

in accordance with § 535.7(f)(1)(ii), cannot be used across averaging sets.

■ 8. Amend § 535.8 by revising paragraphs (a)(6), (g)(11)(i)(C), (g)(12), and (i) to read as follows:

**§ 535.8 Reporting and recordkeeping requirements.**

(a) \* \* \*

(6) Any information that must be sent directly to NHTSA. In instances in which EPA has not created an electronic pathway to receive the information, the information should be sent through an electronic portal identified by NHTSA or through the NHTSA CAFE database (*i.e.*, information on fuel consumption credit transactions). If hardcopy documents must be sent, the information should be sent to the Associate Administrator of Enforcement at 1200 New Jersey Avenue SE, NVS-200, Office W45-306, Washington, DC 20590.

\* \* \* \* \*

(g) \* \* \*

(11) \* \* \*

(i) \* \* \*

(C) The averaging set corresponding to the engine and powertrain families and subfamilies that generated fuel consumption credits for the trade, including the number of fuel consumption credits from each averaging set.

\* \* \* \* \*

(12) *Production reports.* Within 90 days after the end of the model year and no later than March 31st, manufacturers participating and not-participating in the ABT program must send to EPA and NHTSA a report including the total U.S.-directed production volume of vehicles it produced in each vehicle and engine family during the model year (based on information available at the time of the report) as required by 40 CFR 1036.250 and 1037.250. Each manufacturer shall report by vehicle or engine identification number and by configuration and identify the subfamily identifier. Report uncertified vehicles sold to secondary vehicle manufacturers. Small business manufacturers may omit reporting. Identify any differences between volumes included for EPA but excluded for NHTSA.

\* \* \* \* \*

(i) *Information received from EPA.* NHTSA will receive information from EPA as specified in 40 CFR 1036.755 and 1037.755. The knowing and willful submission of false, fictitious or fraudulent information under this part will subject a manufacturer to the civil

and criminal penalties of 18 U.S.C. 1001.

\* \* \* \* \*

■ 9. Amend § 535.9 by revising paragraph (a)(1)(i) and adding paragraph (a)(1)(v) to read as follows:

**§ 535.9 Enforcement approach.**

(a) \* \* \*

(1) \* \* \*

(i) NHTSA may conduct audits or confirmatory testing on any configuration prior to first sale throughout a given model year or after the model year in order to validate data received from manufacturers and will discuss any potential issues with EPA and the manufacturer. NHTSA may perform confirmatory testing. Any such testing would be performed as specified in EPA's regulations at 40 CFR part 1037. Audits may periodically be performed to confirm manufacturers' credit balances, or other credit transactions or other information submitted to EPA and NHTSA.

\* \* \* \* \*

(v) NHTSA may require a manufacturer to perform selective enforcement audits with respect to any GEM inputs in its application for certification or in the end of the year ABT final reports. Any required selective enforcement audits would be required to be conducted in a manner consistent with EPA's corresponding provisions at 40 CFR 1037.301, 1037.305, and 1037.320.

\* \* \* \* \*

■ 10. Amend § 535.10 by:

- a. Removing and reserving paragraph (a)(3);
- b. Revising paragraphs (a)(6) and (c)(2); and
- c. Removing and reserving paragraph (c)(3).

The revisions read as follows:

**§ 535.10 How do manufacturers comply with fuel consumption standards?**

(a) \* \* \*

(6) Manufacturers apply the fuel consumption standards specified in § 535.5 to vehicles, engines and components that represent production units and components for vehicle and engine families, subfamilies and configurations consistent with the EPA specifications in 40 CFR 86.1819, 1036.230, and 1037.230. Vehicles required to meet the fuel consumption standards of this part must also comply with the following additional requirements, consistent with CFR 1037.115(a) and (d):

(i) *Adjustable parameters.* Vehicles that have adjustable parameters must meet all the requirements of this part for

any adjustment in the practically adjustable range. We may require that you set adjustable parameters to any specification within the practically adjustable range during any testing. See 40 CFR 1068.50 for general provisions related to adjustable parameters. You must ensure safe vehicle operation throughout the practically adjustable range of each adjustable parameter, including consideration of production tolerances. Note that adjustable roof fairings and trailer rear fairings are deemed not to be adjustable parameters.

(ii) *Defeat devices.* Consistent with 40 CFR 1068.101, the use of defeat devices is prohibited.

\* \* \* \* \*

(c) \* \* \*

(2) For truck tractors, vocational vehicles, and engines the manufacturer's fuel consumption performance for each vehicle or engine family (or subfamily), as determined in § 535.6, is lower than the applicable regulatory subcategory standards in § 535.5.

\* \* \* \* \*

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.5.

**Sophie Shulman,**

*Deputy Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

**[Docket No. 231215-0305; RTID 0648-XD808]**

**Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer From Virginia to New Jersey**

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

**ACTION:** Temporary rule; quota transfer.

**SUMMARY:** NMFS announces that the Commonwealth of Virginia is transferring a portion of its 2024 commercial summer flounder quota to the State of New Jersey. This adjustment to the 2024 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) quota transfer provisions. This announcement informs the public of the revised 2024

commercial quotas for Virginia and New Jersey.

**DATES:** Effective March 14, 2024, through December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:** Laura Deighan, Fishery Management Specialist, (978) 281-9184.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.111. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102 and final 2024 allocations were published on December 21, 2023 (88 FR 88266).

The final rule implementing amendment 5 to the Summer Flounder FMP, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: (1) the transfers or combinations would not preclude the overall annual quota from being fully harvested; (2) the transfers address an unforeseen variation or contingency in the fishery; and (3) the transfers are consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Regional Administrator has determined these three criteria have been met for the transfer approved in this notification.

Virginia is transferring 2,860 pounds (lb; 1,297 kilograms (kg)) to New Jersey through a mutual agreement between the states. This transfer was requested to repay landings made by an out-of-state permitted vessel under a safe harbor agreement. The revised summer flounder quotas for 2024 are: Virginia, 1,876,941 lb (851,366 kg); and New Jersey, 1,472,958 lb (668,123 kg).

**Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.102(c)(2)(i) through (iv), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: March 11, 2024.

**Everett Wayne Baxter,**

*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. 240227-0061 and 240304-0068; RTID 0648-XD758]**

**Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program**

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

**ACTION:** Temporary rule; opening.

**SUMMARY:** NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) Program and the Community Development Quota (CDQ) Program. The season will open 1200 hours, Alaska local time (A.l.t.), March 15, 2024, and will close 1200 hours, A.l.t., December 7, 2024. This period is the same as the 2024 commercial halibut fishery opening dates adopted by the International Pacific Halibut Commission, except the hours are not the same. The IFQ and CDQ halibut season dates are the same as specified by a separate publication in the **Federal Register** of annual management measures, which should be referenced for the halibut specific open and closure times.

**DATES:** Effective 1200 hours, A.l.t., March 15, 2024, until 1200 hours, A.l.t., December 7, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Adam Zaleski, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** Beginning in 1995, fishing for Pacific halibut and sablefish with fixed gear in the IFQ regulatory areas defined in 50 CFR 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons

receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish managed under the IFQ Program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, adopted by the International Pacific Halibut Commission (IPHC). The directed fishing season for sablefish with fixed gear managed under the IFQ Program will open 1200 hours, A.l.t., March 15, 2024, and will close 1200 hours, A.l.t., December 7, 2024. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC, except the hours are not the same. The IFQ and CDQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

There is a difference in the time of day for opening and closing the halibut IFQ and CDQ commercial fishery and the Alaska IFQ and CDQ sablefish commercial fishery. IPHC regulations open the halibut IFQ and CDQ fishery at 0600 hours on March 15, 2024, and NMFS will open the Alaska IFQ and CDQ sablefish fishery at 1200 hours on March 15, 2024. Therefore, if gear is deployed to fish for halibut in the commercial fishery of Alaska before 1200 hours on March 15, 2024, then IFQ or CDQ sablefish caught from that deployment may not be retained. If a vessel operator holds both halibut and sablefish IFQ or CDQ, and the operator intends to retain sablefish on March 15, then the vessel should deploy its commercial fishing gear after 1200 hours.

IPHC regulations close the halibut IFQ and CDQ fishery at 2359 hours on December 7, 2024, and NMFS will close the Alaska IFQ and CDQ sablefish fishery at 1200 hours on December 7, 2024. Therefore, if gear is deployed to fish for halibut in the commercial fishery off Alaska after 1200 hours on December 7, 2024, then IFQ and CDQ sablefish caught from that deployment may only be retained up to the