(7) Provide all information establishing the timeliness of the protest.

(b) Failure to comply with the above may result in dismissal of the protest without further consideration.

(End of Provision)

12. Section 852.233–71 is added to read as follows:

§ 852.233–71 Alternate Protest Procedure.

As prescribed in 833.106, insert the following provision in each solicitation where the total value of all contract awards under the solicitation is expected to exceed the simplified acquisition threshold:

ALTERNATE PROTEST PROCEDURE (XXX 1997)

As an alternative to filing a protest with the contracting officer, an interested party may file a protest with the Deputy Assistant Secretary for Acquisition and Materiel Management, Acquisition Administration Team, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC, 20420, or, for solicitations issued by the Office of Facilities Management, the Chief Facilities Management Officer, Office of Facilities Management, 810 Vermont Avenue, NW, Washington, DC 20420. The protest will not be considered if the interested party has a protest on the same or similar issues pending with the contracting officer.

§ 852.236–73 [Removed]

13. Section 852.236–73 is removed.

[FR Doc. 97–23753 Filed 9–8–97; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 97–45; Notice 1]

RIN 2127–AG84

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Federal motor vehicle safety standard on lighting to permit asymmetrical headlamp beams on motorcycle headlighting systems. An amendment of this nature would allow upper and lower beams to be emitted by separate dedicated headlamps on either side of a motorcycle's vertical centerline or by separate off center light sources within a single headlamp that is located on the vertical centerline. This action implements the grant of a rulemaking petition from Kawasaki Motors Corp.U.S.A. and represents a further step towards harmonization of Standard No. 108 with the lighting standards of other nations.

DATES: Comments are due October 24, 1997.

ADDRESSES: Comments should refer to the docket number and notice number, and must be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4:00 p.m.).

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Safety Performance Standards, NHTSA (Phone: 202–366–5276).

SUPPLEMENTARY INFORMATION: Table IV of Motor Vehicle Safety Standard No. 108 specifies where motorcycle headlighting systems are to be located. If a motorcycle has a single headlamp, the headlamp must be mounted on the vehicle's vertical centerline. If two headlamps are provided, they must be symmetrically disposed around the vertical centerline. Under Standard No. 108, a center-mounted headlamp must provide upper and lower beams with a single light source, and each headlamp in a two-headlamp motorcycle headlighting system must provide both an upper and a lower beam with a single light source. In interpretation letters in 1994 and 1995, NHTSA advised Kawasaki Motors Corp. U.S.A. (Kawasaki) that a single-lamp headlighting system in which an upper beam or lower beam is provided by a single light source that is not on the vertical centerline is not permitted by Standard No. 108.

Kawasaki has developed a projector beam headlighting system which it wishes to offer on motorcycles that it sells in the United States. The system incorporates light sources that are not on the vertical centerline and that will typically be illuminated singly. The consequence is that the motorcycle will have a single-off center light source. Under the Kawasaki system, separate headlamps provide the upper and lower beam respectively, or separate light sources in a single headlamp, which lie on either side of the vertical centerline even if the headlamp itself is centered on it. Accordingly, Kawasaki has petitioned the agency for rulemaking to amend Standard No. 108 in a manner that would allow its asymmetrical headlighting system.

The agency has granted this petition. At the time that Standard No. 108 was issued, the predominant concern was that the headlighting system clearly identify a motorcycle as such when the vehicle was being operated at night. Thus, the location of a single headlamp on the vertical centerline was justifiable to distinguish the motorcycle from an approaching passenger car whose left headlamp was inoperative. To assist oncoming drivers in detecting the nature of an approaching vehicle, Standard No. 108 also requires passenger cars and light trucks to have parking lamps, and requires the parking lamps to be illuminated when the headlamps are on. Motorcycles are not required to have parking lamps, and their appearance at night will differ in this respect from that of a four-wheeled motor vehicle. Kawasaki has assured the agency that, in markets where projector beam headlamps are common, there has been no increase in crashes because of misjudgment of a motorcycle's presence.

This assurance allows the agency to contemplate the advisability of allowing a single beam to be projected somewhere other than on the vertical centerline. Kawasaki has brought the agency's attention to the Official Journal of the European Communities, Council Directive 93/92/EEC dated 29 October 1993. This Directive allows separate upper and lower beam headlamps, but specifies that their ''reference centers must be symmetrical in relation to the median longitudinal plane of the vehicle'', and that the distance between the edges of the illuminating surfaces of the two headlamps must not exceed 200 mm., i.e., approximately 8 inches. Adoption of this maximum separation distance should ensure that asymmetrical beams remain relatively close to the vertical centerline of the vehicle and do not mislead oncoming drivers. It will also ensure that NHTSA's amendment of Standard No. 108 would be consistent with regulations of other nations concerning the same lighting specification.

The agency is therefore proposing that Standard No. 108 be amended in a manner that would allow Kawasaki to use the projector beam headlighting system. Although traditionally motorcycle headlighting requirements have been contained in Tables III and IV, paragraph S7.9 Motorcycles has been added to Standard No. 108 to contain and set apart all motorcycle lighting performance requirements for ease of reference. This purpose will be enhanced by specifying headlighting location requirements as well. Accordingly NHTSA proposes that a new paragraph S7.9.6 be added which will contain the previous location requirements specified in Table IV as modified by the proposed changes to accommodate Kawasaki's request, and as discussed above. A two-headlamp system in which each headlamp

provides an upper and lower beam would continue to be mounted symmetrically disposed about the vertical centerline. The new paragraph would permit a two-headlamp system in which one headlamp provides an upper beam and the other a lower beam and which would have to be horizontally disposed and mounted at the same height, which is to say, with their center point at 90 degrees to either side of vertical, or vertically disposed, which is to say, placed one above the other on the vertical centerline. Similarly, the light sources in a single lamp providing different beams would have to be horizontally disposed and mounted at the same height, or vertically disposed. Table IV would be amended to delete the material which would be covered by S7.9.6.2 relating to mounting of headlamps, and a reference to S7.9 substituted.

Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Effective Date

Since the final rule would not impose any additional burden and is intended to afford an alternative to existing requirements, it is hereby tentatively found that an effective date earlier than 180 days after issuance of the final rule is in the public interest. The final rule would be effective 45 days after its publication in the **Federal Register**.

Rulemaking Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action has not been reviewed under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The effect of the rulemaking action would be to allow a motorcycle manufacturer a wider choice of headlighting systems with which to equip its vehicles. The final rule would not impose any additional burden upon any person. Impacts of the rule are so minimal as not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking action in relation to the Regulatory Flexibility Act. I certify that this rulemaking action would not have a significant economic effect upon a substantial number of small entities. Motor vehicle manufacturers are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected since the price of new motor vehicles should not be impacted. As noted above, the final rule would afford an option to existing requirements, so that there are no mandatory cost impacts to this proposal. 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 motorcycle headlamps.

Civil Justice Reform

This rulemaking action would not have any retroactive effect. Under 49 U.S.C. 30103, 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. Under 49 U.S.C. 30163, a procedure is set forth for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require submission 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.

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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 new paragraph S7.9.6 and by amending Table IV by revising the entry for headlamps, to read as set forth below:

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

* * * * *

S7.9.6 A headlamp system shall be installed on a motorcycle in accordance with the requirements of this paragraph.

S7.9.6.1 The headlamp system shall be located on the front of the motorcycle, with each headlamp not less than 22 inches (55.9 cm), nor more than 54 inches (137.2 cm) above the

road surface measured from the center of the headlamp on the motorcycle at curb weight.

S7.9.6.2 (a) If the system consists of a single headlamp, it shall be mounted on the vertical centerline of the motorcycle. If the headlamp contains more than one light source, each light source shall be mounted on the vertical centerline or horizontally disposed about the vertical centerline and mounted at the same height. If the light sources are horizontally disposed about the vertical centerline, the distance between the closest edges of the effective projected luminous lens area in front of the light sources shall not be greater than 200 mm (8 in.).

(b) If the system consists of two headlamps, each of which provides both an upper and lower beam, the headlamps shall be mounted at the same height and symmetrically disposed about the vertical centerline.

(c) If the system consists of two headlamps, one of which provides an upper beam and one of which provides the lower beam, the headlamps shall be located on the vertical centerline, or horizontally disposed about the vertical centerline and mounted at the same height. If the headlamps are horizontally disposed about the vertical centerline, the distance between the closest edges of the effective projected luminous lens area of the headlamps shall not be greater than 200 mm (8 in.).

* * * * *

TABLE IV—LOCATION OF REQUIRED EQUIPMENT

[All Passenger Cars and Motorcycles, and Multipurpose Passenger Vehicles, Trucks, Trailers, and Buses of Less than 80 (2032) Inches (MM) Overall Width]

	Location on—		
Item	Passenger cars, multipurpose passenger vehicles, truck, trailers, and busses	Motorcycles	Height above road surface measured from center of item on vehicle at curb weight
Head-lamps ..	On the front, each headlamp providing the upper beam, at the same height, 1 on each side of the vertical centerline, each headlamp providing the lowe beam, at the same height, 1 on each side of the vertical centerline, as far apart as practicable. See also S7..	See S7.9	Not less than 22 inches (55.9 cm) nor more than 54 inches (137.2 cm).

* * * * *

Issued on: August 28, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–23512 Filed 9–8–97; 8:45 am]

BILLING CODE 4910–59–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 970829218–7218–01; I.D. 080597E]

RIN 0648–AK39

Options for Banning the Sale of Undersized Atlantic Swordfish

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

ACTION: Advanced notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: NMFS is requesting comments on the necessity of and options for rulemaking to impose a ban on the sale of all undersized swordfish, regardless of origin, in order to implement an International Convention for the Conservation of Atlantic Tunas(ICCAT) recommendation to ban the sale of Atlantic swordfish less than the adopted minimum size (73 cm measured cleithrum to keel (CK) or 33 lb dressed weight (dw)).

DATES: Written comments on this ANPR must be received on or before October 6, 1997.

ADDRESSES: Written comments should be addressed to Rebecca Lent, Chief, Highly Migratory Species Management Division (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson, 301-713-2347 or Buck Sutter (813) 570–5447.

SUPPLEMENTARY INFORMATION:

Background

The fishable biomass of the north Atlantic swordfish stock is estimated to have declined 68 percent between 1963 and 1996. Prior to the early 1960s, the stock's biomass is estimated to have been nearly two times the level needed to produce MSY. By the beginning of 1996, its biomass was estimated to be 58 percent of the level needed to produce maximum sustainable yield (MSY). Similarly, the South Atlantic swordfish stock has been under increased fishing pressure.

ICCAT has adopted measures to reduce fishing mortality in the entire Atlantic Ocean. A 1991 ICCAT recommendation had established a minimum size for Atlantic swordfish of 79 cm CK (125 cm lower jaw fork length) with a discretionary 15–percent-per-trip (by number) tolerance. Even with the provision for tolerance, however, U.S. fishermen have continued to catch and discard many undersized fish.

In 1995, in order to protect small Atlantic swordfish, ICCAT adopted an alternative minimum size measure, recommending that each contracting party take necessary steps to prohibit the taking of swordfish in the Atlantic Ocean, as well as the landing and sale in each party's jurisdiction, of swordfish and swordfish parts less than 119 cm lower jaw fork length (73 cm or 29 inches CK)or the equivalent in weight (33 lb dw), provided that no tolerance of Atlantic swordfish smaller than this alternative minimum size was allowed.

According to the Standing Committee on Research and Statistics of ICCAT, the fishing mortality associated with the lower minimum size and zero tolerance is roughly equivalent to that with the higher minimum size and 15–percent tolerance. This same ICCAT alternative minimum size recommendation provided for a ban on the sale of fish less than the absolute minimum size.

In 1996, the United States implemented this lower minimum size limit in order to facilitate enforcement and reduce discards of juvenile fish, since most of the small swordfish brought in under the 15–percent tolerance were greater than the alternative minimum size. Having adopted the alternative, U.S. vessels operating in the North Atlantic, Gulf of