glass breaking tool with recommended procedures for usage during an emergency.

Consumers also have the option to equip their vehicles with emergency safety equipment. Items such as fire extinguishers, automotive tool kits, aftermarket vehicle jacks and lug wrenches, battery jumper cables, first aid kits, winter emergency survival kits, survival kits for desert travel, and vehicle break down kits are items available for consumers to purchase for emergency preparedness. Consumers who do purchase safety items for their vehicles may be more likely to know where these items are stored in their vehicles and how to use the equipment. All vehicle operators are strongly encouraged to understand their vehicle’s capabilities and safety features, their expected driving environment, and to be prepared for possible emergency situations.

IV. Conclusion

NHTSA shares Ms. Bennett’s desire to prevent deaths in motor vehicles. However, at this time there are several substantial obstacles to proposing an objective motor vehicle safety standard to assist vehicle occupants in evacuating a passenger vehicle that has become immersed in water.

First, as previously explained, the data available to the agency shows there is a great deal of uncertainty surrounding any estimate of occupants requiring the use of the glass breaking tool. Second, the potential effectiveness of the tool to provide drivers and occupants with a method to safely exit a vehicle during an immersion event is not known. Due to the uncertainty surrounding whether the glass breaking tool would successfully aid all occupants in all vehicles during a vehicle immersion situation, NHTSA cannot justify a mandate for such a tool.

Even without a requirement that each vehicle have a glass breaking tool, there is nothing to keep vehicle manufacturers from providing it or other means to allow vehicle evacuation during immersion. In addition, consumers can purchase their own tool and locate it in the vehicle where they would be likely to access it in an emergency. Those consumers who do this may be more aware of the existence of the tool when the need to use it arises than would occupants of a vehicle where the tool has been provided as standard equipment.

In accordance with 49 CFR part 552, NHTSA hereby denies Ms. Scheryn Bennett’s January 22, 2014, petition to require every vehicle to be equipped with “an emergency window breaker.”
days-at-sea (DAS) system that allocated DAS equally across the small fleet of limited access permitted vessels. Amendment 3 to the FMP removed the trip limit restriction, and replaced the target TAC and DAS allocation with a catch limit structure consistent with the ACL and accountability measure requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Under Amendment 3 (76 FR 60379; September 29, 2011), the 2011–2013 red crab specifications were set with an ABC equal to the long-term average landings of the directed red crab fishery (1,775 metric tons (mt)). These specifications were continued for fishing years 2014–2016 (79 FR 24356; April 30, 2014).

Proposed Specifications

The biological and management reference points currently in the FMP are used to determine whether overfishing is occurring or if the stock is overfished. However, these reference points for red crab do not currently meet Magnuson-Stevens Act National Standard 1 criteria. As a result, there is insufficient information on the species to establish the maximum sustainable yield (MSY), optimum yield (OY), or overfishing limit (OFL). ABC is defined in terms of landings instead of total catch because there is insufficient information to estimate dead discards of red crab.

The Council’s recommendation for the 2017–2019 red crab specifications are based on the results of the most recent peer-reviewed assessment of the red crab fishery carried out by the Data Poor Stocks Working Group in 2009 and the recommendations of the Council’s SSC. The recommended specifications include a status quo TAL for all three years. While an OFL has not been determined for the stock, the Council and its SSC believe continuing the current TAL will not result in overfishing and adequately accounts for scientific uncertainty.

Recent landings, landing per unit of effort, port samples, discard information, and economic data suggest there has been no change in the size of the red crab stock since Amendment 3 was implemented in 2011. On August 10, 2016, the SSC recommended the status quo ABC for fishing years 2017–2019 of 1,775 mt for the directed fishery. The Council approved the specifications on September 21, 2016, summarized in Table 1. We are proposing the Council-recommended specifications for fishing year 2017. By providing projected quotas for 2018 and 2019, we hope to assist fishery participants in planning ahead.

At the end of each fishing year, we evaluate catch information and determine if the quota has been exceeded. If a quota is exceeded, the regulations at 50 CFR 262(b) require a pound-for-pound reduction in a subsequent fishing year, through notification consistent with the Administrative Procedure Act. We would publish a notice in the Federal Register of any revisions to these proposed specifications if an overage occurs. We expect, based on the performance of the red crab fishery over time, that such adjustments would be unlikely. However, we will provide notice of the 2018 and 2019 quotas prior to the start of each respective fishing year.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Atlantic Deep-Sea Red Crab FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. These proposed specifications are exempt from review under Executive Order 12866.

The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Council prepared an analysis of the potential economic impacts of this action, which is included in the Council’s document for this action (see ADDRESSES to obtain a copy of the supplemental information report) and supplemented by information contained in the preamble of this proposed rule. For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry in commercial fishing (see 50 CFR 200.0). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. Using this definition, there are two distinct ownership entities and four fishing vessels based on available permit data that are directly regulated by this action. As there are only two business entities, the degree of ownership is not known. A review of revenue data from 2013–2015 indicates that the total value of landings of red crab and other species over the last three years averaged $3.69 million, so it is safe to assume that all business entities in the harvesting sector can be categorized as small businesses for purposes of the RFA.

There is no reason to believe small entities would be substantially affected by the proposed action. The proposed action would affect all business entities and the four vessels that participate in the directed red crab fishery, but it is not expected to have any impact on the gross or average revenues for the fishery because it does not change the quota. In addition, this quota is substantially higher than landings in recent years (fishing years 2013 through 2015 landings averaged 2,692 million lb). As a result, the proposed action is not expected to constrain landings markets for red crab substantially and is not expected to have a significant economic impact on a substantial number of small entities.

As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

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

Dated: November 28, 2016.

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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