

operations and are not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected by the proposed rule as the price of new motor vehicles should not be impacted. Accordingly, no Regulatory Flexibility Analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 on "Federalism." It has been determined that the rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for purposes of the National Environmental Policy Act. The rulemaking action would not have a significant effect upon the environment as it does not affect the present method of manufacturing motor vehicle lighting equipment.

Civil Justice Reform

This rule would not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 30161 sets forth a procedure for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require resubmission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR Part 571 be amended as follows:

1. The authority section would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

\$571.108 [Amended]

2. Section 571.108 would be amended by adding paragraphs S5.1.1.23 and S5.1.1.24 to read as follows:

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

* * * * *

S5.1.1.23 Instead of being designed to conform to photometric requirements based on the number of lighted sections specified in SAE J586 FEB84, SAE J588 NOV84, and SAE J585e September 1977, as applicable, each stop lamp, turn signal lamp, and taillamp that is equipped with light-emitting diodes or other miniature light sources, and that needs more than one light source to achieve compliance with the photometric performance required of a single lighted section, shall be designed to conform to photometric requirements based on the dimension of the effective projected luminous lens area for the function being tested. A lamp is regarded as having one lighted section if the maximum horizontal or vertical linear dimension of the effective projected luminous lens area of the lamp is less than 150 millimeters (mm), two lighted sections if the dimension is 150–300 mm, and three lighted sections if the dimension is greater than 300 mm.

S5.1.1.24 Any lamp whose light is provided by light-emitting diodes shall be designed to conform to the photometric requirements appropriate for its type when the lamp is stabilized at 23±5 degrees C, energized, tested 60 seconds after being energized, and allowed to operate continuously until either the internal heat buildup has stabilized or for 30 minutes, whichever occurs first, and tested again.

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Issued: June 18, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 98061156–8156–01; I.D. 060898A]

Pacific Halibut Fisheries; Control Date for the Halibut Charterboat Fishery

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

ACTION: Advance notice of proposed rulemaking; notice of control date for the halibut charterboat fishery.

SUMMARY: NMFS announces that anyone entering the halibut charterboat fishery in convention waters off Alaska after June 24, 1998 will not be assured of future access to that fishery if a management regime that limits the number of participants is developed and implemented under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). For purposes of this notice, a person in the halibut charterboat fishery means the owner or operator of a vessel that carries passengers for hire to engage in recreational fishing for Pacific halibut (*Hippoglossus stenolepis*) in convention waters off Alaska. This notice is intended to promote awareness of potential eligibility criteria for future access to the halibut charterboat fishery in convention waters off Alaska and to discourage new entrants into this fishery based on economic speculation while the North Pacific Fishery Management Council (Council) contemplates whether and how access to the halibut charterboat fishery in convention waters off Alaska should be controlled. The potential eligibility criteria may be based on historical participation. Therefore, current participants in the halibut charterboat fishery in convention waters off Alaska should locate and preserve records that substantiate and verify their participation in that fishery.

DATES: Comments must be received by July 24, 1998.

ADDRESSES: Comments should be addressed to Susan J. Salvesson, Assistant Administrator for Sustainable Fisheries, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Section 5 of the Halibut Act (16 U.S.C. 773c(c)) provides that the Regional Fishery Management Council having authority for the geographical area concerned may develop regulations governing Pacific halibut catch in U.S. Convention waters, including limited access regulations, that are in addition to, but not in conflict with, regulations of the International Pacific Halibut Commission (IPHC). The IPHC is the body authorized by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention) to promulgate regulations for the conservation and management of the Pacific halibut fishery. Section 5 of the

Halibut Act also provides that the Secretary of Commerce (Secretary) shall have the general responsibility for carrying out the Convention, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA.

The Council began consideration of management alternatives for the halibut charterboat fishery in September 1993 in response to a proposal from the Alaska Longline Fishermen's Association (ALFA). The proposal requested the Council to consider some type of limited access management for the halibut charterboat fishery, citing the recent and dramatic growth in that fishery and the consequential increase in halibut catch by that sector. Based on the ALFA proposal, the Council established the Halibut Charter Working Group (Work Group) to further develop management options for the halibut charterboat fishery.

The Work Group presented various management options to the Council for consideration. The Council, due to staffing priorities, deferred further action on the halibut charterboat issue until January 1995. In January 1995, the Council again reviewed the Work Group's findings, received public testimony, discussed further development of management options, and formulated a problem statement for analysis. Again, staffing priorities delayed formal analysis of the problem statement.

In June 1996, the Council revisited the halibut charterboat issue. The Council decided to narrow the alternatives for study by focusing on specific management alternatives. The specific alternatives were: (1) Status quo; (2) implement reporting requirements; (3) annually allocate the total allowable catch between guided sport and commercial fisheries; (4) a moratorium on new entries into the charterboat fishery; and (5) combine Alternatives 2, 3, and 4. In September 1996, a contract to analyze the specific alternatives was awarded to University of Alaska's Institute for Social and Economic Research.

In February 1997, a preliminary analysis was presented to the Council. The Council recommended several changes to the preliminary analysis. In April 1997, a revised analysis was presented to the Council for initial

review. The Council recommended that the revised analysis be condensed prior to submission for public review. Also, the Council postponed final action on the halibut charterboat issue until September 1997.

In September 1997, the Council recommended that participants in the halibut charterboat fishery be required to complete performance reports and that guideline harvest levels (GHLs) be established for IPHC Areas 2C and 3A. Information collected by the performance reports was to include catch figures, location of catch, number of clients, residence information, ownership of vessel, and the identity of the operator. The GHLs would be based on the halibut charterboat fleet receiving 125 percent of its 1995 catch for IPHC Areas 2C and 3A.

In November 1997, NMFS informed the Council that the GHLs for the halibut charterboat fishery could not be published as a regulation until management measures, which would be employed if the GHLs were reached, were specified. In December 1997, the Council announced the formation of a Halibut GHL Committee (Committee). This Committee, made up of individuals representing the halibut charterboat fishery, the halibut non-guided sport fishery, the Council, and the Alaska Board of Fisheries, was tasked with developing management measures to employ if the halibut charterboat fishery exceeded the GHLs.

In February 1998, the Committee met and developed recommendations for management measures for the halibut charterboat fishery. The Committee presented its recommendations to the Council in April 1998. The recommendations included dropping the GHLs and developing local area management plans to resolve resource conflicts, converting the GHLs to allocations and allowing the "banking" of any uncaught portion of those allocations, and adopting the GHLs and employing a range of management measures to prevent the halibut charterboat fleet from exceeding the GHLs.

The Council approved the Committee's recommendations for analysis. Also, the Council requested that the analysis include a discussion on a rod permit program and further details on the proposed "banking" concept. Finally, the Council set a control date of April 27, 1998, or alternatively, the date of publication in the **Federal Register**. Previously, the Council had set control

dates for the halibut charterboat fishery of September 23, 1993, and April 17, 1997. The Council requested that a discussion paper further describing the alternatives be presented to the Council in October 1998, and set initial review and final action for this issue for February 1999, and April 1999, respectively.

The Council intends to address whether and how to limit entry into the halibut charterboat fishery. The publication of this control date is to discourage speculative entry into the halibut charterboat fishery while potential management regimes to control access into the fishery are discussed and possibly developed by the Council. The control date will help distinguish established participants from speculative entrants into the fishery. Although participants are notified that entering the halibut charterboat fishery after the control date will not assure them of future access to the fishery based on previous participation, additional or other qualifying criteria may be applied. The Council may choose different and variably weighted methods to qualify participants based on the type and length of participation in the fishery or other methods of determining dependence on the fishery.

This notification hereby establishes June 24, 1998 for potential use in determining historical of traditional participation in the halibut charterboat fishery. This action does not commit the Council or the Secretary to develop or adopt any particular management regime or to use any specific criteria for determining entry into the fishery. The Council may choose a different control date or management program that does not make use of such a date. The Council may also choose to take no further action to control entry or access to the halibut charterboat fishery. Any action by the Council will be taken pursuant to the requirements of the Halibut Act and the Magnuson-Stevens Fishery Conservation and Management Act.

Authority: 16 U.S.C. 773-773k and 16 U.S.C. 1801 *et seq.*

Dated: June 15, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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