

In accordance with 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical, as immediate action is needed to minimize potential danger to the public. The permit request to hold this event was only recently received by the Coast Guard, leaving insufficient time for a full comment period and delayed effective date.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of executive order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The regulated area encompasses less than 3 nautical miles on the Savannah River, entry into which is prohibited for only twelve hours on each day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), The Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant effect upon a substantial number of small entities, because these regulations will only be in effect for two days in a limited area of the Savannah River that is seldom used for commerce.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism

This action has analyzed in accordance with the principals and criteria contained in Executive Order

12612 and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action, and has determined pursuant to Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, that it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and is available in the docket for inspection or copying

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35T07-068 is added to read as follows:

§ 100.35T07-068 Head of the South Rowing Regatta; Savannah River, Augusta, GA.

(a) Definitions:

(1) *Regulated area.* A regulated area is established on that portion of the Savannah River at Augusta, GA, between mile markers 200.2 and 197.0. The regulated area encompasses the width of the Savannah River between these two points.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Charleston, SC.

(b) *Special Local Regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Coast Guard Patrol Commander. After termination of the Head of the South Rowing Regatta on November 13-14, 1998, all vessels may resume normal operations.

(c) *Dates.* This section becomes effective at 6:30 a.m. and terminates at 6:30 p.m. EST each day, on November 13 and 14, 1998.

Dated: November 4, 1998.

Norman T. Saunders,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 98-30596 Filed 11-13-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 24

[WT Docket No. 97-82; FCC 98-290]

Extension of the Commission's Initial Non-Delinquency Period for C and F Block Installment Payments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order denies the requests of several licensees seeking a waiver of the October 29, 1998, deadline for late installment payments on their licenses. On July 31, 1998, broadband PCS C and F block licensees were required to resume making installment payments on their licenses. However, in accordance with an earlier ruling, licensees that failed to meet the July 31, 1998, deadline were allowed to submit their payment on or before October 29, 1998, without being considered delinquent, if they paid a 5 percent late payment fee.

EFFECTIVE DATE: October 29, 1998.

FOR FURTHER INFORMATION CONTACT: Julie Buchanan at (202) 418-0660 Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission Order, WT Docket No. 97-82, FCC 98-290, adopted and released on October 29, 1998. The full text of this Order is available for inspection and copying during normal business hours in the FCC Dockets Branch, 445 Twelfth Street, S.W., Washington, D.C. 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036. (202) 857-3800.

Synopsis

1. On July 31, 1998, broadband PCS C and F block licensees were required to resume making installment payments on their licenses. However, in accordance with the *Order on Reconsideration of the Second Report and Order*, 63 FR 17111 (April 8, 1998) ("Reconsideration Order"), licensees that failed to meet the July 31, 1998,

deadline may submit their payment on or before October 29, 1998, without being considered delinquent, if they pay a 5 percent late payment fee. Several licensees have filed requests seeking a waiver of the October 29, 1998, deadline for late payments. For the reasons stated below, the Commission denies these requests.

2. A licensee asked the Commission to suspend its installment payment for 12 months. It claimed that, without a waiver of the Commission's rules, its inability to fulfill both its obligation to the Commission and its obligation to its principal creditor would threaten the provision of service to its customers and the expansion of its system. Another licensee argued that, due to the collapse of financial markets after the issuance of the *Reconsideration Order*, the Commission should extend the non-delinquency period another 180 days. In addition, another petitioner sought an extension until January 31, 1999, for the resumption of its installment and accrued interest payment obligations. It asserts that it needs more time to finalize negotiations for capital placement in light of recently discovered problems with its original capitalization plan. Another petitioner requested relief through December 31, 1998, in order to allow it time to receive anticipated funding. Funding delays also caused another licensee to seek an extension until December 13, 1998, or whatever time period the Commission provides to other C block licensees that also are seeking waivers. Finally, another licensee asked for a two-week grace period to accommodate last-minute delays with a needed stock subscription.

3. The Commission declines to waive the October 29, 1998, late payment deadline in response to the individual situations presented. In order for a waiver of the PCS rules to be granted, one of two tests must be met. Pursuant to § 24.819 of the Commission's Rules, the entity requesting a waiver must demonstrate either that: (1) "the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and that grant of the waiver is otherwise in the public interest" or (2) "the unique facts and circumstances of a particular case render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest."

4. Although the specific concerns raised by each petitioner vary, all revolve around the same theme—the inability to raise capital. The challenge of raising capital to finance C and F block licenses exists in varying degrees

for all licensees and does not constitute "unique facts and circumstances." In formulating, as well as reconsidering, the restructuring options, the Commission addressed the challenges of raising capital. Further, the Commission does not believe that the underlying purpose of its rules would be frustrated by their application here or that it would serve the public interest to delay their enforcement. As the Commission stated in the *Reconsideration Order*, "[n]o matter what deadline we establish, it is inevitable that some licensees will seek more time to pay."

5. Although the Commission is sympathetic to the difficulties certain licensees are facing in securing capital, the Commission made it clear that it "will not entertain any requests for an extension" beyond the 60-day non-delinquency period that originally was established for initial payments not submitted by the payment resumption date for C and F block licensees. Further, the Commission ratified a firm deadline for late payments in the *Reconsideration Order*. Despite the fact that its rules, as amended effective March 16, 1996, allow an automatic grace period for installment payments not made within a non-delinquency period, the Commission determined that such a grace period is not appropriate for the initial July 31 payment. First, licensees have already enjoyed a payment suspension since the spring of 1997. Second, in the *Reconsideration Order*, the Commission provided additional relief by extending to 90 days the original 60-day non-delinquency period for initial payments. A further extension of the non-delinquency period would only serve to undermine the Commission's enforcement of its payment deadlines. Therefore, licensees that failed to make payment by July 31, 1998, and fail to make full payment by October 29, 1998, including the 5 percent late payment fee, will be subject to the automatic cancellation of their licenses.

6. Accordingly, it is ordered that, pursuant to Sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and 309(j), the requests filed for a waiver of the October 29, 1998, late payment deadline for C and F block licensees are denied and the waiver request filed seeking an extension until January 31, 1999 for the resumption of installment and accrued interest payment obligations is dismissed as moot.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 24

Personal communications services.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 96-98; FCC 98-224]

Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On September 28, 1998, the Commission released a Memorandum Opinion and Order and Order on Reconsideration in CC Docket 96-98, declaring that an Order issued by the Pennsylvania Commission on July 15, 1997, unlawfully exceeded state jurisdiction over telecommunications numbering administration, unlawfully discriminated against Petitioners, and constituted an unlawful barrier to entry. It also required the Pennsylvania Commission to provide area code relief in the 215, 610, and 717 area codes. The Commission also reconsidered a portion of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, where authority was delegated to state commissions to implement area code relief. The Commission delegated additional authority to state commissions to order NXX code rationing, under certain conditions, so that state commissions may have more flexibility to assure that the area codes they have will last until implementation of relief.

EFFECTIVE DATE: December 16, 1998.

FOR FURTHER INFORMATION CONTACT: Gregory Cooke or Jared Carlson, Network Services Division, Common Carrier Bureau, (202) 418-2320.