

enhanced RBS performance and reduced crash rates.

Perhaps more relevant, however, we note that a manually-enhanced feature to increase recovered braking energy is not prohibited by FMVSS No. 135, the light vehicle braking standard that includes requirements for the service brake system, associated parking brake system, and optional regenerative braking systems. FMVSS No. 135 defines RBS as an electrical energy system that is installed in an electric vehicle for recovering or dissipating kinetic energy and which uses the propulsion motor(s) as a retarder for partial braking of the electric vehicle while returning electrical energy to the propulsion battery(s) or dissipating electrical energy. FMVSS No. 135 expressly states that for an electric vehicle equipped with RBS, the RBS is considered to be part of the service brake system, if it is automatically activated by an application of the service brake control, if there is no means provided for the driver to disconnect or otherwise deactivate it, and if it is activated in all transmission positions, including neutral. For an electric vehicle that is equipped with antilock brake system (ABS) and RBS that is part of the service brake system, the ABS must control the RBS. A vehicle equipped with or without RBS must meet the stopping performance requirements of FMVSS No. 135.

Information compiled by the Federal government estimates the combined city/highway driving energy recovered by regenerative braking to be 5 to 9 percent.⁵ Mr. Aberizk claims that vehicles with driver-activated RBS would incrementally increase the energy recovered by an additional 2.5 to 6 percent. Although the amount of energy recovered may be considered economically beneficial, it is not a safety concern that warrants the adoption of a safety standard. Mr. Aberizk extolled the fuel economy benefits of the technology in support of his petition, but fuel economy benefits are not relevant to whether a technology will improve safety. Moreover, even in the CAFE program, NHTSA does not mandate the use of particular technologies. Like the FMVSSs, CAFE standards are performance standards. Manufacturers are free to choose whatever technologies they wish, and NHTSA does not specify particular technologies in that context either.

⁵ <http://www.fueleconomy.gov/feg/atv-hev.shtml> (2% to 4% highway driving and 8% to 14% city driving).

Illumination Indicator

In the petition, Mr. Aberizk also requests that NHTSA define the parameters for an additional rear lamp to signal vehicle slowing. Because we are denying the petition with respect to braking, we need not address the part of the petition related to lighting because without a new brake requirement, there is no need for a new lighting requirement.

In order for NHTSA to consider establishing a new safety standard, the agency must determine that a safety need exists and that the suggested concept will reduce the crash risk. For example, NHTSA completed rulemaking action to require center high mounted stop lamps as standard lighting equipment after extensive research that quantified the crash problem and estimated the safety impact and the effectiveness of the new equipment.⁶ Hence, a petitioner bears the burden of providing data to justify the safety need for the recommended amendments to the relevant safety standard.⁷

Finally, Mr. Aberizk claims that development of safety standards will keep product liability of an operator-initiated slowing system neutral to the industry. Because NHTSA regulates motor vehicle safety and not tort liability, the agency refrains from drawing legal conclusions about Mr. Aberizk's operator-initiated slowing device.

III. Agency Decision

In accordance with 49 CFR part 552, this completes the agency's review of the petition for rulemaking. NHTSA believes that the current requirements specified in FMVSS Nos. 108 and 135 do not prohibit certain features suggested in the petition. The petitioner did not demonstrate a safety need or substantiate claims of reduced crash risk associated with the petitioned concept. Therefore, NHTSA denies David K. Aberizk's petition.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

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

Raymond R. Posten,

Associate Administrator for Rulemaking.

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⁶ See 48 FR 48235, October 18, 1983.

⁷ See Statement of Policy published in 63 FR 59482, on November 4, 1998.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 216 and 300

RIN 0648-AX63

Trade Monitoring Procedures for Fishery Products; International Trade in Seafood; Permit Requirements for Importers and Exporters; Public Meeting; Correction

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

ACTION: Notice of public meeting; correction.

SUMMARY: The National Marine Fisheries Service published a document in the *Federal Register* of February 8, 2016, concerning a public webinar to present details of a previously issued proposed rule (which published December 29, 2015) for electronic filing of seafood trade documents. The document contained an incorrect date for the webinar.

FOR FURTHER INFORMATION CONTACT: Mark Wildman, Office of International Affairs and Seafood Inspection; telephone: (301) 427-8350.

Correction

In the *Federal Register* of February 8, 2016, in FR Doc. 2016-02418, on page 6489, in the first column, correct the **DATES** caption to read:

DATES: The meeting will be held Wednesday, February 17, 2016, from 3 p.m. until 4 p.m. eastern standard time. Written comments on the proposed rule (December 29, 2015; 80 FR 81251) must be received by February 29, 2016.

Dated: February 8, 2016.

Jeffrey Weir,

Acting Director, Office for International Affairs and Seafood Inspection, National Marine Fisheries Service.

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