

The petitioner's modification proposal complies with the provisions of Section 1.420(i) of the Commission's Rules, and therefore, we will not accept competing expressions of interest in the use of Channel 255C at Leupp, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before November 23, 1998, and reply comments on or before December 8, 1998.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: David D. Oxenford and Jason S. Roberts, Esqs., Fisher Wayland Cooper Leader & Zarazoga, L.L.P., 2001 Pennsylvania Avenue, NW., Suite 400, Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-179, adopted September 23, 1998, and released October 2, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

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. 98-27066 Filed 10-8-98; 8:45 am]

BILLING CODE 6712-01-U

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Parts 395 and 396

[FHWA Docket No. FHWA-98-3414]

RIN 2125-AE35

#### Out-of-Service Criteria; Extension of Comment Period

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

**ACTION:** Re-opening of docket; request for comments.

**SUMMARY:** The FHWA is re-opening Docket No. FHWA-98-3414 for a period of sixty (60) days. On July 20, 1998, the FHWA published an advance notice of proposed rulemaking (ANPRM) in which the agency sought comment concerning use of the "North American Uniform Out-of-Service Criteria" (OOS Criteria) (63 FR 38791). This action today is taken in response to a written request from the Advocates for Highway and Auto Safety (AHAS). The FHWA has determined that re-opening the docket is appropriate given the complexity of the ANPRM and the need for informed public comment. The docket will be open for an additional period of 60 days.

**DATES:** Comments should be received on or before December 8, 1998.

**ADDRESSES:** Signed, written comments should refer to the docket number appearing at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert F. Schultz, Jr., Office of Motor Carrier Research and Standards (HCS-10), (202) 366-4009, or Mr. Charles Medalen (HCC-20), Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 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

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 20, 1998 (63 FR 38791), the FHWA published an ANPRM concerning use of the OOS Criteria, and requested comments on the proposed amendments on or before September 18, 1998. The OOS Criteria are a reference guide developed and maintained by the Commercial Vehicle Safety Alliance (CVSA). They are not part of the Federal Motor Carrier Safety Regulations. During roadside inspections, Federal, State and local safety inspectors use the OOS Criteria as a guide in determining whether to place commercial motor vehicles (CMVs) or drivers of CMVs out-of-service. The guide enumerates conditions which the CVSA membership has agreed are sufficiently hazardous to justify restricting further operation.

##### Request for an Extension of the Comment Period

The AHAS requested an extension of thirty (30) days by letter dated September 1, 1998. A copy of the letter will be placed in the docket. The AHAS commented that additional time is needed to review the merits of this action, and that other FHWA dockets closing at about the same time have strained their resources.

Nineteen (19) responses to the ANPRM had been received as of September 25, 1998. Other parties have orally expressed interest in responding and have stated that they are having difficulty doing so by the deadline.

**FHWA Decision**

The FHWA is mindful of the need for all interested parties to have enough time to prepare relevant and useful comments. The FHWA has determined that the complexity of the ANPRM and the prospect of receiving additional responses to the ANPRM weighs in favor of re-opening the docket for an additional period of 60 days.

The FHWA therefore is extending the comment period on FHWA Docket No. FHWA-98-3414 for a 60-day period.

All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the above address. Comments received after the closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will continue to file relevant information in the docket as it becomes available after the comment closing date, and interested parties should continue to examine the docket for new materials.

**List of Subjects***49 CFR Part 395*

Highway safety, Motor Carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

*49 CFR Part 396*

Highway safety, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

**Authority:** 49 U.S.C. 31133, 31136, 31310, and 31502; sec. 345, Pub.L. 104-59, 109 Stat. 568, 613; and 49 CFR 1.48.

Issued on: October 2, 1998.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

[FR Doc. 98-27230 Filed 10-8-98; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 644**

[I.D. 071698B(1)]

RIN 0648-AJ67

**Atlantic Billfish Fishery**

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

**ACTION:** Notice of availability of a draft fishery management plan (FMP) amendment; request for comments.

**SUMMARY:** NMFS announces the submission of draft Amendment 1 to the Fishery Management Plan for the Atlantic Billfish Fishery for Secretarial review. Draft Billfish Amendment 1 defines overfishing criteria, develops rebuilding management strategies, defines essential fish habitat, and establishes framework procedures for regulatory changes affecting the management of the Atlantic billfish fishery.

**DATES:** Written comments on draft Billfish Amendment 1 must be received on or before January 7, 1999.

**ADDRESSES:** Written comments on draft Billfish Amendment 1 should be sent to, and copies of the document are available from, Rebecca Lent, Chief, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD, 20910.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin at (301) 713-2347 or Buck Sutter at (727) 570-5324.

**SUPPLEMENTARY INFORMATION:** The Atlantic billfish fishery is managed under an FMP implemented in March 1988, with regulations published at 50 CFR part 644 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA, 16 U.S.C. 971 *et seq.*).

Upon implementation of Billfish Amendment 1, the Secretary will implement Atlantic billfish regulations under the authority of both the Magnuson-Stevens Act and ATCA. Regulations issued under the authority

of ATCA carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

If approved, Billfish Amendment 1 will define overfishing status determination criteria, which designate Atlantic blue marlin and Atlantic white marlin as overfished. NMFS has developed a two-part strategy: a suggested international rebuilding scheme and domestic management measures. Together, these two components identify biomass and fishing mortality limits and propose a suite of preferred management alternatives designed to reduce fishing mortality, bycatch, and bycatch mortality. Preferred alternatives include measures to rebuild overfished fisheries in timeframes consistent with guidelines for implementation of National Standard 1, to control fishing effort and increase the minimum size for blue and white marlin, to implement billfish reporting requirements, and to address issues of safety at sea and enforcement. In addition, essential fish habitat (EFH) is defined for Atlantic billfish.

In a separate notice to be published in the **Federal Register**, NMFS will propose regulations to implement the preferred alternatives specified in the draft Billfish Amendment 1. During the comment period on the proposed rule, NMFS will hold public hearings on the draft Billfish Amendment 1 and on the proposed implementing regulations. The dates and locations of these public hearings will be published in the **Federal Register** at a later date. NMFS specifically requests comment on the designation of sargassum weed as EFH for Atlantic billfish. NMFS also seeks determinations from coastal states on whether the preferred management measures would be consistent with the existing or planned state regulations and should be applicable in state waters.

**Authority:** 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

Dated: October 5, 1998.

**Gary C. Matlock,**

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

[FR Doc. 98-27233 Filed 10-6-98; 2:36 pm]

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