

final rule's limit of 7,500 cd. is difficult to meet. It recommended a limit of 12,000 cd., as used in Figure 17 of Standard No. 108.

The agency's concern is two-fold. The SAE's current motorcycle headlamp standard was achieved by a consensus of industry engineers. This group of persons determined that, relative to the whole beam pattern, 7,500 cd. for the foreground intensity limit was appropriate. The changing of a consensus standard is not an endeavor that the agency would choose to do unless there were some overriding element of safety that is pertinent. Additionally, foreground light characterized by the 4D-V test point affects a driver's ability to see objects much further down the road. High levels of foreground illumination tend to draw a driver's attention away from the distant road scene to the foreground because the foreground light appears brighter than the road scene further away. Also high foreground intensities cause eye adaptation to brightness, reducing the ability to see dimly illuminated objects further down the road. Thus, limits on foreground intensity are appropriate for safe driving.

These limits have been based generally on certain ratios of minimum H-V illumination to maximum foreground illumination. When the foreground light intensity of Figure 17 (a variant of Figure 15) was established by the agency in 1985 (50 FR 19986), the agency chose not to decrease the ratio, (i.e., a lower numerical ratio than that existing in headlamp photometric requirements). For Figures 15 and 17, with H-V minimums of 40,000 cd., this achieved a 4D-V value of 12,000 cd. For Figure 32, the minimum value at H-V is 12,500 cd., and for 0.5D-V (the highest minimum in the pattern), it is 20,000 cd. To assure that the foreground is not too intense, using the same ratio of H-V to 4D-V in Figures 15 and 17 and applying that to Figure 32's 4D-V point would achieve a maximum of 3,600 cd. Using the Figure 15 and 17 ratio on Figure 32's 0.5D-V minimum of 20,000 cd. would achieve a 4D-V value of 6,000 cd. This is very close to the consensus value of the current SAE J584 and Figure 32 of 7,500 cd. It would not be wise for the agency to allow an increase to 12,000 cd. for the 4D-V point in Figure 32 when the minimum allowable intensities at H-V and at the 0.5D-V point are only 12,500 cd. and 20,000 cd., respectively. While Koito may not have anticipated a foreground problem because its desired intensity at H-V is so high, the requested change would allow others to manufacture

headlamps without concern for foreground bias. Consequently, that part of the Koito petition requesting higher foreground intensity is denied.

In accordance with 49 CFR part 553, this completes the agency's review of the petition. For the reasons explained above, the agency finds no reason to change its position in connection with a recent denial of a similar request to increase upper, nor to change the established ratio of foreground-to-H-V light. Therefore, this petition for reconsideration is hereby denied.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued: June 2, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961126334-7025-02; I.D. 053097B]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Pollock in the Western Regulatory Area

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment prohibiting directed fishing for pollock by vessels catching pollock for processing by the inshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This adjustment closes the fishery 18 hours after its scheduled opening at 1200 hrs, Alaska local time (A.l.t.), June 1, 1997, and is necessary to prevent the underharvest of the pollock total allowable catch (TAC) in the Western Regulatory Area.

DATES: Effective 0600 hrs, A.l.t., June 2, 1997, through 1200 hrs, A.l.t., July 1, 1997. Comments must be received at the following address no later than 4:30 p.m., A.l.t., June 18, 1997.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK

99802-1668, Attn. Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by the NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

As of May 17, 1997, 3,905 metric tons (mt) of pollock remain in the second season allowance of the inshore allocation of the Western Regulatory Area of the GOA pollock TAC. That amount would normally be available for harvest at 1200 hrs, A.l.t., June 1, 1997. In accordance with § 679.23(d)(2)(ii), directed fishing for pollock in the Western Regulatory Area of the GOA is scheduled from 1200 hrs, A.l.t., June 1, through 1200 hrs, A.l.t., July 1, or until the TAC is reached, whichever occurs first.

Section 679.23(b) specifies that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. NMFS has determined that a fishery opening must be a minimum of 24 hours. Current information shows the catching capacity of vessels catching pollock for processing by the inshore component is in excess of 9,600 mt per day. The Administrator, Alaska Region, NMFS, has determined that the remaining portion of the TAC allocated to the inshore component would be exceeded if a 24-hour fishery were allowed to occur. NMFS intends that the TAC should not be exceeded and will not allow a 24-hour directed fishery.

NMFS in accordance with § 679.25(a)(1)(i), is adjusting the season for pollock by vessels catching pollock for processing by the inshore component in the Western Regulatory Area of the GOA by allowing the scheduled opening of the directed fishery at 1200 hrs, A.l.t., June 1, 1997. The fishery will remain open until 0600 hrs, A.l.t., June 2, 1997, at which time directed fishing will be prohibited. This action has the effect of opening the fishery for 18 hours. NMFS is taking this action to allow a controlled fishery to occur, thereby preventing either the

underharvest or overharvest of the pollock TAC allocated to the inshore component as authorized by § 679.25(a)(2)(i). In accordance with § 679.25(a)(2)(iii), NMFS has determined that prohibiting directed fishing at 0600 hrs, A.l.t., June 2, 1997, after an 18-hour opening, is the least restrictive management adjustment to achieve the second season allowance of the pollock TAC allocated to the inshore component and will allow other fisheries to continue in noncritical areas and time periods.

Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest (5 U.S.C. 553(b)(B) and (d)(3)). Without this inseason adjustment, NMFS could not allow this fishery, and the second season allowance of the pollock TAC in the Western Regulatory Area of the GOA would not be harvested in accordance with the regulatory schedule, resulting in a seasonal loss of more than \$1.0

million. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until June 13, 1997.

This action is required by § 679.25 and is exempt from review under E.O. 12866.

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

Dated: June 2, 1997.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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