

May 30, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Channel 257A at Naches.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-14794 Filed 6-5-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-49; RM-8558]

Radio Broadcasting Services; Llano and Marble Falls, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Maxagrid Broadcasting Corporation, licensee of Station KBAE, Llano, Texas, substitutes Channel 285C3 for Channel 284C3, reallots Channel 285C3 from Llano to Marble Falls, Texas, modifies Station KBAE's license accordingly. See 60 FR 22021, May 4, 1995. In addition, the Commission allots Channel 242A at Llano, Texas. See 61 FR 42230, August 14, 1996. Channel 285C3 and Channel 242A can be allotted to Marble Falls and Llano, respectively, in compliance with the Commission's minimum distance separation requirements. The coordinates for Channel 285C3 at

Marble Falls, Texas, are 30-26-45 and 98-11-45. The coordinates for Channel 242A at Llano, Texas, are 30-49-57 and 98-40-44. Since Marble Falls and Llano are located within 320 kilometers (199 miles) of the Mexican border, concurrence of the Mexican government has been obtained for these allotments. With this action, this proceeding is terminated.

DATES: Effective July 14, 1997. The window period for filing applications for Channel 242A at Llano, Texas, will open on July 14, 1997, and close on August 14, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 95-49, adopted May 14, 1997, and released May 30, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 284C3 and adding Channel 242A at Llano, and by adding Marble Falls, Channel 285C3.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-14801 Filed 6-5-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-87, Notice 3]

Denial of Petition for Reconsideration; Federal Motor Vehicle Safety Standard No. 108; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for reconsideration.

SUMMARY: This document denies a petition from Koito Manufacturing Co., LTD. (Koito) to reconsider a final rule implementing new photometric performance for motorcycle headlamps. Koito requested that the upper beam maximum intensity limit be removed or increased from 75,000 cd. to 112,500 cd. Koito also requested that the foreground (4D-V) limit increase from 7,500 cd. to 12,000 cd. No safety reason for these changes was claimed. Because of existing research raising concerns about increasing maximum upper beam intensity because of glare problems, and because of safety concerns about making foreground light too bright in comparison to H-V (down the road) light, the agency has decided to deny the Koito petition for reconsideration.

FOR FURTHER INFORMATION CONTACT: Mr. Jere Medlin, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW, Washington, D.C. 20590. Mr. Medlin's telephone number is: (202) 366-5276. His facsimile number is (202) 366-4329.

SUPPLEMENTARY INFORMATION: By letter dated September 20, 1996, Koito petitioned the agency to change two requirements in the final rule on motorcycle photometric requirements (Docket 95-87 Notice 2). Koito wants these new limits to make the design and manufacture of headlamps with two dual filament light sources easier. Koito stated that mainstream motorcycles in the United States are equipped with a single headlamp incorporating two, dual-filament light sources. Koito states that such two-bulb headlamp designs will exceed the new upper beam intensity limits. Koito therefore requested that, for the ease of design and manufacture, certain upper beam intensity limits be removed or changed to be similar to those in the Economic Commission for Europe Regulation No. 48 (ECE R48).

Specifically, Koito requested amending two requirements in Federal Motor Vehicle Safety Standard No. 108, Figure 32 "Motorcycle and Motor-Driven Cycle Headlamp Photometric Requirements." First, the upper beam maximum intensity limit of 75,000 cd. "anywhere" in the pattern would be removed entirely, or alternatively, its value would be replaced with 112,500 cd. "anywhere." Koito says that this value is one-half of the 225,000 cd. upper beam maximum restriction placed on vehicles regulated under ECE R48, and represents the limit for a single headlamp.

The agency notes that Standard No. 108 requires that upper beam headlamps for vehicles other than motorcycles have a minimum H-V axis intensity of 25,000 cd. to a maximum of 75,000 cd. for some lamp types and 40,000 cd. to 75,000 cd. for others when measured at a test voltage of 12.8 Volts. Figure 32 for motorcycles beam is aimed slightly downward, but essentially has a minimum intensity of 17,500 cd. near the center of the beam and the mentioned 75,000 cd. limit anywhere in the beam. Koito's petition to allow 112,500 cd. is based on a test voltage of 12.0 volts, the protocol in ECE regulations. When converted to a test voltage of 12.8, the protocol in U.S. standards, the Koito request becomes 140,000 cd.

Addressing essentially the same issue of increasing the maximum intensity permitted for upper beam headlamps to the same level, the agency has recently denied a petition for rulemaking from Robert Bosch Corporation. In that denial (61 FR 54981) the agency stated that the lighting standard was amended in 1978 when the upper beam headlamp maximum intensity was increased from 37,500 cd. to 75,000 cd. The agency stated in the Bosch denial that its research has demonstrated that an increase in upper beam intensity to a maximum value of 75,000 cd. (150,000 cd. per vehicle) will enhance seeing ability without any significant increase in glare, but that upper beam intensity exceeding 75,000 cd. results in only a marginal increase in visibility with an increase in glare. At that time, the agency decided that there was no valid reason to have an upper beam intensity limit above 75,000 cd. The agency has not done similar research work on upper beam headlamps since nor is it aware of other safety research in this area. The petitioner, Robert Bosch Corporation did not address the increase of glare, and its effect on safety, that a grant of the petition might create.

In addition, other factors have presented themselves in the 19 years

that have passed since NHTSA's statements on increased intensity upper beam headlamps. These factors influencing NHTSA's decision for denial are:

1. State laws specify the distances from other vehicles when upper beam headlamps must be dimmed. These distances were set at a time when upper beam headlamps had 37,500 cd. maximums. With the doubling in 1978 of upper beam intensity and a redoubling that would result from the change proposed by the petitioner, the dimming distances to prevent blinding oncoming motorists may have to increase dramatically. Most States have 500 foot approaching, 200 foot following dimming distances. Because the illumination at the eye is proportional to the lamp's intensity and inversely proportional to the square of the distance, an estimate can be made for how dimming laws would need to be changed if States desired to compensate for increases in maximum upper beam intensity. The dimming distances would need to about double to 970 feet (approaching) and 390 feet (following) to achieve the same glare level as that resulting from the State dimming laws of 500/200 feet, established when upper beam intensity was limited to 37,500 cd. In order to minimize new glare problems, States might need to change their laws to accommodate a greater range of upper beam intensities, and drivers of vehicles with brighter headlamps would have to change their driving behavior. Both consequences are problematic for NHTSA because it cannot compel States to change their laws, and it would be difficult for either NHTSA or the states to cause drivers to change established dimming habits.

2. The number of aging, glare-sensitive U.S. drivers is at an all time high and increasing. Members of this population often complain that glare from existing headlamps and auxiliary lamps already is too high. This population is the most sensitive to glare and roadway illumination effects. Glare resistance reduces markedly as drivers age. In general, having more intense upper beams may help older drivers see better, but they would also be blinded more often by other drivers choosing to use upper beams without dimming them at greater distances.

While the Koito single headlamp system for a motorcycle would not exceed the 150,000 cd limit existing for a vehicle's headlamp system, motorcycle manufacturers are not constrained to have only one headlamp. Thus, as with vehicles other than motorcycles, if the Koito petition were to be accepted, motorcycles could be

made with two Koito type headlamps and easily have vehicle intensities that could approach 280,000 cd. Thus, the situation is analogous to that of the recent Bosch petition, and the rationale of the agency's denial of that petition is equally applicable in this instance. Consequently, the part of the Koito petition requesting higher H-V intensity is denied.

NHTSA recognizes that this denial has an impact on the agency's efforts to harmonize our safety standards with other countries' safety standards. As correctly noted by the petitioner, the European countries generally permit higher intensity upper beams than NHTSA does for the United States. By denying this request, NHTSA is continuing to have non-identical performance requirements for motorcycle headlamp upper beams.

There are two factors that make this result appropriate. First, there is already substantial harmonization between the US and European standards for upper beam performance. The European specification has a much wider allowable range, but an upper beam that complies with the current US motorcycle performance requirements is completely acceptable for the European regulations. Thus, motorcycle headlamps can use the same design and be sold in both the US and Europe, although the upper beams would be less intense than is generally provided in Europe.

Second, NHTSA is pursuing harmonization with other countries' safety standards only when such harmonization can be accomplished without lessening the overall safety protection afforded to the American public. As stated above, NHTSA knows of some 1978 research that found more intense upper beams result in only marginal increases in visibility, but notable increases in glare. NHTSA has done no similar research work in this area since 1978, nor is it aware of any other safety research in this area. Koito provided no such data in its petition. Absent any data that are more compelling than the research that formed the basis for the existing upper beam intensity limits, NHTSA has no reason to change those limits.

The second change that Koito requested is an increase of the maximum value for the foreground intensity test point (4D-V) limit from 7,500 cd. to 12,000 cd. Koito pointed out that the SAE Standard J584 April 1964 Motorcycle Headlamps, presently referenced by Standard No. 108, does not have any requirement for foreground light. Koito stated that, especially with headlamps with two light sources, the

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.

[FR Doc. 97-14807 Filed 6-5-97; 8:45 am]

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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