

reviewing and recommending a disposition of the DCO.

Conclusion.—The order issued by the Indiana Air Pollution Control Board to Bethlehem therefore conflicts with the applicable SIP and must be disapproved as a DCO pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2).

The propriety or legality of EPA's 1975 review of APC-3 is not at issue in this proceeding. EPA's actions in approving or disapproving SIPs can be challenged directly in the proper Court of Appeals under Section 307(d) of the Clean Air Act. No such challenge was brought to EPA's actions on the SIP provisions involved here. The SIP approved by EPA is the SIP with which the DCO must assure compliance. Proceedings to review DCO action should not—and in

EPA's view, legally cannot—serve as a vehicle for collateral attacks on the status of underlying SIP requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days. Under Section 307(b)(2) of the Clean Air Act, the action which is the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce the SIP.

(42 U.S.C. 7413(d), 7601)

Anne M. Gorsuch,

Administrator.

September 24, 1982.

List of Subjects in 40 CFR Part 65

Air pollution control.

PART 65—DELAYED COMPLIANCE ORDERS

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

1. By adding an entry to the table in § 65.192, to read as follows:

§ 65.192 EPA disapproval of State delayed compliance Orders.

The State Order identified below has been disapproved by the Administrator in accordance with Section 113(d)(2) of the Act and with this part. With regard to this Order, the Administrator has determined that it does not satisfy the applicable requirements of Section 113(d) of the Act.

Source	Location	Number	SIP Regulation(s) involved	Date of FEDERAL REGISTER proposal	Final Comp. Date
Bethlehem Steel Corp.....	Burns Harbor, Indiana.....	None.....	APC-3, APC-5.....	Apr. 14, 1981.....	July 1, 1979

[FR Doc. 82-27112 Filed 9-30-82; 8:45 am]

BILLING CODE 6580-50-M

40 CFR Part 228

[OW-FRL 2207-2]

Ocean Dumping; Final Cancellation of Site Designations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today cancels the designation of four ocean dumping sites which are currently designated on an interim basis. This action is being taken because there is no projected future need for these sites. These sites will be removed from the list of "Approved Interim and Final Ocean Dumping Sites."

DATE: This cancellation shall become effective on November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, D.C. 20460, 202/755-0356.

SUPPLEMENTARY INFORMATION: EPA published revised Ocean Dumping Regulations and Criteria in the *Federal Register* on January 11, 1977 (42 FR 2462 et seq.). Section 2281.2 contains a list of "Approved Interim and Final Ocean Dumping Sites." This list was amended on December 9, 1980 (45 FR 81042 et seq.) to extend the interim designation

of some ocean dumping sites and cancel the designation of six industrial sites and one dredged material site. At that time EPA stated its intention to identify additional ocean dumping sites for which there is no projected future need.

Four such sites were identified, and EPA proposed cancellation of the designation of these sites on April 23, 1982 (47 FR 17580). The public comment period expired on June 22, 1982. No comments were received.

The sites with their identifying coordinates are listed below.

1. Withlacoochee River, FL—28d 59' 54"N., 82d 47' 14"W.; 29d 00' 28"N., 82d 46' 06"W.; 29d 00' 14"N., 82d 45' 58"W.; 28d 59' 40"N., 82d 47' 06"W.

2. Horseshoe Cove, FL—29d 25' 23"N., 83d 17' 53"W.; 29d 25' 18"N., 83d 17' 43"W.; 29d 25' 09"N., 83d 17' 49"W.; 29d 25' 14"N., 83d 17' 59"W.

3. Crescent City, CA, 100 fathom site—41d 43' 50"N., 124d 28' 00"W (center coordinates).

4. American Samoa, Pago Pago Harbor—14d 23' 00"S., 170d 39' 30"W (center coordinates).

The cancellation of these four sites as EPA Interim Approved Ocean Dumping Sites is being published as final rulemaking.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which

may have a significant impact on a substantial number of small entities. Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis.

EPA has determined that this final rule will not have a significant impact on small entities. No small entities are using or, as far as EPA is aware, are planning to use these sites in the near future. Furthermore, the cancellation of these site designations will have no effect on the economy or cause any of the other effects which would result in its being classified as a "major" action. Consequently, this final rule does not necessitate the preparation of a Regulatory Flexibility Analysis or Regulatory Impact Analysis.

This final rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in Room 2709, Waterside Mall, 401 M Street Southwest, Washington, D.C.

List of Subjects in 40 CFR Part 228

Water pollution control.

(33 U.S.C. 1412 and 1418)

Dated: September 24, 1982.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

§ 228.12 [Amended]

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by removing from § 228.12(a) four ocean dumping sites as follows:

1. Withlacoochee River, FL—28d 59' 54" N., 82d 47' 14" W.; 29d 00' 28" N., 82d 46' 06" W.; 29d 00' 14" N., 82d 45' 58" W.; 28d 59' 40" N., 82d 47' 06" W.

2. Horseshoe Cove, FL—29d 25' 23" N., 83d 17' 53" W.; 29d 25' 18" N., 83d 17' 43" W.; 29d 25' 09" N., 83d 17' 49" W.; 29d 25' 14" N., 83d 17' 59" W.

3. Crescent City, CA, 100 fathom site—41d 43' 50" N., 124d 28' 00" W. (center coordinates).

4. American Samoa, Pago Pago Harbor—14d 23' 00" S., 170d 39' 30" W. (center coordinates).

[FR Doc. 82-27141 Filed 9-30-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct; Corrections and Amendment

Correction

In FR Doc. 82-26407, appearing at page 42359 in the issue of Monday, September 27, 1982, the following changes should be made:

1. On page 42359, in the last line of column two, the section number now reading "20.735.36" should read "20.735-36".

2. On page 42359, in column three, between the fifth paragraph and the heading "List of Subjects in 43 CFR Part 20," insert the following:

Authority: 5 U.S.C. 301; 5 CFR 735.104; 5 CFR 734.103; E.O. 11222, 30 FR 6469, 3 CFR 1964-65 (Comp.) as amended (18 U.S.C. 201 note).

3. On page 42361, the citation in the fifth line of the first column should read, "(43 U.S.C. 31(a))".

4. On page 42362, the authority cite appearing above the heading "Privacy Act Notice" in column three should be removed.

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 312

[Docket No. FEMA-P-312]

Use of Civil Defense Personnel, Materials and Facilities for Natural Disaster Purposes

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule authorizes the use for natural disaster purposes of civil defense personnel, materials, and facilities supported with contributions under the Federal Civil Defense Act of 1950, as amended, and provides terms and conditions for such use. This regulation is necessary to implement section 803 of the Department of Defense Authorization Act of 1982.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT:

John E. Bokel, Federal Emergency Management Agency, Washington, D.C., 20472, (202) 287-3843.

SUPPLEMENTARY INFORMATION: On March 16, 1982, FEMA published for comment in the *Federal Register* (Vol. 47, No. 51 pages 11297-8) a proposed rule on Section 207, an amendment to the Federal Civil Defense Act of 1950, as amended. That Section clarified the "dual-use" policy regarding the use of resources funded under the Federal Civil Defense Act for preparedness to cope with natural disasters. The amendment makes explicit authority for States and their political subdivisions to use funds and resources in preparation for and response to both attack-related and natural disaster-related events. However, use of attack-related preparedness resources for natural disaster response purposes is allowed only if such use is consistent with, contributes to, and does not detract from attack-related preparedness. The Act directed the issuance of regulations to implement this policy.

As Federal funding to which these regulations will be applicable is less than \$100,000,000 annually, the regulation is not considered to be a major regulation requiring a regulatory analysis under Executive Order 12291. The regulation also is applicable to States to whom the funding is made available, and thus is not subject to the requirements of the Regulatory Flexibility Act which is concerned with small entities. No regulatory flexibility analysis will be prepared.

The amendment and these regulations reflect the interchangeable nature of

many aspects of emergency management. Personnel, materials, and facilities designated for one purpose are able to be used with equal effectiveness in other situations. The regulation allows for the fact that there is a primary and secondary use of certain resources provided under the Act and that they may be so used with the important proviso of the statute. Such usage also contributes to the mission of FEMA by encouraging the development of comprehensive emergency management, by assisting in achieving greater coordination of disaster preparation and response programs, and by providing technical assistance for organizing and preparing to meet the effects of disasters.

The regulation provides for a mechanism and process through which the dual-use policy can be managed. The Director, FEMA, will provide information on Agency mission, goals and program emphasis, and political subdivisions. Financial contributions to States and their political subdivisions will be made based on approval by the Regional Director, FEMA, of specific activities described in their individual applications. Activities and projects in preparation for and response to attack-related disasters must be identified, and progress must be shown and reported.

Comments were received from 27 individuals or organizations, primarily State emergency offices. A few supported the rule without any further comment. Several commenters suggested changes to the Definitions Section (§ 312.2). Suggestions included adding terms such as mitigation, terrorism and subversion, hazardous substance, and radiological; others suggested a modification of the definition of natural disaster. At least one comment suggested that there would be some confusion caused by the redefinition of civil defense as inclusive of both attack-related and natural disaster-related events. The confusion results from the normal connotation of civil defense as being limited to attack-related activities, a meaning that will linger in usage despite the redefinition of the Act and that will require much clarification in both oral and written communication. The commenter suggested that the term "emergency management" is the broadest and most useful definition, with attack-related and natural disaster-related activities, among others, retaining their separate and traditional meanings. In all cases, and because the rule uses the language of the statute itself, no changes were in order.

One comment raised the question of prior approval for the usage or commitment of resources for natural disaster-related activities in light of the provision that such usage be consistent with, contribute to, and not detract from attack-related civil defense preparedness. Section 312.4 sets out the basic process through which approval is given. That is, States and their political subdivisions apply for financial assistance and describe their programs and activities which are reviewed and approved on their compatibility with FEMA's Annual Program Emphasis and guidance. The most significant criterion in the approval is the inclusion of substantive activities and projects in preparation for and response to attack-related disasters. The process allows for a general permission prior to making contributions to States and their political subdivisions, and does not require permission in individual usage instances.

Another comment, citing § 312.4, stated concern that FEMA may levy requirements that might be difficult to meet, particularly for small political subdivisions of States. The comment addressed certain program areas in attack-related civil defense which can be primarily regarded as national priorities, such as the Nuclear Civil Protection program, which in the judgment of the commenter requires full support from the Federal Government. The statement of Agency mission and goals is not designed to preclude even the smallest political subdivision from participating in FEMA's emergency management programming, though there are practical limits to the resources at hand. The purpose of mission and goals statements is to identify and describe the key elements of FEMA's responsibility. The application of the mission and goals to States and their political subdivisions is largely determined by their respective needs and resources. The approval and monitoring process set out in 312.4 envisions program design and development originating at the State and local level based on FEMA guidance, and the needs of each political subdivision.

One comment suggested amending § 312.4(c) to allow for the occurrence of unavoidable circumstances and the good faith effort of the applicant. That change has been incorporated.

Another comment suggested that the term response operations in § 312.5(c) was too broad, and that the term emergency should be added. That change has been incorporated.

The majority of the respondents with comments addressed subsection

§ 312.5(c). The comments noted such things as the following: the overall restrictiveness of this subsection; the entire matter of prior authorization of the Regional Director, and that none be required at least for the first time span; the length of time of the first time span and that it be increased; the maximum overall amount of time of an emergency assignment, and that this should be left to the discretion of the respective State officials. The comments indicated strong disagreement with the proposed approach in that it limited the flexibility needed for the management of resources in emergencies and for the achievement of other emergency management goals in a State. Several comments offered specific amendments to the proposed language and they have been incorporated in the final version of § 312.5.

Another comment suggested adding a subsection to § 312.6 specifying other equipment loaned to States. That suggestion has been incorporated as § 312.6(e).

FEMA has determined that an environmental impact statement is not needed for this final rule. A copy of the finding of no significant impact is available for inspection at the above address.

List of Subjects in 44 CFR Part 312

Civil defense, Grant program, National defense.

Accordingly, Title 44, the Code of Federal Regulations, is amended by adding a new Part 312 to Subchapter E, Chapter 1, as follows:

PART 312—USE OF CIVIL DEFENSE PERSONNEL, MATERIALS, AND FACILITIES FOR NATURAL DISASTER PURPOSES

Sec.

312.1 Purpose.

312.2 Definitions.

312.3 Policy.

312.4 General.

312.5 Personnel.

312.6 Materials and Facilities.

Authority.—Sec. 803(a)(3) Pub. L. 97-86; Sec. 401, Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. 2253; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp. p. 329; and Executive Order 12148 of July 20, 1979, 44 FR 43239.

§ 312.1 Purpose.

The purpose of the regulations in this part is to prescribe the terms and conditions under which civil defense personnel, materials, and facilities, supported in whole or in part through contributions under the Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. 2251, *et seq.*, hereinafter

referred to as "the Act", may be used for natural disasters, to the extent that such usage is consistent with, contributes to, and does not detract from attack-related civil defense preparedness.

§ 312.2 Definitions.

Except as otherwise stated, when used in the regulations in this part, the meaning of the listed terms are as follows:

(a) The term "attack" means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by use of bombs, shellfire, or atomic-radiological, chemical, bacteriological, or biological means or other weapons or processes;

(b) The term "natural disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons and, for the purposes of the Act, any explosion, civil disturbance, or any other manmade catastrophe shall be deemed to be a natural disaster;

(c) The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused, or which would be caused, by an attack upon the United States, or by natural disaster, (2) to deal with the immediate emergency conditions which would be created by any such attack, or natural disaster, and (3) to effectuate emergency repairs to, or the emergency restoration of vital utilities and facilities destroyed or damaged by any such attack or natural disaster. Such term shall include, but shall not be limited to, (i) measures to be taken in preparation for anticipated attack or natural disaster (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelter areas, and control centers; and, when appropriate, the non-military evacuation of civil population); (ii) measures to be taken during attack or natural disaster (including the enforcement of passive defense regulations prescribed by duly

established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (iii) measures to be taken following attack or natural disaster (including activities for firefighting; rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities);

(d) The word "materials" shall include raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for civil defense;

(e) The word "facilities", except as otherwise provided herein, shall include buildings, shelters, utilities, and land;

(f) The term "United States" or "States" shall include the several States, the District of Columbia, the Territories, and the possessions of the United States;

(g) The term "political subdivisions" shall include local governments, including but not limited to cities, towns, incorporated communities, counties, parishes, and townships; and

(h) The term "CPG 1-3" refers to FEMA's "Federal Assistance Handbook" promulgated as Civil Preparedness Guide (CPG) 1-3, as amended, by numbered changes thereto and by Civil Preparedness Circulars (CPC) as provided in 44 CFR 310.20. CPG 1-3 sets forth detailed guidance on procedures which a State and, where applicable, its political subdivisions must follow in order to request financial assistance from FEMA. It also sets forth detailed requirements, terms, and conditions upon which financial assistance is granted.

§ 312.3 Policy.

(a) It is the policy of FEMA to provide a means of assistance to States and their political subdivisions in their carrying out responsibilities to alleviate the suffering and damage from attack-related or natural disasters by:

(1) Providing contributions for personnel, equipment, materials and facilities that may be used in preparing for or responding to disasters, provided that the use of such funds for natural disasters is consistent with, contributes to, and does not detract from attack-related civil defense preparedness.

(2) Encouraging the development of comprehensive disaster preparedness and assistance plans, programs,

capabilities, and organizations by the State and its political subdivisions.

(3) Assisting in achieving greater coordination of disaster preparation and response programs.

(4) Providing technical advice and guidance to States and their political subdivisions for organizing and preparing to meet the effects of disasters.

(b) These regulations are not to be interpreted as authorizing States and their political subdivisions to request or receive additional assistance relating to particular disaster incidents.

§ 312.4 General.

(a) The Director, FEMA, will provide statements to States and their political subdivisions concerning Agency mission and goals, Annual Program Emphasis, and other directions, instructions, and technical guidance which together specify preparedness and response activities for both attack-related and natural disasters.

(b) States and their political subdivisions may apply to FEMA for financial assistance under the Act in a manner prescribed by Federal Regulations governing grants and cooperative agreements. Such applications must be compatible with FEMA's goals and requirements described in paragraph (a) of this section.

(c) Financial contributions to States and their political subdivisions are made by FEMA based on approval of the activities and projects described in the Annual Program Paper, and/or Comprehensive Cooperative Agreement, and which are in conformance with provisions of CPG 1-3, and applicable FEMA regulations set forth in Chapter 1 of this Title 44, Chapter 1, Subchapter E, of the Code of Federal Regulations. Financial contributions will not be made unless substantive activities and projects in preparation for and response to attack-related disasters are identified, and progress is indicated in the submissions, and recorded in program reporting systems. The presence of unavoidable circumstances, and the good faith effort of the applicant, will be considered if certain objectives are not met.

(d) State and local officials may use personnel, equipment, and facilities for natural disasters outside the physical boundaries of the jurisdiction and under the conditions stated within this regulation.

(e) Specific criteria relating to the preparedness and response activities are given in Sections 5 and 6 of this part.

§ 312.5 Personnel.

FEMA contributes to the development and support of emergency management organizations in the States and their political subdivisions, and to the development, operation, and maintenance of specific programs, through payment of salaries and benefits of State and local civil defense staff, and the payment of administrative expenses and travel, not to exceed 50 percent. FEMA also provides contributions for training and education expenses. The following use of such personnel for natural disaster purposes is allowable provided that such usage is consistent with, contributes to, and does not detract from attack-related civil defense preparedness:

(a) In developing, maintaining, testing and exercising plans, systems, and procedures for the protection of people and property from the effects of attack-related disasters, States and their political subdivisions may include and provide for natural disasters.

(b) Personnel supported in part through contributions under the Act may be assigned responsibilities for preparation for and response to natural disasters in any specific emergency occurring in a State or its political subdivisions as determined by the responsible State or local officials, respectively.

(c) Personnel supported in whole under the Act, may be assigned to emergency response operations for 15 days at the discretion of State officials; approval of the FEMA Regional Director is required for the use of these personnel in excess of 15 days. An assignment to emergency response operations does not preclude the accomplishment of program work and objectives. Failure to accomplish such work may subject the State to the withholding of funds contributed under the Act, or to collection of funds already obligated, not to exceed the estimated cost of the work not performed, as determined by the Regional Director.

(d) In the event of an emergency or major disaster declared under the Disaster Relief Act of 1974, as amended, personnel will not be provided overtime compensation and expenses under the Act.

§ 312.6 Materials and facilities.

FEMA also contributes to the development and support of emergency management in the States and their political subdivisions, and to the development, operation, and maintenance of specific programs, through providing certain materials and facilities. The following may be used for

natural disaster purposes provided that such usage is consistent with, contributes to, and does not detract from attack-related civil defense preparedness:

(a) Materials provided and maintained through contributions under the Act.

(b) Technical information, guidance through which technical assistance is provided, and training courses, may contain examples, illustrations, discussion, suggested applications and uses of material.

(c) Equipment loaned under provisions of the Contributions Project Loan Program.

(d) Facilities, such as Emergency Operating Centers, provided and maintained through contributions under the Act.

(e) Equipment loaned or granted to the States for civil defense purposes (e.g., radiological instruments, shelter supplies).

Dated: September 23, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-27103 Filed 9-30-82; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Parts 205, 206, 232, 233, 234, 235, 238, and 239

Aid to Families With Dependent Children

Correction

In FR Doc. 82-3018 appearing on page 5648 in the issue of Friday, February 5, 1982, make the following changes:

1. On page 5658, first column, last line, "§ 233.30 (a)(3)(ii)(E)" should read "§ 233.20 (a)(3)(ii)(E)".

2. On page 5661, first column, fifth line from the top, "possible" should read "possibile"; second column, seventh line from the bottom, "detrermination" should read "determination"; and in the sixth line from the bottom, "exception" should read "exception".

3. On page 5663, second column, third full paragraph, last line, "§ 233.20 (a)(6)(v)(B)" should read "§ 233.20 (a)(6)(v)(b)".

4. On page 5664, first column, twelfth line from the bottom, insert "FR" after "44"; second column, second full paragraph, sixth line, "income" should read "income"; third column, seventeenth line from the top,

"prospective" should read "prospective".

5. On page 5665, third column, first full paragraph, second line, insert "not" after "is".

6. On page 5673, third column, the amendatory language for § 205.80 should read as follows: "2. A new § 205.80 is added to read as follows:".

7. On page 5674, first column, § 206.10, insert "* * * *" above subparagraph (4); third column, amendment numbered 8, ninth line, "paragraph" should read "paragraphs".

8. On page 5675, first column, § 233.20 (a)(3)(ii)(D), second line, "(a)(3)(xii)" should read "(a)(3)(xiii)", second column, § 233.20 (a)(3)(ii)(E), sixth line from the top, insert a period after "goods".

9. On page 5677, third column, § 233.20(a)(13)(i), fourth line from the bottom, remove the comma after "income" and in the last line, insert "y" after "month".

10. On page 5680, first column, § 233.50(b)(2), second line, "Aporil" should read "April"; in § 233.51(a), eighth line, "application" should read "applicable".

11. On page 5682, second column, § 233.100(c)(1)(iv)(a), fourth line, insert "j" after "section".

12. On page 5686, second column, § 239.80, fifth line, insert a comma after "children".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 82-312]

Commission Organization; Amendment of the Commission's Rules To Reflect a Reorganization of the Common Carrier Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the Commission's Rules to incorporate the reorganization of the Common Carrier Bureau. The reorganization was necessary to: (1) Abolish the Consumer Affairs Division and the Pole Attachments Branch; (2) consolidate all complaints functions within the Enforcement Division; and (3) designate a substructure within the Enforcement Division.

EFFECTIVE DATE: October 6, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: A. O'Donoghue, Office of Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 0

Organization and functions (Government agencies).

Order

In the matter of Amendment of Part 0 of the Commission's Rules to reflect a reorganization of the Common Carrier Bureau.

Adopted: July 9, 1982.

Released: September 22, 1982.

1. The Commission has before it for consideration proposed changes in the organization of the Common Carrier Bureau. Implementation of the proposed changes would require amendments to § 0.92 of the Commission's Rules and Regulations.

2. To promote operating efficiency, the Commission is hereby approving the consolidation of the Consumer Affairs Division and the Pole Attachments Branch, Tariff Division into the Enforcement Division, plus the establishment of a Computer II Staff within the Enforcement Division. All other Common Carrier Bureau divisions will remain the same. The reorganization will consolidate all complaints functions, formal and informal, within the Enforcement Division. The consolidation of the Consumer Affairs Division into the Enforcement Division will centralize the complaints function within the Bureau, enhancing coordination and speed of service. The pole attachments program, while still legislatively mandated, has not evolved into as large a program as originally envisioned. The reduced functions will be transferred to the Enforcement Division. The Enforcement Division is also responsible for implementation of Computer II, which is one of the Bureau's highest priority projects. Since the Computer II project is unique and requires a full time effort, a Computer II Staff is established within the Enforcement Division, Part 0 of the Rules and Regulations is being amended to reflect these changes.

3. The amendments adopted herein pertain to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act are, therefore, inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.