

lighting standard already permits these front "brake" lamps to be installed on vehicles.

Of course, petitions to *require* front brake lamps or any other motor vehicle equipment are evaluated according to NHTSA's normal approach—will the American public get its money's worth from this requirement? In other words, are the safety benefits for the new equipment sufficient to justify the costs that will be imposed on the American people by a new requirement for this equipment? In the case of front brake lamps, NHTSA concluded in 1996 (61 FR 10556; March 14, 1996) that the answer was no, and denied a petition to require front "brake" lamps. Any future petitions to require front "brake" lamps will need to demonstrate greater safety benefits (which can most readily be done with testing and other data) to perhaps get a different result than the denial NHTSA announced in 1996.

In the December 1996 request for comments, NHTSA asked for comments on whether the agency should expressly prohibit front "brake" lamps because of the lack of data to show any positive safety effects for these lamps and the likely negative safety consequences of the widespread use of these lamps. After consideration of this possibility, NHTSA has decided not to take this action. These lamps do not necessarily affect the standardized operation, or impair the effectiveness, of any required lighting. NHTSA has traditionally had no regulations for such lamps, because they had no impact on the core safety functions of lighting. The agency will reexamine this approach if it has some testing or other indication that this approach may need to be changed. At this time, NHTSA has no such data. If front "brake" lamps are installed more widely and the agency's concerns remain, NHTSA will carefully consider a research effort to get more information about the safety impact of such lamps.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on October 30, 1998.

**James R. Hackney,**

*Acting Associate Administrator for Safety Performance Standards.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 971015246-7293-02; I.D. 101998A]

**Fisheries of the Northeastern United States; Summer Flounder Fisheries; Readjustment to the 1998 Commercial State Quota for New York**

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

**ACTION:** Commercial quota adjustment.

**SUMMARY:** NMFS issues this notification announcing an adjustment to the 1998 summer flounder commercial state quota for New York. This adjustment complies with regulations implementing the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP), which require that landings in excess of a state's annual summer flounder commercial quota be deducted from a state's respective quota the following year. The public is advised that the quota adjustment has been made, and is informed of the revised quota.

**DATES:** Effective October 30, 1998, through December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin, Fisheries Management Specialist, 978-281-9326.

**SUPPLEMENTARY INFORMATION:** Regulations implementing summer flounder management measures are found at 50 CFR part 648, subparts A and G. The regulations require annual specification of a commercial quota that is apportioned among the Atlantic coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100. Section 648.100(d)(2) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of the state's quota must be deducted from that state's annual quota for the following year.

The final specifications for the 1998 summer flounder fishery (62 FR 66304, December 18, 1997), adopted to ensure achievement of a fishing mortality rate (F) of 0.24 for 1998, set a total commercial quota equal to 11,105,636 lb (5.0 million kg). In the preamble to the rule implementing these specifications, NMFS noted that associated adjustments to states' 1998 quotas would be required as a result of any landings in excess of 1997 quota. Two adjustments were made to the 1998 state commercial quotas, effective January 16, 1998 (63 FR 3478, January 23, 1998) and April 23, 1998 (63 FR 23227, April 28, 1998) to reflect updated 1997 landings. In addition, NMFS adjusted the North Carolina commercial quota to comply with a court order setting aside the 1997 overage, which had been deducted from the 1998 quota earlier this year. This adjustment was effective on October 20, 1998 (63 FR 56867, October 23, 1998).

In the April 28, 1998, notification announcing readjustments to the 1998 summer flounder commercial quotas, it was noted that further law enforcement investigations were ongoing, and a resulting quota adjustment from those investigations would be published, if necessary. The conclusion of such investigations resulted in an increase of 24,863 lb (11,277.8 kg) to the amount of summer flounder landed in New York in 1997 so that the 1997 overage for New York is revised from 61,398 lb (27,850 kg) to 86,261 lb (39,127.9 kg). Therefore, the final readjusted quota for New York in 1998 is 24,863 lb (11,277.8 kg) less than the adjusted quota published in the April 28 notification for a final 1998 quota for that state of 763,419 lb (346,286.8 kg). The final readjusted 1998 statewide quota is revised from 10,958,734 lb (4,972,102 kg) to 10,933,871 lb (4,959,603 kg). Also, commercial landings for New York for 1997 are revised from 815,741 lb (370,014 kg) to 840,604 lb (381,297.9 kg) and total coastwide commercial landings for summer flounder are revised from 8,887,783 lb (4,031,431 kg) to 8,912,646 lb (4,042,776.2 kg). Table 1. displays the current 1998 quotas resulting from these readjustments.

TABLE 1.—SUMMER FLOUNDER FINAL READJUSTED 1998 QUOTAS

State	Unadjusted 1998 quota <sup>1</sup>		Adjusted 1998 quota <sup>2</sup>		Final readjusted 1998 quota	
	lb	(kg) <sup>3</sup>	lb	(kg)	lb	(kg)
ME .....	5,284	2,397	4,791	2,173	4,791	2,173
NH .....	51	23	51	23	51	23
MA .....	757,841	343,751	721,889	327,448	721,899	327,448

TABLE 1.—SUMMER FLOUNDER FINAL READJUSTED 1998 QUOTAS—Continued

State	Unadjusted 1998 quota <sup>1</sup>		Adjusted 1998 quota <sup>2</sup>		Final readjusted 1998 quota	
	lb	(kg) <sup>3</sup>	lb	(kg)	lb	(kg)
RI .....	1,742,583	790,422	1,742,583	790,422	1,742,583	790,422
CT .....	250,791	113,757	250,791	113,757	250,457	113,605
NY .....	849,680	385,408	788,282	357,559	763,419	346,286
NJ .....	1,858,363	842,939	1,858,363	842,939	1,858,363	842,940
DE .....	<sup>4</sup> (3,685)	(1,671)	(14,534)	(6,593)	(14,534)	(6,593)
MD .....	226,570	102,770	199,876	90,662	199,876	90,662
VA .....	2,368,569	1,074,365	2,357,377	1,069,288	2,357,377	1,069,288
NC .....	3,049,589	1,383,270	2,649,849	1,201,951	3,049,589	1,383,270
Total .....	11,105,636	5,037,432	10,558,994	4,789,479	10,933,871	4,959,603

<sup>1</sup> As published on December 18, 1997 (62 FR 6304).

<sup>2</sup> As published on April 28, 1998 (63 FR 23227).

<sup>3</sup> Kilograms are as converted from pounds, and may not necessarily add due to rounding.

<sup>4</sup> Parentheses indicate a negative number.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: October 29, 1998.

**Bruce C. Morehead,**

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

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