

The vertical (elevation) plane radiation pattern data shall be submitted in Office Open XML (“Excel Spreadsheet”) format with the first column containing depression angle values and second (and subsequent, when applicable) column(s) containing relative field values. When applicable, the first row shall list the azimuth angle being tabulated. The range of depression angles shall be 10 degrees above horizontal (-10 degrees depression) to 90 degrees below horizontal (90 degrees depression) and shall include data points spaced not more than 0.5-degree between -5 and 10 degrees depression angle, and not more than 5 degrees elsewhere. All pattern minima and maxima shall be included. Additional elevation plane data may be included following the column corresponding to 350 degrees TN so that the direction(s) of maximum and minimum radiation are provided. A relative field value of 1 shall correspond to the azimuth and depression angles corresponding to the direction of maximum ERP.

**[Appendix D: Final Regulatory Flexibility Act Analysis—Reserved.]**

[Note: The Final Regulatory Flexibility Act Analysis, which was contained in Appendix D of the Report and Order (FCC 08–256), is set forth in section VI of the SUPPLEMENTARY INFORMATION of this document.]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Parts 229 and 232**

[Docket No. FRA–2006–26175, Notice No. 5]

RIN 2130–AB84

**Electronically Controlled Pneumatic Brake Systems**

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** On October 16, 2008, the final rule in this proceeding providing regulatory relief for implementation and use of electronically controlled pneumatic brake systems was published with an effective date of December 15, 2008. See 73 FR 61512. See 73 FR 61512. To comply with the Congressional Review Act, the effective date of the final rule is being delayed to January 12, 2009.

**DATES:** The effective date of the final rule published on October 16, 2008, is delayed to January 12, 2009.

**FOR FURTHER INFORMATION CONTACT:** James Wilson, Office of Safety Assurance and Compliance, Motive Power and Equipment Division, RRS–14, Mail Stop 25, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone 202–493–6259); or Jason Schlosberg, Trial Attorney, Office of

Chief Counsel, Mail Stop 10, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone 202–493–6032).

**SUPPLEMENTARY INFORMATION:** The final rule in this proceeding, published on October 16, 2008, indicated that it would be effective on December 15, 2008. See 73 FR 61512. Pursuant to the Congressional Review Act, codified at 5 U.S.C. 802, each major rule shall take effect 60 days after the final rule is either published in the **Federal Register** or is received by Congress, whichever is later. The final rule in this proceeding was received by Congress on November 13, 2008. Accordingly, the final rule’s effective date will be January 12, 2009.

Issued in Washington, DC, on December 2, 2008.

**Clifford C. Eby,**

*Acting Federal Railroad Administrator.*

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