

projects. Additionally, a number of Members of Congress have indicated that they endorse the provision of this relief.

Since this amendment would provide regulatory relief without imposing any new regulatory burden, the Secretary has determined that it is in the public interest to implement his decision as soon as possible, so that projects previously approved as feasible under the Fiscal Year 1981 interest rate can proceed to construction without delay. Providing an opportunity for notice and public procedure on this amendment and delaying its effective date for a period of at least 30 days would delay the implementation of the Secretary's decision for a substantial period of time. The Secretary has determined that such delay would be contrary to the public interest, for the reasons stated above, and that notice and public procedure on this amendment would therefore be impracticable. Accordingly, good cause exists for publishing this amendment as a final rule, without providing a prior comment period, and for making it effective less than 30 days after such publication.

Section 7(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) provides for a delay in the effectiveness of HUD regulations for a period of 30 calendar days of continuous session of Congress after publication, unless waived by the Chairmen and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs. The Secretary has requested such waivers and they have been granted. Accordingly, this amendment shall become effective on the effective date set forth above.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the

National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

This rule was not listed in the Department's Semiannual Agenda of Regulations published pursuant to Executive Order 12291 and the Regulatory Flexibility Act of August 17, 1981 (45 FR 41708).

The Catalog of Federal Domestic Assistance Program title and number is Housing for the Elderly or Handicapped, 14.157.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Accordingly, 24 CFR 885.410(g) is revised to read as follows:

§ 885.410 Amount and terms of financing.

(g) Except for loans made during Fiscal Year 1982, which shall bear an interest rate of nine and one-fourth percent (9¼) per annum, loans shall bear interest at a rate established by the Secretary by adding:

(1) A rate determined by the Secretary of the Treasury to be the average interest rate on all interest-bearing obligations of the United States then forming a part of the public debt computed at the end of the fiscal year immediately prior to the date on which the loan is made; plus (2) an allowance to cover administrative costs and probable losses under the program, which allowance has been determined by the Secretary of HUD to be one-fourth of one percent (.25%) per annum for both the construction and permanent loan periods.

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: February 10, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 82-5803 Filed 3-3-82; 8:45 am]

BILLING CODE 4210-01-M

PANAMA CANAL COMMISSION

35 CFR Part 10

Access to Information Concerning Individuals; Exemption From Access of a System of Records Under the Privacy Act

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: On December 9, 1981, the Panama Canal Commission published in the Federal Register (46 FR 60216) a proposed rule to exempt a system of records called "Ombudsman Investigation Files, PCC/OM-1" from certain provisions of the Privacy Act of 1974. No comments were received in connection with this proposed rule; therefore, the rule is now adopted without change. The rule exempts material contained in this system from disclosure to the subjects of the records, if such disclosure could render the efforts of the Office of Ombudsman ineffective.

EFFECTIVE DATE: March 4, 1982.

ADDRESSES: Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004; or Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT: Assistant to the Secretary, Panama Canal Commission, 425 13th Street NW., Washington, D.C. 20004 (Telephone 202-724-0104).

Dated: February 22, 1982.

D. P. McAuliffe,

Administrator, Panama Canal Commission.

PART 10—ACCESS TO INFORMATION ABOUT INDIVIDUALS

Under the Privacy Act of 1974, 5 U.S.C. 552a, the Panama Canal Commission amends Part 10 of 35 CFR by adding a new paragraph (xxviii) to 35 CFR 10.22(a)(2), as follows:

§ 10.22 Specific exemptions.

(a) * * *

(2) * * *

(xxviii) Ombudsman Investigation Files, PCC/OM-1.

[FR Doc. 82-5871 Filed 3-3-82; 8:45 am]

BILLING CODE 3640-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of the Secretary
45 CFR Part 46
Waiver of Requirements as Applied to Medicaid Demonstration Projects Involving Cost-Sharing (Copayments, Deductibles, Coinsurance)
AGENCY: Office of the Secretary, HHS.

ACTION: Notice of waiver.

SUMMARY: The Department of Health and Human Services hereby gives notice that, pursuant to 45 CFR 46.101(e), the Secretary has decided to waive the requirements set forth in Part 46, relating to protection of human subjects, as they pertain to demonstration projects, approved under section 1115 of the Social Security Act, which test the use of cost-sharing, such as deductibles, copayment and coinsurance, in the Medicaid program (Title XIX of the Social Security Act). The Secretary believes that waiver of Part 46 requirements is appropriate since it will facilitate the timely efficient operation of demonstration projects which are likely to assist in promoting the objectives of the Medicaid program.

DATE: Effective: March 4, 1982.

FOR FURTHER INFORMATION CONTACT: Steven Pelovitz, (301) 597-3195.

SUPPLEMENTARY INFORMATION:

The rapid escalation of Medicaid costs in recent years makes it imperative for the Department and the States to conduct research which would explore ways to provide optimum medical care while controlling costs that would otherwise make the program unaffordable. Provisions of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) which, beginning in Fiscal Year 1982, imposes certain new restrictions on the amount of Federal reimbursement which will be available to States for the Medicaid program, make it critical that this research proceed expeditiously. Cost-sharing demonstration projects are likely to be an important part of this research and, without a waiver of the Part 46 requirements, each otherwise approved project would have to go through the process of review by an Institutional Review Board (IRB) before it could be implemented.

Under Part 46, the primary functions of IRB review are to assure that the human subjects of research are not exposed to risk which is unreasonable in light of the benefit to be gained, and that their appropriate informed consent has been obtained (§ 46.111). However, in the case of research conducted to study Federal or State benefit programs,

such as a copayment or other cost-sharing demonstration projects, where participation of a large number of individuals would make it impractical to proceed if informed consent had to be obtained from each one, the provisions of Part 46 contemplate IRB waiver of the informed consent requirements. Further, in research such as a Medicaid cost-sharing demonstration project, the possibility of any risk arises solely from the modification of benefits or the means of obtaining benefits available through the governmental assistance program. Modifications of this nature are clearly authorized by, and inherent in the concept of demonstration projects conducted under section 1115. Therefore, the Secretary has concluded that the only appropriate standard by which to assess a cost-sharing demonstration project, including its potential effect on Medicaid beneficiaries, is the standard established by section 1115 itself—whether the project is "likely to assist in promoting the objectives" of the Medicaid program. On the basis of that standard, and pursuant to the waiver authority contained in 45 CFR 46.101(e), the Secretary believes that a waiver is appropriate since IRB review would constitute an inappropriate and unnecessary step in the evaluation and approval of section 1115 Medicaid cost-sharing demonstration projects.

Since there are important reasons for expediting the conduct of research on the use of Medicaid cost-sharing, and it is this Department's policy generally to eliminate unnecessary procedures in the administration of its programs, the waiver announced in this notice is effective immediately (March 4, 1982).

Dated: February 25, 1982.

 Richard S. Schweiker,
Secretary.

[FR Doc. 82-5723 Filed 3-3-82; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION
47 CFR Part 1
Completion of the Move From Washington, D.C., to Gettysburg, Pa., by the Private Radio Bureau's Applications Processing Section
AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC modifies its rules to specify that applications for stations authorized by the Private Radio Bureau shall be filed with the Commission's

office in Gettysburg, Pennsylvania, since this is where these applications are now processed.

EFFECTIVE DATE: March 9, 1982.

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

FOR FURTHER INFORMATION CONTACT: Eugene C. Bowler, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: February 19, 1982.

Released: February 23, 1982.

In the matter of amendment of § 1.912 of the Commission's rules and regulations.

1. The Private Radio Bureau has completed moving all of its application processing functions from Washington, D.C. to Gettysburg, Pennsylvania. Section 1.912 of the rules is, therefore, amended to reflect this fact.

2. Since this amendment of the rules relates solely to a rule of Agency procedure and practice, notice and public procedure thereon are not required. See 5 U.S.C. 553(b).

3. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended and § 0.231 of the Commission's rules and regulations. See 47 CFR 0.231.

4. Accordingly, it is ordered, that § 1.912 of the rules is amended as set out in the attached Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

 Edward J. Minkel,
Managing Director.

PART 1—PRACTICE AND PROCEDURE

Part 1 Section 1.912(e) is revised to read as follows:

§ 1.912 Where applications are to be filed.

(e) All other applications shall be filed with the Commission's offices in Gettysburg, Pennsylvania and shall be addressed to: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

[FR Doc. 82-5885 Filed 3-3-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-397; RM-3506]

FM Broadcast Station in Uvalde, Crystal City, and Pearsall, Texas; Changes in Table of Assignments
AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein reassigns FM Channel 272A from Crystal City, Texas, to Uvalde, Texas, as that community's second FM assignment, and substitutes Channel 232A at Crystal City, in response to a request by Sharon Hess.

DATE: Effective April 26, 1982.

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

FOR FURTHER INFORMATION CONTACT:

Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(B), Table of Assignments, FM Broadcast Stations. (Uvalde, Crystal City, and Pearsall, Texas), BC Docket No. 80-397, RM-3506. Report and order (Proceeding terminated).

Adopted: February 16, 1982.

Released: February 25, 1982.

1. Before the Commission is a Notice of Proposed Rule Making, 45 FR 50373, published July 29, 1980, proposing the reassignment of FM Channel 272A from Crystal City, Texas (where it is presently unoccupied and unapplied for) to Uvalde, Texas, at the request of Sharon Hess. On its own motion, the Commission proposed, in the alternative, that FM Channel 237A, unoccupied and unapplied for (at that time) be reassigned back from Pearsall to Uvalde, where it was previously allocated in 1976 in Docket No. 20230.¹ Comments were submitted by Jose Angel Gutierrez, County Judge of Zavala County ("Gutierrez"); Roberto M. Garcia, City Manager of Crystal City ("Garcia"); E. J. Harpole, President of Uvalde Broadcasters, licensee of KVOU(AM) and KYUF(FM), Uvalde ("Harpole"); Walter H. and Noelia S. Herbort, ("the Herborts"); Pearsall Broadcasters, Inc., ("Pearsall B/C"); and by Hess, who also filed brief reply comments.

2. Uvalde (population 14,178),² the county seat of Uvalde County, (population 22,441), is located approximately 128 kilometers (80 miles) west of San Antonio, near the Mexican border. Crystal City (population 8,334), the county seat of Zavala County (population 11,666), is located 58 kilometers (36 miles) south of Uvalde. Pearsall (population 7,383), the county

seat of Frio County (population 13,785), is located 88 kilometers (55 miles) southwest of San Antonio and 77 kilometers (48 miles) southeast of Uvalde. Uvalde presently receives local aural service from co-owned KVOU(AM) (full-time) and KYUF(FM), and also has an unoccupied Channel 216A noncommercial educational assignment. Crystal City has no present local aural service while Pearsall receives local service from daytime-only AM Station KVWG.

3. In the *Notice*, the Commission requested comment on the need to retain the listed FM assignments at Crystal City and Pearsall. Additionally, we asked whether alternative channels were available for assignment as possible substitutes at either community. We also noted that the assignment of Channel 272A to Uvalde, as requested by Hess, would cause new preclusion only on the co-channel, and asked for a demonstration of the availability of alternative channels for Rocksprings and Laughlin, precluded communities of more than 1,000 with no local AM stations or FM commercial assignments.

4. In his comments, Judge Gutierrez notes that Zavala County has no local aural service at present, and argues that it would be unfair to preclude development of such service by deleting Channel 272A from Crystal City. Garcia, commenting on behalf of the Mayor and City Council of Crystal City, states that availability of Channel 272A at Crystal City is important to the community's chances for attracting new industry, and urges that the channel not be deleted. Harpole states that Crystal City has been growing due to recent oil and coal discoveries in Zavala County, and that there is interest in the community's use of the frequency. The Herborts comment that they intend to apply for Channel 272A at Crystal City, and, if a permit is granted, to construct an FM facility there. They argue that the residents of Crystal City deserve local service, and that it would be inappropriate to reassign the channel to Uvalde, which has two operating full-time local stations, from a community which has no local service.

5. Pearsall Broadcasters, the licensee of daytime-only AM Station KVWG, states that it has been interested in development of an FM station at Pearsall since June 1977, but has been hampered in its efforts by delays in obtaining a contract for engineering study, repeated weather damage to its transmitter towers, and Commission delays in application processing related to its newest replacement tower. Pearsall states that it is unable to fully serve the needs of the predominantly Mexican American population in its

community, and the needs of the community in general, due to the daytime-only status of its AM station. Pearsall comments that it fully intends to apply for the present Channel 237A FM assignment, and therefore opposes deletion of Channel 237A from its community. Harpole also opposes the deletion of the only Pearsall FM channel for reassignment to Uvalde.

6. Acknowledging the stated interest in Crystal City and Pearsall assignments, Hess advocates having Channel 272A reassigned from Crystal City to Uvalde as proposed, and assigning Channel 232A to Crystal City as a substitute, with no changes at Pearsall. Hess also responds to our request for alternate assignments for precluded communities by showing that Channel 249A is available for assignment at Laughlin and Channel 252A can be assigned to Rocksprings. Hess reaffirms her intention to apply for the requested new FM assignment at Uvalde.

7. The Commission is of the view that the modified proposal set forth in Hess' comments is meritorious. Desired and justified FM assignments will be available at Crystal City and Pearsall, while the additional Uvalde assignment for which interest and justification has been shown can also be added. This assignment conforms with the mandates of section 307(b) of the Communications Act regarding the equitable assignment of frequencies to various communities.

8. Mexican concurrence in the assignments has been obtained after an unfortunately long delay for which we have no explanation.

9. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective April 26, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended, with regard to Crystal City and Uvalde, Texas, as follows:

City	Channel No.
Crystal City, Texas.....	232A.
Uvalde, Texas	272A and 285A.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

¹ When Channel 237A was reassigned from Uvalde to Pearsall, it was replaced at Uvalde with Channel 285A. However, since no application for the use of Channel 237A at Pearsall had been received, Uvalde FM Station KYUF has continued to occupy Channel 237A, rather than convert its construction permit to Channel 285A. On September 11, 1981, Pearsall Broadcasters, Inc. filed an application for Channel 237A at Pearsall.

² Population figures are taken from the 1980 U.S. Census.

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

[FR Doc. 82-5878 Filed 3-3-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-595; RM-3828]

FM Broadcast Station in Agana, Guam Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a third Class C FM channel to Agana, Guam, in response to a petition filed by Guam Radio Service, Inc.

DATES: Effective April 27, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyrec, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Agana, Guam). BC Docket No. 81-595, RM-3828. *Report and order* (Proceeding terminated).

Adopted: February 18, 1982.

Released: February 25, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 46 FR 44012, published September 2, 1981, proposing the assignment of Class C FM Channel 262 to Agana, Guam, in response to a petition filed by Guam Radio Services, Inc. ("petitioner"). The petitioner filed supporting comments reaffirming its intent to apply for the channel, if assigned. Opposing comments were filed by Inter-Island Communications, Inc., licensee of Station KSTO, Agana, Guam, to which petitioner responded.

2. Agana (population 2,119),¹ capital of Guam (population 84,990), is located 3,700 miles west of Honolulu, Hawaii. It is served locally by three fulltime AM stations and two FM stations (Channel 230 and Channel 238).

3. In its comments, the petitioner incorporated by reference the demographic, economic, regulatory and policy considerations in the *Notice* which favors a grant of the requested

¹ Population figures are taken from the 1970 U.S. Census.

assignment. Petitioner also notes that the proposed assignment exceeds the Commission's current population guidelines. However, in view of the geographic isolation of the Island, the cultural and ethnic diversity of its inhabitants, and the numbers of channels presently available, it urges the Commission to adopt the proposal.

4. Inter-Island argues that the economic situation in Guam is frail, and the proposed assignment would have a severe impact on the value and operation of the stations operating in the area, thereby affecting the level of public service. Guam's economy, which has suffered from recent U.S. budget cuts, is heavily dependent on tourism. The data provided by the petitioner, as to the number of tourists, is misleading because the tourists usually use Guam as a stopover on the route to Japan, where money is spent, according to Inter-Island. Additionally, the export trade business which supplements the economy has severely declined. Inter-Island also claims that there has been no indication that the Agana, Guam, market is underserved. In this regard, it urges the Commission to deny the request for an additional FM assignment to Agana.

5. In reply comments, the petitioner argues that the opposition's contention that Guam's economy cannot support another radio station (based on declining tourism and recent budget cuts) are those of a licensee who does not wish to be subject to additional competition. While this motivation is understandable, the appropriate yardstick, according to petitioner, is not the potential adverse impact caused to a single provider of communications service in the marketplace, but the overall service to the public which is of paramount concern, citing *Democrat Printing Company v. FCC*, 220 F. 2d 298 (1952), and *NBC v. U.S.*, 319 U.S. 239 (1943). Petitioner also argues that contrary to the opposition's allegation that tourism provides little benefit to the Island, tourism provides jobs which benefits the economy. Petitioner states that it is willing to risk operating the proposed station, since as the newest entry it would suffer the greatest risk of failure.

6. The main issue here appears to be the need for an additional assignment at Agana, in view of the Commission's policy limiting communities with a population under 50,000 to two stations. The Commission has employed this criteria as a guideline, not a rigid formula, and has not limited itself to numerical distribution. Rather this criteria prompts us to take a closer look at the preclusive impact of the

assignment. As stated in the *Notice*, due to the geographic isolation of the Island there is a large number of channels available. Thus, we believe that there is no need to restrict the number of assignments to Agana. The issues raised by the opposition are of a competitive nature, which are more appropriately considered at the application stage, see *Rome, New York*, 42 RR 2d 618 (1978). In view of petitioner's willingness to operate a third FM service at Agana with what we perceive the greater risk of failure, not having established itself as the existing stations have, we believe the public interest would be served by assigning Channel 262 to that community.

7. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, that effective April 27, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the following community:

City	Channel No.
Agana, Guam	230, 238 and 262

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyrec, Broadcast Bureau, (202) 632-7792. (Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

[FR Doc. 82-5879 Filed 3-3-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-577; RM-3811]

TV Broadcast Station in Virginia Beach, Virginia; Changes in Table of Assignments.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 43 to Virginia Beach, Virginia, in response to a petition filed by Edward S. Garcia, Jr. The assignment could provide a first commercial television broadcast service to Virginia Beach.

DATE: Effective February 25, 1982.