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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.¹ 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

¹ 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.

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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.

ACTION: Extension of comment period.

SUMMARY: NMFS announces an extension of the public comment period on the interim final regulations containing guidelines for the description and identification of essential fish habitat (EFH) in fishery management plans. The public comment period is hereby extended to March 19, 1998, to give members of the public additional time to review and comment on the interim final regulation.

DATES: Written comments will be accepted on or before March 19, 1998.

ADDRESSES: Comments should be addressed to Director, Office of Habitat Conservation, Attention: EFH, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282; telephone: 301/713-2325.

FOR FURTHER INFORMATION CONTACT: Lee Crockett, NMFS, 301/713-2325.

SUPPLEMENTARY INFORMATION:

Background

The rulemaking is required by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). The interim final

rule was promulgated on December 19, 1997 (62 FR 66531). Details concerning the justification for and development of this interim final rule were provided in the proposed rule (62 FR 19723, April 23, 1997).

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

Dated: February 13, 1998.

David L. Evans,

*Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 98-4363 Filed 2-17-98; 3:44 pm]

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