

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 571****[Docket No. NHTSA–2015–0099]****Federal Motor Vehicle Safety Standard; Automatic Emergency Braking****AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).**ACTION:** Grant of petition for rulemaking.

SUMMARY: This document grants the petition for rulemaking submitted by the Truck Safety Coalition, the Center for Auto Safety, Advocates for Highway and Auto Safety, and Road Safe America on February 19, 2015, to establish a safety standard to require automatic forward collision avoidance and mitigation systems on certain heavy vehicles. For several years, NHTSA has researched forward collision avoidance and mitigation technology on heavy vehicles, including forward collision warning and automatic emergency braking systems. The agency will continue to conduct research and to evaluate real-world performance of these systems through track testing and field operational testing. NHTSA will determine whether to issue a rule in the course of the rulemaking proceeding, in accordance with statutory criteria.

DATES: October 16, 2015.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may call Dr. Abigail Morgan in the Office of Crash Avoidance Standards at (202) 366–1810. For legal issues, you may call Mr. David Jasinski or Ms. Analiese Marchesseault in the Office of Chief Counsel at (202) 366–2992. You may send mail to these officials at: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On February 19, 2015, the Truck Safety Coalition, the Center for Auto Safety, Advocates for Highway and Auto Safety, and Road Safe America (hereon referred to collectively as the “petitioners”) submitted a petition to NHTSA. Their petition requested that the agency initiate rulemaking to establish a new Federal motor vehicle safety standard to require vehicle manufacturers to install forward collision avoidance and mitigation (FCAM) systems on all vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or more. The petitioners claimed that FCAM systems have the potential to provide significant safety, economic, and societal benefits.

On May 4, 2015, the Commercial Vehicle Safety Alliance (CVSA) submitted a letter supporting the petition for rulemaking. However, CVSA recommended that the mandate for FCAM systems apply to vehicles with a GVWR of 10,001 pounds or more (rather than 10,000 pounds or more) to better conform to existing commercial motor vehicle safety classes.

There are a number of terms being used by industry and regulators for FCAM technology, including forward collision warning (FCW), crash imminent braking (CIB), dynamic brake support (DBS), automatic emergency braking (AEB), and collision mitigation braking (CMB). Consistent with the terminology used in the petitioners’ request, in this notice, the FCAM technologies of focus are the systems that combine FCW alert signals with CMB automatic braking capability.

FCAM systems use forward-looking sensors, typically radars and/or cameras, to detect vehicles in the roadway. When a rear-end crash is imminent, the FCW system warns the driver of the threat. If the driver takes no action, such as braking or steering, or if the driver does brake but not enough to avoid the crash, a CMB or AEB system may automatically apply or supplement the brakes to avoid or mitigate the rear-end crash.

In their petition for rulemaking, the petitioners cited estimated safety benefits from a 2012 research study¹ conducted by the University of Michigan Transportation Research Institute (UMTRI), which evaluated the performance and effectiveness of these current and future generation systems. They also identified the systems that are commercially available. The petitioners believe that mandating technology through regulation is the fastest way to ensure the potential safety benefits. Additionally, they believe that additional safety benefits may be achieved from future FCAM systems that may have higher levels of performance than the current systems and that may be able to respond to additional crash scenarios other than rear-end crashes, such as vehicle-to-pedestrian crashes. Furthermore, the petitioners believe that a mandate would cause the system costs to decrease due to high production volumes.

For several years, NHTSA has been conducting research on heavy vehicle

FCAM technologies. This research includes test track evaluations of first generation systems, evaluation of driver-warning interface effectiveness, and an ongoing field operational test of production systems. Based on this research, the agency agrees with the petitioners that FCAM systems have the potential to save lives by preventing or reducing the severity of rear-end crashes.

The industry has indicated that next generation automatic emergency braking systems for truck tractors will be commercially available later this year and will have improved performance that enables the vehicle to warn the driver and automatically brake in response to stationary lead vehicles. In addition to the increased performance from the next generation systems, industry is also expected to begin production of automatic emergency braking systems on air-braked single unit trucks with a GVWR of more than 26,000 pounds in the near future.

The agency’s test experience has been limited to first generation production systems on truck tractors and a prototype system on a motorcoach, and the agency is aware of a few vehicles with a GVWR greater than 10,000 pounds and less than or equal to 26,000 pounds sold in the U.S. currently equipped with AEB systems. The agency plans to test the next generation systems as they become available, including AEB systems that are installed on vehicles with a GVWR greater than 10,000 pounds and less than or equal to 26,000 pounds. If available, NHTSA would consider this additional information in the rulemaking.

The European Union (EU) Commission Regulation No. 347/2012 requires an advanced emergency braking system (AEBS) with forward collision warning on most new heavy vehicles, with some exceptions.² The test scenarios, vehicle speeds, and performance criteria in EU Commission Regulation No. 347/2012 differ from the test criteria that NHTSA developed for its light vehicle automatic emergency braking evaluation that the agency plans to add to its New Car Assessment Program (NCAP), which has been the basis for the test criteria used to evaluate heavy vehicles. The agency will consider the test criteria required by the European regulation, as it

¹ Woodrooffe, J., et al., Performance Characterization and Safety Effectiveness Estimates of Forward Collision Avoidance and Mitigation Systems for Medium/Heavy Commercial Vehicles, Report No. UMTRI–2011–36, UMTRI (August 2012). Docket No. NHTSA–2013–0067–0001.

² Commission Regulation (EU) No 347/2012; of 16 April 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with respect to type-approval requirements for certain categories of motor vehicles with regard to advanced emergency braking systems. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:109:0001:0017:EN:PDF>.

continues to develop its heavy vehicle test procedures and performance metrics.

Considering the information before the agency, including the information referenced in the petition, NHTSA grants the February 19, 2015 petition in accordance with 49 CFR part 552 and initiates a rulemaking proceeding with respect to forward collision avoidance and mitigation systems on vehicles with a GVWR greater than 10,000 pounds. The granting of the petition from Truck Safety Coalition, the Center for Auto Safety, Advocates for Highway and Auto Safety, and Road Safe America does not mean that the agency will issue a final rule. The determination of whether to issue a rule is made after study of the requested action and the various alternatives in the course of the rulemaking proceeding, in accordance with statutory criteria.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30162, 30166, and 49 CFR part 552; delegation of authority at 49 CFR 1.95.

Raymond R. Posten

Associate Administrator for Rulemaking.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 300, 600, 660, and 665

[Docket No. 070516126-5907-04]

RIN 0648-AV12

International Affairs; High Seas Fishing Compliance Act; Permitting and Monitoring of U.S. High Seas Fishing Vessels

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

ACTION: Final rule.

SUMMARY: This final action sets forth regulatory changes to improve the administration of the High Seas Fishing Compliance Act program and the monitoring of U.S. fishing vessels operating on the high seas. This final rule includes, for all U.S. fishing vessels operating on the high seas, adjustments to permitting and reporting procedures. It also includes requirements for the installation and operation of enhanced mobile transceiver units (EMTUs) for vessel monitoring, carrying observers on vessels, reporting of transshipments taking place on the high seas, and

protection of vulnerable marine ecosystems. This final rule has been prepared to minimize duplication and to be consistent with other established requirements.

DATES: This rule is effective January 14, 2016.

FOR FURTHER INFORMATION CONTACT:

Mark Wildman, Trade and Marine Stewardship Division, Office for International Affairs and Seafood Inspection, NMFS (phone 301-427-8386 or email mark.wildman@noaa.gov).

SUPPLEMENTARY INFORMATION:

Background

The purposes of the High Seas Fishing Compliance Act (HSFCA; 16 U.S.C. 5501 *et seq.*) are (1) to implement the Food and Agriculture Organization of the United Nations (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) and (2) to establish a system of permitting, reporting and regulation for vessels of the United States fishing on the high seas. 16 U.S.C. 5501. “High seas” is defined in the HSFCA and its implementing regulations as waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States. 16 U.S.C. 5502 (3); 50 CFR 300.11.

The HSFCA authorizes a system of permitting U.S. fishing vessels that operate on the high seas to satisfy the obligation of Parties to the Compliance Agreement (Parties) to require that fishing vessels flying their flags obtain specific authorization to operate on the high seas. The HSFCA requires the Secretary of Commerce (Secretary) to establish conditions and restrictions on each permit issued under HSFCA as necessary and appropriate to carry out the obligations of the United States under the Compliance Agreement. 16 U.S.C. 5503 (d). At a minimum, such conditions and restrictions must include the marking of the permitted vessel in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, and reporting of fishing activities. Parties are also responsible for ensuring that their authorized vessels do not undermine conservation and management measures, including those adopted by international fisheries management organizations, or by treaties or other international agreements. Accordingly, the HSFCA prohibits the use of fishing

vessels on the high seas in contravention of international conservation and management measures recognized by the United States. 16 U.S.C. 5505(1). A list of the international conservation and management measures recognized by the United States is published by NMFS in the **Federal Register** from time to time, in consultation with the Secretary of State, as required by section 5504(e) of the HSFCA. The last such notice was published on May 19, 2011 (76 FR 28954). NMFS reinforces this prohibition by requiring a high seas fishing permit for any vessel operating on the high seas and, through the permit, authorizing only those activities that would not undermine international conservation and management measures recognized by the United States. The HSFCA also gives NMFS discretion to impose permit conditions and restrictions pursuant to other applicable law, such as the Endangered Species Act (ESA) and the Marine Mammal Protection Act, in addition to international conservation and management measures recognized by the United States. *See* 16 U.S.C. 5503(d); *Turtle Island Restoration Network v. National Marine Fisheries Service*, 340 F.3d 969 (9th Cir. 2003).

Finally, the HSFCA authorizes NMFS to promulgate regulations “as may be necessary to carry out the purposes of the Agreement and [the Act],” including its permitting authorities. 16 U.S.C. 5504(d). In promulgating such regulations, NMFS shall ensure that “[t]o the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson-Stevens Fishery Conservation and Management Act,” 16 U.S.C. 1801 *et seq.*, which provides broad authority to establish measures for the conservation and management of fisheries. *Id.* at 1853(b)(14).

Regulations implementing the HSFCA were first promulgated in 1996 (61 FR 11751, March 22, 1996). The initial regulations included application and issuance procedures for high seas fishing permits. Subsequent regulations promulgated in 1999 (64 FR 13, January 4, 1999) specified how high seas fishing vessels must be marked for identification purposes and required vessel owners and operators to report catch and fishing effort when fishing on the high seas.

On April 13, 2015, NMFS published a notice of proposed rulemaking for this action (80 FR 19611) to codify NMFS’ procedures for reviewing its high seas fishing authorizations under environmental laws, particularly the