

“Civil Justice Reform” (61 FR 4729, February 7, 1996) requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) specifies whether administrative proceedings are to be required before parties file suit in court; (6) adequately defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with these requirements.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this final rule is discussed above. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceeding before they may file suit in court.

I. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted for inflation with base year of 1995). This final rule would not result in expenditures by State, local or tribal governments, in the aggregate, or by the private sector in excess of \$100 million annually.

J. Executive Order 13211

Executive Order 13211 (66 FR 28355, May 18, 2001) applies to any rulemaking that: (1) Is determined to be economically significant as defined under E.O. 12866, and is likely to have a significantly adverse effect on the supply of, distribution of, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. This rulemaking is not subject to E.O. 13211.

K. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each

year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

L. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Regulatory Text

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Tires.

In consideration of the foregoing, NHTSA is amending 49 CFR part 571 as set forth below.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

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

■ 2. Section 571.108 is amended by revising paragraph S7.4.13.2 and footnote 1 of Table X to read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

\* \* \* \* \*

S7.4.13.2 Inboard photometry. For each motor vehicle less than 30 feet in overall length, the minimum photometric intensity requirements for a side marker lamp may be met for all inboard test points at a distance of 15 feet from the vehicle and on a vertical plane that is perpendicular to the longitudinal axis of the vehicle and located midway between the front and rear side marker lamps.

\* \* \* \* \*

Table X—Side Marker Lamp Photometry Requirements

\* \* \* \* \*

(1) Where a side marker lamp installed on a motor vehicle less than 30 feet in overall length has the lateral angle nearest the other required side marker lamp on the same side of the vehicle reduced from 45° by design as specified by S7.4.13.2, the photometric intensity measurement may be met at the lesser angle.

\* \* \* \* \*

Issued in Washington, DC, on February 1, 2016 under authority delegated in 49 CFR 1.95.

Mark R. Rosekind, Administrator.

[FR Doc. 2016–02268 Filed 2–5–16; 8:45 am]

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NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 830

[Docket No. NTSB–AS–2012–0001]

RIN 3147–AA11

Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Final rule; confirmation of effective date.

SUMMARY: The NTSB publishes confirmation of an amendment to its regulations concerning notification and reporting requirements with regard to aircraft accidents or incidents, titled, “Immediate notification.” The regulation requires reports of Airborne Collision and Avoidance System (ACAS) resolution advisories issued under certain specific circumstances. In a Direct Final Rule published December 15, 2015, the NTSB narrowed the ACAS reporting requirement, consistent with the agency’s authority to issue non-controversial amendments to rules. The NTSB also updated its contact information for notifications. This document confirms the changes and the effective date.

DATES: The final rule published December 15, 2015 (80 FR 77586) becomes effective February 16, 2016.

ADDRESSES: A copy of this final rule, published in the Federal Register, is available for inspection and copying in the NTSB’s public reading room, located at 490 L’Enfant Plaza SW., Washington, DC 20594–2000. Alternatively, a copy of the rule is available on the NTSB Web site, at http://www.nts.gov, and at the government-wide Web site on regulations, at http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Scott Dunham, National Resource Specialist—ATC, Office of Aviation Safety, (202) 314–6387.

SUPPLEMENTARY INFORMATION:

As described in the NTSB’s preamble summarizing the direct final rule, in 2010, the NTSB added a requirement for

notification of reports of Airborne Collision Avoidance System (ACAS) resolution advisories issued either (i) when an aircraft is being operated on an instrument flight rules (IFR) flight plan and compliance with the advisory is necessary to avert a substantial risk of collision between two or more aircraft, or (ii) to an aircraft operating in class A airspace. 75 FR 922 (Jan. 7, 2010).

In collecting such reports since 2010, the NTSB has determined it no longer needs reports of ACAS resolution advisories issued to an aircraft operating in class A airspace. This final rule confirms the NTSB will now only require reports of such resolution advisories when an aircraft operating on an IFR flight plan may comply with the advisory in order to avert a substantial risk of collision between two or more aircraft. As a result, pursuant to its regulations governing rulemaking, the NTSB issued a direct final rule to amend 49 CFR 830.5(a)(10), as described above. 80 FR 77586 (Dec. 15, 2015).

In addition to the removal of a portion of section 830.5(a)(10), the NTSB also amended a footnote that accompanies the first paragraph of section 830.5. The footnote previously contained outdated contact information for NTSB regional offices. The NTSB has updated this footnote to refer the public to [www.ntsb.gov](http://www.ntsb.gov) or the NTSB Response Operations Center at 844-373-9922 or 202-314-6290, should the operators need to contact the NTSB to inform the agency of an accident or incident. This document confirms both the change to section 830.5(a)(10) and the updated text of the footnote.

The NTSB's rule on the direct final rulemaking procedure, codified at 49 CFR 800.44, states a direct final rule makes changes to a regulation which will take effect on a certain date unless the NTSB receives an adverse comment or a notice of intent to file an adverse comment. *Id.* § 800.44(d). Section 800.44 also defines "adverse comment" for purposes of the direct final rulemaking procedure. Comments on the NTSB's change to section 830.5(a)(10) and the updated footnote accompanying section 830.5 were due by January 14, 2016. The NTSB did not receive any comments. Therefore, as indicated in the direct final rule, the changes will become effective on February 16, 2016.

#### Legal Analyses and Effective Date

This final rule is not a significant regulatory action under Executive Order 12866, "Regulatory Planning and Review." Therefore, Executive Order 12866 does not require a Regulatory Assessment, and the Office of

Management and Budget (OMB) has not reviewed this proposed rule under Executive Order 12866.

This rule does not require an analysis under the Unfunded Mandates Reform Act, 2 United States Code (U.S.C.) 1501-1571, or the National Environmental Policy Act, 42 U.S.C. 4321-4347. The NTSB has also analyzed these amendments in accordance with the principles and criteria contained in Executive Order 13132, "Federalism." This final rule does not contain any regulations that would: (1) Have a substantial direct effect on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government; (2) impose substantial direct compliance costs on state and local governments; or (3) preempt state law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The NTSB is also aware that the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to review its rulemaking to assess the potential impact on small entities, unless the agency determines a rule is not expected to have a significant economic impact on a substantial number of small entities. The NTSB certifies this final rule will not have a significant economic impact on a substantial number of small entities.

Regarding other Executive Orders and statutory provisions, this final rule also complies with all applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, "Civil Justice Reform," to minimize litigation, eliminate ambiguity, and reduce burden. In addition, the NTSB has evaluated this rule under: Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights"; Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks"; Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments"; Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"; and the National Technology Transfer and Advancement Act, 15 U.S.C. 272 note. The NTSB has concluded this rule does not contravene any of the requirements set forth in these Executive Orders or statutes, nor does it prompt further consideration with regard to such requirements.

#### List of Subjects in 49 CFR Part 830

Aircraft accidents, Aircraft incidents, Aviation safety, Overdue aircraft

notification and reporting, Reporting and recordkeeping requirements.

Dated: February 3, 2016.

**Christopher A. Hart,**  
Chairman.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 141021887-5172-02]

RIN 0648-XE429

#### Fisheries of the Exclusive Economic Zone Off Alaska; Directed Fishing With Trawl Gear by Fisheries Act Catcher Processors in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing with trawl gear, other than pelagic trawl gear for walleye pollock, by American Fisheries Act (AFA) trawl catcher processors in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the sideboard limit of the 2016 bycatch allowance of red king crab in Zone 1 specified for AFA trawl catcher processors in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 3, 2016, though 2400 hrs, A.l.t., December 31, 2016.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7269.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The sideboard limit of the 2016 bycatch allowance of red king crab in Zone 1 specified for the AFA trawl catcher processors in the BSAI is 606 crab as established by the final 2015 and