applied in the following order: late charges, interest charges, principal payments. As part of our spectrum management responsibilities, we wish to ensure that spectrum is put to use as soon as possible. We also believe that licensees should be working to obtain the funds necessary to meet their payment obligations before they are due and, accordingly, that the non-delinquency and grace periods we adopt should be used only in extraordinary circumstances. Thus, as we emphasized in the Notice, a licensee who fails to make payment within 180 days sufficient to pay the late fees, interest, and principal, will be deemed to have failed to make full payment on its obligation and will be subject to license cancellation pursuant to § 1.2104(g)(2) of the Commission's rules.

3. On page 2330, in the third column, the last sentence of paragraph 88 is corrected to conform to § 1.2110(f)(4)(iv) to read as follows:

Accordingly, upon default on an installment payment, a license will automatically cancel without further action by the Commission and the Commission will initiate debt collection procedures against the licensee and accountable affiliates.

4. On page 2343, in the first column, § 1.2107(c) of the Commission's rules is corrected by adding a cross reference to § 1.2112 of the Commission's rules to read as follows:

**§ 1.2107 Submission of down payment and filing of long-form applications.**

* * * * *

(c) A high bidder that meets its down payment obligations in a timely manner must, within ten (10) business days after being notified that it is a high bidder, submit an additional application (the ''long-form application'') pursuant to the rules governing the service in which the applicant is the high bidder. Notwithstanding any other provision in title 47 of the Code of Federal Regulations to the contrary, high bidders need not submit an additional application filing fee with their long-form applications. Specific procedures for filing applications will be set out by Public Notice. Ownership disclosure requirements are set forth in § 1.2112. Beginning January 1, 1999, all long-form applications must be filed electronically. An applicant that fails to submit the required long-form application under this paragraph and fails to establish good cause for any late-filed submission, shall be deemed to have defaulted and will be subject to the payments set forth in § 1.2104.

5. On page 2345, in the third column, § 1.2110(f)(2) of the Commissions rules is corrected by adding additional language to conform to the text of the *Third Report and Order* to read as follows:

**§ 1.2110 Designated entities.**

* * * * *

(f)

* * * * *

(2) Within ten (10) days of the conditional grant of the license application of a winning bidder eligible for installment payments, the licensee shall pay another ten (10) percent of the high bid, thereby commencing the eligible licensee's installment payment plan. If a winning bidder eligible for installment payments fails to submit this additional ten (10) percent of its high bid by the applicable deadline as specified by the Commission, it will be allowed to make payment within ten (10) business days after the payment deadline, provided that it also pays a late fee equal to five percent of the amount due. When a winning bidder eligible for installment payments fails to submit this additional ten (10) percent of its winning bid, plus the late fee, by the late payment deadline, it is considered to be in default on its license(s) and subject to the applicable default payments. Licenses will be awarded upon the full and timely payment of second down payments and any applicable late fees.

* * * * *

6. On Page 2349, in the second column, paragraph (c) of § 24.712 is correctly designated as paragraph (b) and instruction paragraph 22 is corrected to read as follows:

22. Section 24.712 is amended by revising paragraph (b) to read as follows:

7. On page 2349, in the third column, instruction paragraph 32 is corrected to read as follows:

32. Section 95.816 is amended by redesignating paragraph (e)(2) as paragraph (d)(5) and by revising paragraphs (c)(6) and (e) to read as follows:

Federal Communications Commission.

**Shirley S. Suggs,**

*Chief, Publications Branch.*

[FR Doc. 98–6653 Filed 3–13–98; 8:45 am]

BILLING CODE 6712–01–P

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## DEPARTMENT OF TRANSPORTATION

## Research and Special Programs Administration

## 49 CFR Parts 191, 192, and 195

**[Docket No. RSPA 97–2096; Amdt. 191–12; 192–81; 195–59]**

**RIN 2137–AC99**

## Pipeline Safety: Regulations Implementing Memorandum of Understanding With the Department of the Interior

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Confirmation of effective date of direct final rule.

**SUMMARY:** This document confirms the effective date of the direct final rule that excluded from DOT safety regulations producer-operated gas and hazardous liquid pipelines located on the Outer Continental Shelf (OCS) upstream from where operating responsibility transfers to a transporting operator. Also, in response to comments from interested persons, RSPA has clarified the applicability of the direct final rule.

**DATES:** The effective date of the direct final rule published November 19, 1997, at 62 FR 61692 is confirmed to be March 19, 1998.

**FOR FURTHER INFORMATION CONTACT:** L.E. Herrick at (202) 366–5523, or at leherrick@rspa.dot.gov.

**SUPPLEMENTARY INFORMATION:** With the signing on December 10, 1996, of a memorandum of understanding (MOU), the Department of the Interior (DOI) and DOT agreed to a new division of their respective safety regulatory responsibilities over offshore pipelines on the OCS (62 FR 7037; February 14, 1997). Under the MOU, DOT will establish and enforce design, construction, operation, and maintenance regulations and investigate certain accidents for all pipelines located downstream of the point at which operating responsibility for the pipelines transfers from a producing operator to a transporting operator. DOI will regulate those producer-operated OCS pipelines located upstream of this point. The MOU also provides that individual operators of production and transportation facilities may define the boundaries of their respective facilities.

RSPA published a direct final rule amending the DOT pipeline safety regulations in 49 CFR parts 191, 192, and 195 consistent with the MOU (62 FR 61692; November 19, 1997). The direct final rule excluded from these DOT regulations OCS pipelines upstream from the point where operating responsibility transfers from a producing operator to a transporting operator. Also, operators were required to durably mark the specific points at which operating responsibility transfers or, if it is not practicable to durably mark a transfer point, to depict the transfer point on a schematic maintained near the transfer point.

The procedures governing issuance of direct final rules are in 49 CFR 190.339. These procedures provide for public notice and opportunity for comment subsequent to publication of a direct final rule. They also provide that unless an adverse comment or notice of intent to file an adverse comment is received within a specified comment period, the Administrator will issue a confirmation document advising the public that the direct final rule will either become effective on the date stated in the direct final rule or at least 30 days after the publication date of the confirmation. If an adverse comment or notice of intent

to file an adverse comment is received, RSPA will issue a timely notice in the **Federal Register** to confirm that fact and withdraw the direct final rule in whole or in part. According to the procedures, an adverse comment is one that explains why the rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. Comments that are frivolous or insubstantial are not adverse. A comment recommending a rule change in addition to the rule is not an adverse comment, unless the commenter states why the rule would be ineffective without the additional change.

As discussed below, we received six comments on the direct final rule. We do not consider any of the comments to be adverse comments under the direct final rule procedures. Consequently, we are publishing this document to confirm the effective date announced in the direct final rule.

The Chevron Pipe Line Company and the American Petroleum Institute commended the action. However, the other four commenters, though supportive of the direct final rule in concept, expressed concerns about application of the new rules.

The Southern Natural Gas Company and its affiliate, Sea Robin Pipeline Company (hereafter collectively ''SONAT''), noted that new rules intended to exclude certain producer-operated OCS pipelines from DOT regulations would conflict with existing rules that already exclude certain offshore pipelines. Because the direct final rule did not alter these existing rules, SONAT recommended changes to them to remove the conflict. For example, SONAT suggested we revise 49 CFR 192.1(b)(1), which excludes from DOT regulations offshore gas pipelines located upstream from certain production facilities, to apply only shoreward of the OCS.

In its comments, SONAT did not describe the conflict it perceived, and we believe that none exists. The new OCS exclusionary rules are fully compatible with the existing offshore exclusionary rules. Each exclusion applies independently. So, if a producer-operated OCS pipeline is excluded from DOT regulation by a new OCS exclusionary rule, that exclusion is not negated if the pipeline is not also excluded by an existing offshore exclusionary rule. Further, the existing offshore exclusionary rules are needed to maintain the jurisdictional limits of DOT regulations over those producer-operated offshore pipelines not covered by the MOU and the direct final rule.

In addition, SONAT suggested we revise the new OCS exclusionary rules, each of which was inserted in a list of other exclusions, to be ''grammatically harmonious'' with the list. SONAT recommended word changes to make the new entries responsive to the introductory clause of the list. Although we appreciate the need for these suggested changes, they are editorial in nature and not essential to make the direct final rule effective or substantively valid. We will make the necessary editorial changes in a future rulemaking action.

Finally, SONAT pointed out that the new rules on identifying transfer points did not provide a compliance deadline for installing durable markers. The preamble of the direct final rule mentioned that operators would have 60 days after the rules become final to durably mark transfer points. SONAT suggested we revise the rules so the deadline for marking transfer points not identifiable by durable marking—September 15, 1998—applies to marking all identified transfer points. This single deadline, SONAT said, would eliminate confusion, simplify the rules, and provide enough time for consultation and proper marking. We agree that the rules text is somewhat at variance with the preamble, but not in a way that increases the burden on operators. In the absence of a specific deadline for installing durable markers, we construe the new rules on identifying transfer points to require that all identified points be marked, either durably or schematically, by September 15, 1998.

The Offshore Operators Committee, representing 87 companies, and the Chevron U.S.A. Production Company commented on a situation not covered by the MOU or the direct final rule: namely, producer-operated pipelines that run from the OCS to state territory with no transfer of operating responsibility. There is no question the state portion of these producer-operated pipelines comes under DOT regulations. But these commenters thought the direct final rule was unclear whether DOT or DOI regulations cover the OCS portion. The commenters asked that we revise the direct final rule to clarify that DOT regulations cover the OCS portion of the producer-operated pipelines so that DOT regulations apply to the entire pipeline.

The direct final rule applies only to OCS pipelines on which there is a transfer of operating responsibility from a producing operator to a transporting operator. So producer-operated OCS pipelines regulated by DOT on which there is no transfer of operating responsibility will remain under DOT regulations and may also be subject to DOI regulations. But DOI has indicated it is modifying its MOU implementation rule to address the potential dual regulation of pipelines extending downstream (shoreward) of production facilities on the OCS. Also, the commitment of DOT and DOI to develop more compatible regulations should serve to mitigate regulatory problems that arise when OCS pipelines cross the jurisdictional boundary between the two agencies. Therefore, although the commenters' suggestions are beyond the scope of the direct final rule and are not necessary to make the rule effectual, in view of the cooperative efforts of the two agencies, we believe the difficulties the commenters foresaw will be minimal.

Only the Administrator of RSPA has been delegated authority to issue final rules on pipeline safety. The direct final rule on OCS pipelines was issued by the Associate Administrator for Pipeline Safety. My signature below affirms that I subscribe to that action and to the direct final rule.

Issued in Washington, D.C. on March 10, 1998.

**Kelley S. Coyner,**

*Acting Administrator.*

[FR Doc. 98–6629 Filed 3–13–98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

**[Docket No. NHTSA–98–3387]**

**RIN 2127–AF96**

## Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule; petitions for reconsideration.

**SUMMARY:** This document responds to petitions for reconsideration of final rules that amended Standard No. 105, *Hydraulic Brake Systems*, to require medium and heavy vehicles to be equipped with an antilock brake system (ABS). In response to the petitions, this document permits hydraulically-braked vehicles with a gross vehicle weight rating (GVWR) greater than 10,000 pounds but less than 19,501 pounds to be equipped with a single wheel speed sensor in the driveline to control wheel