Sound for 1 minute or until the gear present in the vehicle. This alert must and the key code carrying device is not moving at less than 15 km/h (9.3 mph), control is not in ‘park’, the vehicle is sound when the door located closest to the driver’s designated seating position is opened, and the key code carrying device is not present in the vehicle. This alert must sound for no less than 1 second.

S5.5 Warning to driver exiting a vehicle while propulsion system is operating. When tested in accordance with section S6.3.3, an audible alert of no less than 85dBA between 500–3000 Hz, measured outside the vehicle, must sound if, the propulsion system is actuated, or capable of actuating without reintroduction of the electronic key code into the starting system, the door located closest to the driver’s designated seating position is opened, and the key code carrying device is not present in the vehicle. This alert must sound for no less than 1 second.

S5.6 Owner’s manual required language. In the vehicle’s owner’s manual, the manufacturer must place instructions regarding the operation of the control[s] that starts and stops the propulsion system. This language must contain a warning that power assist to steering and braking will be lost in the event the propulsion system is shut down while the vehicle is in motion. There must be an explanation of how to handle the vehicle safely in the event power assist to steering and braking is lost.

S6. Compliance test procedure.

S6.2 Test procedure for vehicles with transmissions with a “park” position.

S6.3 Test procedures for vehicles using electronic key codes with their starting systems.

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 648
RIN 0648-BB34

Fisheries of the Northeastern United States; Northeast Multispecies; Amendment 17

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

ACTION: Notice of availability of a fishery management plan amendment; request for comments.

SUMMARY: The New England Fishery Management Council has submitted Amendment 17 to the Northeast

SUPPLEMENTARY INFORMATION:

Background

In 2009 and 2010, NOAA provided nearly $6 million in funding through Federal grants to the states of Maine, New Hampshire, Massachusetts, and Rhode Island for the express purpose of establishing several “permit banks” of Northeast (NE) multispecies fishing vessel permits. The permit banks were developed jointly by the states and NMFS to help promote the effective implementation of catch share programs in New England and to mitigate some of the potential adverse socio-economic impacts to fishing communities and small-scale fishing businesses. This administrative action would amend the NE Multispecies Fishery Management Plan (FMP) to explicitly define and facilitate the effective operation of state-operated permit banks.

The intent of the permit bank program is for states to use the funding to obtain fishing vessel permits and then to provide the fishing opportunities associated with those permits, in the form of an annual catch entitlement (ACE) and/or days-at-sea, to qualified fishermen. State-operated permit banks are not recognized under the current provisions of the NE Multispecies FMP, and the only entities allocated and authorized to transfer a sector’s ACE to approved sectors are other approved sectors. The only mechanism available for a state-operated permit bank to operate (i.e., transfer ACE to fishermen in sectors) is for the permit bank to either join an existing sector as a member or to form a sector with other permit holders. Both of these mechanisms unnecessarily complicate the operation of the state-operated permit banks by imposing redundant administrative requirements.

Amendment 17 would define state-operated permit banks as separate entities from the groundfish sectors, and establishes certain minimum criteria for these newly defined entities in order to qualify for the streamlined administrative procedures described in this amendment. This amendment is primarily administrative in nature and does not specifically establish or authorize the formation of any state-operated permit banks. Absent this amendment, such permit banks would remain free to form—subject to support and funding from NOAA—and operate to transfer ACE and/or DAS to sectors, according to the terms and conditions placed upon them by any applicable Federal grant agreement. Such a Federal grant award would provide the fishing opportunities associated with the permits, in the form of an annual catch entitlement (ACE) and/or days-at-sea, to qualified fishermen.

The permit banks were developed jointly by the states and NMFS to help promote the effective implementation of catch share programs in New England and to mitigate some of the potential adverse socio-economic impacts to fishing communities and small-scale fishing businesses. This administrative action would amend the NE Multispecies Fishery Management Plan (FMP) to explicitly define and facilitate the effective operation of state-operated permit banks.

The intent of the permit bank program is for states to use the funding to obtain fishing vessel permits and then to provide the fishing opportunities associated with those permits, in the form of an annual catch entitlement (ACE) and/or days-at-sea, to qualified fishermen. State-operated permit banks are not recognized under the current provisions of the NE Multispecies FMP, and the only entities allocated and authorized to transfer a sector’s ACE to approved sectors are other approved sectors. The only mechanism available for a state-operated permit bank to operate (i.e., transfer ACE to fishermen in sectors) is for the permit bank to either join an existing sector as a member or to form a sector with other permit holders. Both of these mechanisms unnecessarily complicate the operation of the state-operated permit banks by imposing redundant administrative requirements.

Amendment 17 would define state-operated permit banks as separate entities from the groundfish sectors, and establishes certain minimum criteria for these newly defined entities in order to qualify for the streamlined administrative procedures described in this amendment. This amendment is primarily administrative in nature and does not specifically establish or authorize the formation of any state-operated permit banks. Absent this amendment, such permit banks would remain free to form—subject to support and funding from NOAA—and operate to transfer ACE and/or DAS to sectors, according to the terms and conditions placed upon them by any applicable Federal grant agreement. Such a Federal grant award would provide the fishing opportunities associated with the permits, in the form of an annual catch entitlement (ACE) and/or days-at-sea, to qualified fishermen.
Amendment 17. To be considered, comments must be received by close of business on the last day of the comment period.

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

**Dated:** December 7, 2011.

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