for NE multispecies DAS vessels fishing in the Western and Eastern U.S./Canada Areas when 30 percent and/or 60 percent of the GB yellowtail flounder TAC has been harvested, to prevent over harvesting of the TAC. Because over 51 percent of the GB yellowtail flounder TAC has been harvested, this action is necessary to immediately slow the rate of harvest of GB yellowtail flounder under the authority of the Magnuson-Stevens Act.

Given the harvest rates during fishing years 2004 and 2005, and the reduced GB yellowtail flounder TAC specified for 2005, the time necessary to provide for prior notice and opportunity for public comment would significantly reduce the ability of the agency to ensure that the 2005 TAC for GB yellowtail flounder is not exceeded during the 2005 fishing year. It was not possible to take this action earlier to provide more time for public comment

because of how quickly the GB yellowtail flounder is harvested, the reduced GB yellowtail flounder TAC, and the ability of NMFS to monitor the harvest. Immediately reducing the GB yellowtail flounder trip limit to 15,000 lb (6,804.1 kg) per trip for NE multispecies DAS vessels fishing in both the Western and Eastern U.S./Canada Areas will slow the rate of harvest to a level that will likely prevent the TAC from being exceeded.

Exceeding the 2005 TAC for GB yellowtail flounder would increase mortality of this overfished stock beyond that evaluated during the development of Amendment 13, potentially undermining the rebuilding efforts for this stock. Moreover, should the GB yellowtail flounder TAC be exceeded, any overages would be deducted from the 2006 GB yellowtail flounder TAC. This would result in decreased revenue for the NE multispecies fishery, increased economic impacts to vessels operating in the Western and Eastern U.S./Canada Areas, reduced opportunities to fully harvest the GB haddock and GB cod TAC's in the Eastern U.S./Canada Area (i.e., through the increased possibility of premature closure of the Eastern U.S./Canada Area during the 2006 fishing year due to fully harvesting a reduced GB yellowtail flounder TAC in 2006), a reduced chance of achieving optimum yield in the groundfish fishery, and unnecessary delays to the rebuilding of this overfished stock.

For similar reasons there is good cause, pursuant to 5 U.S.C. 553(d)(3), to

waive the entire 30-day delayed effectiveness period for this action. For the reasons specified above, a delay in the effectiveness of the trip limit modification in this rule would prevent the agency from ensuring that the 2005 catch TAC for GB yellowtail flounder specified for the Western and Eastern U.S./Canada Areas would not be exceeded during the 2005 fishing year. Any such delay could lead to the impacts to the fishing industry described above.

The rate of harvest of the GB yellowtail flounder TAC in the Western and Eastern U.S./Canada Areas is updated weekly on the internet at <http://www.nero.noaa.gov>. Accordingly, the public is able to obtain information that would provide at least some advanced notice of a potential action to prevent the TAC for GB yellowtail flounder from being exceeded during the 2005 fishing year. Further, the potential for this action was considered and open to public comment during the development of Amendment 13. Therefore, any negative effect the waiving of public comment and delayed effectiveness may have on the public is mitigated by these factors.

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

Dated: December 19, 2005.

**Anne M. Lange,**

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

[FR Doc. 05-24369 Filed 12-19-05; 12:56 pm]

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