

amount pending the outcome of the request to reconsider and the resolution of the request requires the agency to make the payment, then the agency shall pay interest at the rate set by the IRS for the underpayment of taxes compounded quarterly from the date of the original appellate decision until payment is made.

(3) The agency shall notify the Commission and the employee in writing at the same time it requests reconsideration that the relief it provides is temporary or conditional and, if applicable, that it will delay the payment of any amounts owed but will pay interest as specified in paragraph (b)(2) of this section. Failure of the agency to provide notification will result in the dismissal of the agency's request.

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BILLING CODE 6570-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 98-17; RM-8819]

#### Radio Broadcasting Services; Beaver Dam and Brownsville, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Charles M. Anderson proposing the substitution of Channel 264C3 for Channel 264A at Beaver Dam, the reallocation of Channel 264C3 from Beaver Dam to Brownsville, Kentucky, and the modification of the Station WAUE(FM)'s construction permit accordingly. Channel 264C3 can be allotted to Brownsville in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The coordinates for Channel 264C3 at Brownsville are North Latitude 37-10-34 and West Longitude 86-18-08. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 264C3 at Brownsville, Kentucky, or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

**DATES:** Comments must be filed on or before April 6, 1998, and reply comments on or before April 21, 1998.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian M. Madden, Esq., Leventhal, Senter & Lerman, 2000 K Street, NW., Suite 600, Washington DC 20006 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-17, adopted January 28, 1998, and released February 13, 1998. 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, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 98-4331 Filed 2-19-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Part 393

[FHWA Docket No. MC-97-5; FHWA-97-2364]

RIN 2125-AD40

#### Public Meeting To Discuss Requirements for Brake Hoses Used on Commercial Motor Vehicles

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The FHWA is announcing a public meeting to discuss requirements for brake hoses used on commercial motor vehicles. The meeting is intended to initiate dialogue between the FHWA; the National Highway Traffic Safety Administration (NHTSA); manufacturers of brake hoses, brake hose assemblies, and brake hose end fittings for use on commercial motor vehicles; and interested parties concerning the adequacy of current Federal requirements for brake hoses and related components. The meeting will include presentations by the FHWA and the NHTSA explaining their respective roles. The agencies would provide brake hose manufacturers and interested parties the opportunity to voice their concerns about the adequacy of current Federal requirements for brake hoses.

**DATES:** The meeting will be held on March 24, 1998. The meeting will begin at 10:00 a.m. and end at 4:00 p.m.

**ADDRESSES:** The meeting will be held in room 4200 of the Department of Transportation's headquarters located at 400 Seventh Street, SW., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry W. Minor, Office of Motor Carrier Research and Standards, HCS-10, (202) 366-4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the **Federal Register** Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register's** home page at: <http://>

www.nara.gov/nara/fedreg and the Government Printing Office's database at: [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs).

### Background

On April 14, 1997 (62 FR 18170), the FHWA published a notice of proposed rulemaking (NPRM) concerning 49 CFR part 393 of the Federal Motor Carrier Safety Regulations (FMCSRs), and requested comments on the proposed amendments. The FHWA indicated that the proposed changes are intended to remove obsolete and redundant regulations; respond to several petitions for rulemaking; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR 571); and codify certain FHWA regulatory guidance concerning the requirements of part 393. Generally, the amendments do not involve the establishment of new or more stringent requirements, but a clarification of existing requirements. The agency indicated that this action is consistent with the President's Regulatory Reinvention Initiative and furthers the FHWA's ongoing Zero-Base Regulatory Review in that it proposes to make many sections more concise, easier to understand, and more performance oriented.

On June 12, 1997, the FHWA extended the comment period from June 13, 1997, to July 28, 1997, in response to a petition from the Motor and Equipment Manufacturers Association (MEMA) (62 FR 32066). The MEMA requested additional time to formulate comments in response to the proposed amendments in § 393.25, Requirements for lamps other than head lamps, § 393.45, Brake tubing and hose, adequacy, and § 393.46, Brake tubing and hose connections. A copy of the MEMA request is included in the docket.

### FHWA's Proposed Amendments to §§ 393.45 and 393.46

Currently, the FHWA requires that brake hose and tubing installed on commercial motor vehicles conform to the applicable provisions of Federal Motor Vehicle Safety Standard (FMVSS) No. 106, Brake hoses (49 CFR 571.106). In addition, the FHWA's regulations reference several Society of Automotive Engineers (SAE) standards concerning testing procedures for brake hoses used in air, hydraulic, and vacuum brake systems. There are also references to SAE standards for metallic and nonmetallic tubing, and tubing and hose connections.

As part of the FHWA's effort to make the FMCSRs easier to understand, use and enforce, the agency proposed eliminating all of the references to SAE brake hose and tubing standards, with the exception of SAE J844, *Nonmetallic Air Brake System Tubing*. The proposed revisions, if adopted, would continue to require that all brake tubing and hoses, brake hose assemblies, and brake hose end fittings on commercial motor vehicles meet the applicable requirements of FMVSS No. 106. The FHWA would incorporate by reference SAE J844 concerning coiled nylon brake tubing in air brake systems to take into account three exceptions currently contained in the FMVSS No. 106 test procedures for air brake hose.<sup>1</sup> The tests concerning length change, tensile strength, and tensile strength of an assembly after immersion in water, have exceptions for coiled brake tubing. Manufacturers may choose between using the test procedures specified in FMVSS No. 106, or the test procedures specified in the SAE standards referenced in the FHWA's brake hose requirements. The proposed revision would have the effect of limiting each of the exceptions in FMVSS No. 106 to coiled nylon tubing that meets the testing requirements in SAE J844.

### Purpose of the Meeting

Several brake hose manufacturers have submitted comments to the rulemaking docket expressing opposition to the proposed changes. The manufacturers believe the SAE standards that would no longer be referenced provide more stringent testing requirements than FMVSS No. 106 and are essential to ensuring that brake hose is adequate for use on commercial motor vehicles. Certain brake hose manufacturers have contacted members of Congress to voice their concerns stating that the proposed changes will decrease highway safety.

The FHWA has received numerous calls from congressional staff and letters from members of the House and Senate. At the request of congressional staff, the FHWA met with representatives from several congressional offices on October 24, 1997, to explain the proposed rulemaking and the roles of the FHWA and the NHTSA. During the meeting, the FHWA offered to hold a public meeting concerning brake hoses. It was agreed that the public meeting would

<sup>1</sup> Paragraphs S7.3.6 (length change), S7.3.10 (tensile strength), and S7.3.11 (water absorption and tensile strength) of 49 CFR 571.106 cross reference § 393.45 and indicate that certain coiled tubing that meets the requirements of § 393.45 is not required to meet the testing requirements described in those paragraphs.

give the FHWA and the NHTSA the opportunity to clarify their respective roles for the brake hose manufacturers, and provide the brake hose manufacturers with the opportunity to voice their concerns about §§ 393.45 and 393.46 and FMVSS No. 106 to the FHWA and the NHTSA.

### Meeting Information

The meeting will be held on March 24, 1998, at the Department of Transportation's headquarters located at 400 Seventh Street, SW., Washington, D.C., 20590. The meeting will be held in room 4200. The Department of Transportation's headquarters is located above the L'Enfant Plaza subway station and is two blocks south of the intersection of Independence Avenue and Seventh Street, SW. The meeting is scheduled from 10:00 a.m. to 4:00 p.m.

Since access to the Department of Transportation's headquarters is controlled, all visitors must sign-in with the security office located at the southwest entrance to the building and wear a visitor's badge at all times while in the building.

Individuals who wish to make a formal presentation should contact Mr. Larry W. Minor at (202) 366-4012 no later than March 16, 1998, to ensure that sufficient time is allotted for the presentation and to identify any audio-visual equipment needed for the presentation.

### List of Subjects in 49 CFR Part 393

Highways and roads, Incorporation by reference, Motor carriers, Motor vehicle equipment, Motor vehicle safety.

**Authority:** 49 U.S.C. 31136, 31502; and 49 CFR 1.48.

Issued on: February 13, 1998.

**Paul L. Brennan,**

*Acting Associate Administrator for Motor Carriers.*

[FR Doc. 98-4352 Filed 2-19-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[I.D. 120996A]

#### Magnuson Act Provisions; Essential Fish Habitat; Extension of Comment Period

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