DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523 and 535


RIN 2127–AK74

Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final rule regulations (49 CFR parts 523 and 535), which were published in the Federal Register of Thursday, September 15, 2011 (76 FR 57106). The regulations established fuel efficiency standards for medium- and heavy-duty engines and vehicles, as prescribed under the Energy Independence and Security Act (49 U.S.C. 32902(k)(2)).

DATES: Effective Date: November 14, 2011.


SUPPLEMENTARY INFORMATION:

Background

NHTSA and EPA published in the Federal Register of September 15, 2011, final rules to establish a comprehensive Heavy-Duty National Program that will increase fuel efficiency and reduce greenhouse gas emissions for on-road heavy-duty vehicles, responding to the President’s directive on May 21, 2010, to take coordinated steps to produce a new generation of clean heavy-duty vehicles.

Need for Correction

As published, the final regulations inadvertently inserted a new definition for “base tire” in 49 CFR part 523 instead of 49 CFR part 535. The new definition was intended to be applied to heavy-duty vehicles. It was not intended to replace the definition of “base tire” for light-duty vehicles, as its current location would suggest. To correct the mistake, NHTSA is moving the definition to its original intended location in 49 CFR part 535, and adding the words “for heavy-duty vehicles” to alleviate any confusion. The previous definition for “base tire” for light duty vehicles will be restored, and the words “for passenger automobiles, light trucks and medium-duty passenger vehicles” will be added.

List of Subjects in 49 CFR Parts 523 and 535

Fuel efficiency.

Accordingly, 49 CFR parts 523 and 535 are corrected by making the following correcting amendments:

PART 523—VEHICLE CLASSIFICATION

1. The authority citation for part 523 continues to read as follows:


2. In §523.2, revise the definition of “Base tire” to read as follows:

§523.2 Definitions.

* * * * *

Base tire for passenger automobiles, light trucks and medium-duty passenger vehicles means the tire specified as standard equipment by a manufacturer on each vehicle configuration of a model type.

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PART 535—MEDIUM- AND HEAVY-DUTY VEHICLE FUEL EFFICIENCY PROGRAM

3. The authority citation for part 535 continues to read as follows:


4. In §535.4, add a definition of “Base tire” to read as follows:

§535.4 Definitions.

* * * * *

Base tire for heavy-duty vehicles means the tire specified as standard equipment by a manufacturer on each subconfiguration of a model type.

Issued: October 18, 2011.

Christopher J. Bonanti,
Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, Department of Transportation.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0907301205–0289–02]

RIN 0648-XA767

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS adjusts the 2011 Fishing Year sub-annual catch limit for Atlantic Herring Management Area 1A due to an under-harvest in the New Brunswick weir fishery. This action complies with the 2010–2012 specifications and management measures for the Atlantic Herring Fishery Management Plan.

DATES: Effective November 1, 2011, through December 31, 2011.


SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic herring fishery are found at 50 CFR part 648. The regulations require annual specification of the overfishing limit, acceptable biological catch (ABC), annual catch limit (ACL), optimum yield (OY), domestic harvest and processing, U.S. at-sea processing, border transfer and sub-ACLs for each management area. The 2011 Domestic Annual Harvest is 93,200 metric tons (mt); the 2011 sub-ACL allocated to Area 1A is 26,546 mt and 0 mt of the sub-ACL is set aside for research (75 FR 48874, August 12, 2010). Due to the variability of Canadian catch in the New Brunswick weir fishery, a portion of the buffer between ABC and OY (the buffer to account for Canadian catch) is allocated to Area 1A, provided New Brunswick weir landings are lower than the amount specified in the buffer.

The NMFS Regional Administrator is required to monitor the fishery landings in the New Brunswick weir fishery each year. If the New Brunswick weir fishery landings through October 15 are less than 9,000 mt, then 3,000 mt of the weir fishery allocation is added to the Area 1A sub-ACL in November of the same
year. When such a determination is made, NMFS is required to publish a notification in the Federal Register to adjust the Area 1A sub-ACL for the remainder of the fishing year (FY).

The Regional Administrator has determined, based on the best available information, that the New Brunswick weir fishery landings for FY 2011 through October 15, 2011, were 3,601 mt. Therefore, effective November 1, 2011, 3,000 mt will be allocated to the Area 1A sub-ACL, increasing the FY 2011 Area 1A sub-ACL from 26,546 mt to 29,546 mt. This allocation of 3,000 mt to Area 1A will be taken into consideration when NMFS projects that catch will reach 95 percent of the Area 1A sub-ACL.

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 (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it is impracticable and contrary to the public interest. This action increases the sub-ACL for Area 1A by 3,000 mt (from 26,546 mt to 29,546 mt) through December 31, 2011. The regulations at § 648.201(f) require such action to help mitigate some of the negative economic effects associated with the recent reduction in the Area 1A sub-ACL (40 percent less than in 2009). The herring fishery extends from January 1 to December 31. Data indicate the New Brunswick weir fishery landed 3,601 mt through October 15, 2011. There is a limited amount of time between October 15 (when the New Brunswick weir fishery slows for the year) and the end of the U.S. herring fishing year on December 31. If implementation of this Area 1A sub-ACL increase is delayed to solicit prior public comment, the increase may not be effective prior to the end of the 2011 fishing year and the 3,000 mt allocation would not be available for harvest. Additionally, the availability of herring in Area 1A is seasonal. As the end of the fishing year approaches, herring can disperse or move out of Area 1A, and/or the approach of winter weather can hinder fishery access to herring in Area 1A. The best available information indicates that current catch is close to 95 percent of the Area 1A sub-ACL. If implementation of this increase is delayed to solicit prior public comment, herring may no longer be available to the fishery for harvest in Area 1A, thereby undermining the intended economic benefits associated with this action. NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126521–0640–02]

RIN 0648–XA782

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2011 allocation of Pacific ocean perch in this area allocated to vessels participating in the BSAI trawl limited access fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 20, 2011, through 2400 hrs, A.l.t., December 31, 2011.


SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The allocation of Pacific ocean perch, in the Eastern Aleutian District, allocated as a directed fishing allowance to vessels participating in the BSAI trawl limited access fishery was established as 495 metric tons (mt) by the final 2011 and 2012 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011). In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Eastern Aleutian District by vessels participating in the BSAI trawl limited access fishery.

After the effective dates of this closure, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Pacific ocean perch fishery in the Eastern Aleutian District for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 19, 2011. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: October 20, 2011.

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.