(h) The system shall be aimable in accordance with paragraph S7.8.

* * * * *

S8 *Tests and Procedures for Integral Beam and Replaceable Bulb Headlighting Systems.* * * *

S8.1 *Photometry.* Each headlamp to which paragraph S8 applies shall be tested according to paragraphs 4.1 and 4.1.4 of SAE Standard J1383 APR85 for meeting the applicable photometric requirements, after each test specified in paragraphs S8.2, S8.3, S8.5, S8.6.1, S8.6.2, S8.7, and S8.10.1 and S8.10.2 if applicable. A 1/4 degree reaim is permitted in any direction at any test point.

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S8.10 *Chemical and corrosion resistance of reflectors of replaceable lens headlamps.*

S8.10.1 *Chemical resistance.* (a) The entire optical surface of the reflector of the headlamp in the headlamp test fixture with the lens removed shall be wiped once to the left and once to the right with a 6-inch square soft cotton cloth (with pressure equally applied) which has been saturated once in a container with 2 ounces of one of the test fluids listed in paragraph (b). The lamp shall be wiped within 5 seconds after removal of the cloth from the test fluid.

(b) The test fluids are:

(1) Tar remover (consisting by volume of 45% xylene and 55% petroleum base mineral spirits);

(2) Lacquer thinner; or

(3) Fluids other than water contained in the manufacturer's instructions for cleaning the reflector.

(c) After the headlamp has been wiped with the test fluid, it shall be stored in its designed operating attitude for 48 hours at a temperature of 73°F±7° (23°C±4°) and a relative humidity of 30±10 percent. At the end of the 48-hour period, the headlamp shall be wiped clean with a soft dry cotton cloth and visually inspected.

S8.10.2 *Corrosion.* (a) The headlamp with the lens removed, unfixtured and in its designed operating attitude with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be subjected to a salt spray (fog) test in accordance with ASTM B117–73, *Method of Salt Spray (Fog) Testing*, for 24 hours, while mounted in the middle of the chamber.

(b) Afterwards, the headlamp shall be stored in its designed operating attitude for 48 hours at a temperature of 73°F±7° (23°C±4°) and a relative humidity of 30±10 percent and allowed to dry by natural convection only. At the end of the 48-hour period, the reflector shall be cleaned according to the instructions supplied with the headlamp manufacturer's replacement lens, and inspected. The lens and seal shall then be attached according to these instructions and the headlamp tested for photometric performance.

Issued on November 9, 1994.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 94–28382 Filed 11–18–94; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 941095–4295; I.D. 090894A]

Endangered and Threatened Species; Deer Creek Summer Steelhead

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

ACTION: Notice of determination.

SUMMARY: NMFS has determined that Deer Creek summer steelhead in Washington do not constitute a "species" under the Endangered Species Act of 1973, as amended, (ESA) and, therefore, do not qualify for listing under the ESA at this time. However, Deer Creek summer steelhead are part of a larger evolutionarily significant unit (ESU) that may warrant listing under the ESA, and for which a status review is currently underway.

ADDRESSES: Environmental and Technical Services Division, NMFS, Northwest Region, 911 NE. 11th Avenue, Suite 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, Environmental and Technical Services Division, 503/230–5430, or Marta Nammack, Endangered Species Division, 301/713–2322.

SUPPLEMENTARY INFORMATION:

Petition Background

On September 21, 1993, NMFS received a petition from Washington Trout to list indigenous, naturally-spawning Deer Creek summer steelhead (*Oncorhynchus mykiss*) as an endangered species and to designate critical habitat under the ESA. NMFS published a notice on December 23, 1993 (53 FR 68108), that the petition presented substantial information indicating that the listing may be warranted. To ensure a comprehensive status review, NMFS solicited information and data concerning the present and historic status of the Deer Creek summer steelhead population and whether this population qualifies as a "species" under the ESA. NMFS also requested information on areas that may qualify as critical habitat for Deer Creek summer steelhead. NMFS also initiated an expanded status review for all coastal steelhead in California, Oregon, and Washington. This status review was expanded to include Idaho in response to a petition submitted by the Oregon Natural Resources Council and 15 co-petitioners. NMFS initiated the status review for steelhead throughout its range in the four states on May 27, 1994 (59 FR 27527).

Biological Background

The NMFS Northwest Fisheries Science Center Biological Review Team has conducted a status review and prepared an administrative report summarizing the conclusions of the status review, "Conclusions of the Northwest Fisheries Science Center's Review of a Petition to List Deer Creek Summer Steelhead (North Fork Stillaguamish River, Washington) under the U.S. Endangered Species Act," which provides more detailed information, discussion, and references. This report is available upon request (see ADDRESSES) and is summarized below.

Deer Creek is a tributary of the North Fork Stillaguamish River in Washington. The Deer Creek Watershed covers 177 km² in the North Cascade Mountains of Washington. Deer Creek and its steelhead fishery have been the subject of many sporting journal articles and popular literature. Logging in the Deer Creek Basin began in the 1920s. Timber harvest activities accelerated in the early 1950s, and approximately 48 percent of the basin was clear-cut between 1952 and 1985. In 1984, a large landslide, which remains active despite restoration efforts, introduced a tremendous amount of sediment into Deer Creek. The 1984 landslide reduced viable spawning and rearing habitat for the summer steelhead population, which was already in decline.

The name steelhead refers to the anadromous form of rainbow trout. Recently, the scientific name for the biological species that includes both steelhead and rainbow trout was changed from *Salmo gairdneri* to *Oncorhynchus mykiss*. This change reflects a belief that all trouts from western North America share a common lineage with Pacific salmon. The present endemic distribution of steelhead extends from the Kamchatka Peninsula,

Asia, east and south, along the Pacific coast of North America, to Malibu Creek in southern California.

Steelhead exhibit a wide variety of life history strategies. In general, steelhead migrate to sea after spending 2 years in fresh water and then spend 2 years in the ocean prior to returning to fresh water to spawn. Deviations from this basic pattern are common. Some spawners survive and return to the ocean for 1 or more years between spawning migrations.

Steelhead exhibit two spawning migration strategies. "Summer steelhead" enter fresh water between May and October, and begin their spawning migration in a sexually immature state. After several months in fresh water, summer steelhead mature and spawn. "Winter steelhead" enter fresh water between November and April with well developed gonads. In drainages with sympatric populations of summer and winter steelhead, there may or may not be temporal or spatial separation of spawning.

Consideration as a "Species" Under the ESA

To qualify for listing as a threatened or endangered species, Deer Creek summer steelhead would have to be a "species" under the ESA. The ESA defines a "species" to include any "distinct population segment of any species of vertebrate * * * which interbreeds when mature." NMFS published a policy (56 FR 58612, November 20, 1991) on how it will apply the ESA "species" definition to Pacific salmonid species, including steelhead. This policy provides that a salmon population will be considered distinct, and hence a species under the ESA, if it represents an evolutionarily significant unit (ESU) of the biological species. The population must satisfy two criteria to be considered an ESU: (1) It must be substantially reproductively isolated from other conspecific population units and (2) it must represent an important component in the evolutionary legacy of the biological species. The first criterion, reproductive isolation, need not be absolute, but must be strong enough to permit evolutionarily important differences to accrue in different population units. The second criterion is met if the population contributes substantially to the ecological/genetic diversity of the species as a whole. Further guidance on the application of this policy is contained in "Pacific salmon (*Oncorhynchus* spp.) and the Definition of Species under the Endangered Species Act," which is available upon request (see **ADDRESSES**).

Reproductive Isolation

In the Stillaguamish River Basin, three summer-run stocks and one winter-run steelhead stock are recognized. Run timing is similar among the Stillaguamish River Basin summer steelhead stocks; however, spawn timing appears to be later for Deer Creek summer steelhead than for other summer steelhead populations within the basin. Although run timing differs between the Stillaguamish River summer and winter steelhead stocks, there is substantial overlap in the time of spawning of the two run types.

It was commonly thought that the high gradient reach of Deer Creek between approximately river kilometer 2.4 and 7.2 comprised a "cumulative velocity barrier" to winter steelhead (C. Kramer, Area Fish Biologist, Washington Department of Fish and Wildlife (WDFW), pers. comm., May and July 1994). However, other evidence suggests that this barrier may not be permanent, and recent flooding may have shifted the Deer Creek bedload sufficiently to facilitate passage of winter steelhead, thereby allowing for the possibility that summer steelhead are not reproductively isolated from winter steelhead.

In general, genetic studies of coastal steelhead populations have demonstrated that summer and winter steelhead from the same stream tend to resemble one another genetically more than they resemble populations with similar run timing from different drainages. These results suggest that summer and winter steelhead do not represent two independent monophyletic units. Allendorf (1975) reported that coastal summer steelhead, including the Deer Creek population, were "genetically indistinguishable from the coastal winter run populations." A more recent study (Phelps *et al.*, in press) involving a larger set of gene loci found some evidence of differentiation between summer and winter steelhead in the Puget Sound region. The later study also found that Deer Creek summer steelhead are "relatively distinct" from other Puget Sound steelhead and show a higher degree of genetic similarity to winter steelhead from the Stillaguamish and Skykomish rivers than to other summer steelhead populations.

A variety of out-of-basin steelhead stocks have been released in the Puget Sound area, and summer steelhead of Columbia River (Skamania stock) origin have been released in the North Fork Stillaguamish River since the 1960s (C. Kramer, WDFW, pers. comm., May and July 1994). However, recent genetic data (Phelps *et al.* in press) found no evidence that Deer Creek summer steelhead have been substantially affected by these releases.

Ecological/Genetic Diversity

In Oregon, only three coastal basins have naturally-occurring summer steelhead (Siletz, Umpqua, and Rogue basins). In contrast, all major river basins in the North Puget Sound region (Nooksack/Samish, Skagit, Stillaguamish, and Snohomish basins) are known to have naturally-occurring summer steelhead. The discontinuous range of coastal summer steelhead is consistent with the polyphyletic origin of this life history inferred from genetic data. However, the Puget Sound region is (or was) conducive to the development of the summer steelhead life history, and within the Puget Sound region, Deer Creek is not unique, or even unusual, in supporting summer-run steelhead.

The most common age structure for coastal steelhead from British Columbia to California is 2/2 (2 years of freshwater residence followed by 2 years in the ocean). Specific information about the age structure of steelhead in the Puget Sound region is limited. Based on scale samples from fish caught by anglers, Deer Creek summer steelhead are reported to be primarily (95 percent) 2/1, with the remainder being 3/1 (C. Kramer, WDFW, pers. comm., May and July 1994). Other Puget Sound steelhead, both summer- and winter-run, also have the 2/1 life history, but sampling has not been sufficient to quantitatively describe age structure in these populations. According to anecdotal information, the adult size at spawning of other summer steelhead stocks (South Fork Nooksack, Finney Creek, Sauk River, and Canyon Creek) is similar to Deer Creek summer steelhead, and this suggests that other steelhead populations in the Puget Sound region share the same adult body size and other life history features with Deer Creek summer steelhead.

Determination

Deer Creek summer steelhead appear to be temporally and spatially isolated from other populations of summer steelhead in the Stillaguamish River Basin. Genetic data support the hypothesis that Deer Creek summer steelhead are isolated from other Puget Sound steelhead populations for which data are available. However, some uncertainty remains regarding the relationship between Deer Creek summer steelhead and nearby winter-run populations, both in the Stillaguamish River and, perhaps, in

pper Deer Creek. Despite this uncertainty, NMFS has concluded, based on all available information, that Deer Creek summer steelhead probably meet the first criterion to be an ESU—that is, substantial reproductive isolation from other conspecific populations.

Although the genetic data show that Deer Creek summer steelhead are relatively distinct from other Puget Sound steelhead, the genetic differences are not large in an absolute sense. Therefore, these genetic differences provide little insight into the second ESU criterion, contribution to ecological/genetic diversity of the species as a whole. Deer Creek summer steelhead differ from many other coastal steelhead populations in that most of the adults return after only 1 year in the ocean, but the limited available information indicates that this is also observed in other Puget Sound steelhead populations. NMFS found no other phenotypic or life history traits, or habitat features, that distinguish the Deer Creek summer steelhead population from those in adjacent areas. Therefore, NMFS concludes that Deer Creek summer steelhead do not meet the second criterion to be considered an ESU and are not, by themselves, a "species" under the ESA. Therefore, a proposal to list Deer Creek summer steelhead under the ESA is not warranted at this time.

However, Deer Creek summer steelhead are undoubtedly part of a larger ESU that may warrant listing under the ESA, and NMFS will identify the extent of this ESU during its current Washington, Oregon, Idaho, and California steelhead status review (59 FR 27527, May 27, 1994). Detailed information provided in the petition for Deer Creek steelhead will be considered during this expanded status review.

Dated: November 14, 1994.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 94–28682 Filed 11–18–94; 8:45 am]

BILLING CODE 3510–22–F

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50 CFR Part 677

[Docket No. 940412–4310; I.D. 102094A]

RIN 0648–AD80

North Pacific Fisheries Research Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule to clarify and make minor changes to regulations implementing the North Pacific Fisheries Research Plan (Research Plan). The proposed rule would clarify 1995 observer coverage requirements, revise the definition of the term "processor," specify who is and is not included in the definition of processor, and exempt certain processors included in the definition from the requirement to have a Federal Processor Permit. These clarifications will be incorporated as minor revisions to the instructions accompanying the Federal Processor Permit Application. In addition, the definition of "round weight" will be revised to conform it to recent regulatory changes. This proposed rule is consistent with the intent of the final rule implementing the Research Plan and is intended to reduce confusion during the first year of the fee-collection program authorized under the Research Plan. NMFS expects these changes to be effective by January 1, 1995.

DATES: Comments on this proposed rule must be received by December 2, 1994.

ADDRESSES: Comments on this proposed rule may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori J. Gravel. Copies of the Research Plan and the environmental assessment/regulatory impact review prepared for the Research Plan may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510. Copies of the Observer Plan may be obtained from NMFS at the address noted above.

FOR FURTHER INFORMATION CONTACT: Susan Salveson, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing the Research Plan became effective October 6, 1994 (59 FR 46126, September 6, 1994). A correction subsequently was published in the **Federal Register** that delayed specified parts of the implementing rule until January 1, 1995 (59 FR 51874, October 13, 1994). The purpose for, and description of, the Research Plan are contained in the preamble to that final rule.

NMFS has identified five areas of ambiguity and inconsistency in the final rule implementing the Research Plan. Consequently, the following changes are proposed:

1. The 1995 observer coverage requirements set out at § 677.10(a)(1)(i)(C) are clarified to continue to exempt from observer coverage any vessel that delivers unsorted codends to a processor.

2. The definition of "processor" under the Research Plan is amended to make clear NMFS' interpretation that tender vessels are not considered processors for purposes of the Research Plan, and that fishermen who transfer fish to persons outside of the United States are included in the definition.

3. The requirement for a Federal Processor Permit is also revised. Certain persons, although considered processors under the definition of that term, are not required to obtain this permit. Fishermen who sell fish directly to a restaurant or to another individual for use as bait or personal consumption or fishermen who transfer fish to a person outside the United States are not required to have a processor permit.

4. The Federal Processor Permit Application (Form FPP–1) is revised to reflect changes referenced in items 2. and 3., above; and

5. The definition of "round weight or round-weight equivalent" is revised to reflect the recent amendment of the definition of this term in 50 CFR 672.2 and 675.2 (59 FR 50699, October 5, 1994).

A further description of and justification for the proposed regulatory amendments listed under the first three items follow.

1995 Observer Coverage Requirements

Prior to the effective date of the Research Plan, Amendments 13 and 18 to the FMPs for Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands Area respectively, authorized the Observer Plan, which set out domestic observer coverage requirements for groundfish vessels and processors. The Observer Plan stated "* * * operators of catcher vessels which transport unsorted codends to a mothership are not required to comply with this Observer Plan." On April 29, 1994, a final rule was published in the **Federal Register** to revise observer coverage requirements that inadvertently deleted this exemption for catcher vessels 125 ft (38.1 m) length overall (LOA) or longer (59 FR 22133). This erroneous regulatory language was incorporated into the final rule implementing 1995 observer coverage requirements under the Research Plan (§ 677.10(a)(1)(i)(C)). The result is that current regulations under the Research Plan require catcher vessels 125 ft (38.1 m) LOA or longer to carry an observer at all times, even