Signed at Washington, D.C. this 29th day of March, 1982.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-9093 Filed 4-5-82; 8:45 am]

BILLING CODE 4510-23-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AH300g/IVA; A-3-FRL-2067-7]

Approval and Promulgation of Implementation Plans; Approval of Revisions to the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On July 13, 1981 and on August 10, 1981, the Commonwealth of Virginia submitted rules and regulations governing the State's automobile inspection and maintenance (I/M) program and mobile source emission standards for inclusion in its State Implementation Plan (SIP). These regulations will apply only to vehicles registered in the Northern Virginia ozone nonattainment area. EPA is today approving revisions as part of the Virginia SIP.

EFFECTIVE DATE: This action is effective on May 6, 1982.

ADDRESSES: Copies of the SIP revisions and the accompanying support documents are available for inspection during normal business hours at the following addresses:

U.S. Environmental Protection Agency, Air Programs & Energy Branch (3AW10), Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106. Attn: Ms. Patricia Sheridan

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 801, Richmond, Virginia 23219. Attn: Mr. John M. Daniel, Jr.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M. Street SW., (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the EPA, Region III address or telephone 215/597-8187.

SUPPLEMENTARY INFORMATION: Under section 172 of the Clean Air Act, nonattainment plans for major urban areas which require an extension beyond 1982 for attainment of a standard for ozone or carbon monoxide, are required to include a vehicle I/M program as an element of the 1979 SIP revision. Full implementation of that program, in accordance with EPA's established I/M policy, is required in all cases by December 31, 1982.

Virginia included I/M as an element in their 1979 SIP revision. EPA's evaluation of and action on the I/M portion of Virginia 1979 SIP revision is documented in 45 FR 55180 (August 19, 1980), 46 FR 22185 (April 16, 1981) and 46 FR 45628 (September 14, 1981).

On May 15, 1980, the Commonwealth submitted to EPA a schedule for the implementation of the I/M program in Northern Virginia. Approval of that schedule, as revised by an April 3, 1981 submittal (EPA Docket No. AH300a/b/eVA), is the subject of a separate EPA rulemaking action. Two of the increments of progress in that schedule pertain to the adoption of Administrative and Procedural Regulations, and Motor Vehicle Emission Standards. The proposed SIP revisions, which are the subject of today's Notice, satisfy these increments. The I/M program itself was implemented on December 11, 1981.

EPA published the 1982 SIP policy (part of which pertains to I/M programs) on January 22, 1981 (46 FR 7182). As discussed in that policy, States with areas that have I/M programs under development or operational as part of their 1979 SIP revisions, were required to submit only qualitative descriptions of the I/M program elements in the 1979 SIP submittal. The 1982 SIP revision to be submitted to EPA on or before July 1, 1982, must include, unless already submitted and approved as part of a previous SIP submittal, rules and regulations and all other I/M elements which could affect the ability of the I/M program to achieve the minimum emission reduction requirements. More specifically, the 1982 submittal must include the following critical elements: (1) Inspection test procedures; (2) emission standards; (3) inspection station licensing requirements; (4) emission analyzer specification and maintenance/calibration requirements; (5) recordkeeping and record submittal requirements; (6) quality control, audit, and surveillance procedures; (7) procedures to assure that non-complying vehicles are not operated on the public roads; (8) any other official program rules, regulations and procedures; (9) a public awareness plan; and (10) a mechanics training program, if additional emission reduction credits are being claimed for mechanics training.

EPA will determine the overall adequacy of the critical elements of each I/M program and, therefore, the approvability of the 1982 SIP by comparing those elements to established I/M policy. I/M program elements must be consistent with EPA policy or a demonstration must be made that the program elements are equivalent.

State or local governments that have I/M programs, but plan to increase the coverage and/or stringency of the programs in order to achieve greater reductions and to demonstrate earlier attainment of the standards, must submit the program modifications in legally enforceable form through the 1982 SIP revision process.

In the case of a partial submittal, EPA's action will be limited to the submitted program elements. Final action on the total I/M program must be reserved until all elements are submitted and reviewed in order to assure that the program satisfies the requirements of Part D of the Clean Air Act.

On July 13, 1981 and August 10, 1981, the Commonwealth submitted certain elements designed to satisfy, in part, the I/M requirements for the 1982 SIP revision. These elements were fully described in EPA's proposed rulemaking published on December 23, 1981 (46 FR 62298). At the time, EPA proposed approval of all those completed elements, namely, the inspection test procedures, the emission standards, the inspection station licensing procedures, the emission analyzer specifications and maintenance/calibration requirements, the procedures to assure that non-complying vehicles are not operated on the public roads, and the other program rules, regulations and procedures describing the geographic coverage area, the start-up date, and the classes and ages of subject vehicles as well as the provisions for reference stations. We also proposed approval of the regulations submitted by the Commonwealth on July 13, 1981 and August 10, 1981 which only partially satisfy the following elements: Recordkeeping and record submittal requirements; and the quality control, audit, and surveillance procedures. Additional information, as outlined in the Proposed Rulemaking, must be submitted before these elements will be fully satisfied.

Public Comments

As a result of the proposed rulemaking, EPA received only one comment, from the State of Connecticut, dated January 13, 1982. The State's comments and EPA's response are discussed in detail in EPA's memorandum dated February 17, 1982. However, the major issues raised by the State are also addressed below:

Comment: The State of Connecticut does not believe the Commonwealth can obtain the required 35% emissions reduction.

Response: EPA's 35% policy requires a 35% reduction in 1987 emissions from light duty gasoline powered vehicles in the urbanized area, as defined by the U.S. Census Bureau. Virginia's I/M program has the potential to satisfy this policy. Virginia's standards have the potential to produce a 20% failure rate for pre-1981 vehicles and should be equivalent to the section 207(b) warranty standards for 1981 and later model year vehicles. If all model years were inspected, EPA's Computer Model (MOBILE 2) for predicting I/M benefits predicts Virginia's standards should produce a 35% reduction; however, Virginia will inspect only the most recent eight model years. This limited model coverage will reduce the program's effectiveness.

The loss in program effectiveness can be overcome because Virginia will inspect vehicles outside the urbanized area and light duty trucks (LDTs). The emissions reductions obtained from inspecting vehicles outside the urbanized area and LDTs can be credited towards the 35% reduction requirement. EPA's analysis indicates that these reductions have the potential to offset the emission reduction benefits lost due to the limited model year coverage, even after the effect of Virginia's $75 waiver is factored in, so that the 35% policy may be satisfied.

It must be noted that this analysis is only preliminary and is based on national averages and the 1970 census. As EPA stated in its proposed rulemaking, Virginia must submit a complete analysis with the 1982 SIP. The use of Virginia-specific data and 1980 census data may indicate that the program will achieve more or less emission reduction benefits than this analysis indicates. If adequate emission reductions will not be achieved, the VSAPCB will have to increase the failure rate, as it is authorized to do.

Comment: The Commonwealth claims that testing will be done by an inspector who has demonstrated proficiency and has been trained in the use and calibration of analyzers, test procedures, and I/M rules and regulations yet it has no systematic mechanic training program.

Response: The Commonwealth, as required by EPA policy, has an established inspector training program. The Commonwealth has not submitted its mechanics (repairmen) training program to EPA for review and approval because they are not claiming credit for emission reductions achieved as a result of this program and, therefore, EPA approval is not required.

Comment: It would appear that this proposed rulemaking is merely in fulfillment of a procedural requirement and is contrary to the spirit of the section 307(d)(3) of the Clean Air Act Amendments concerning the "statement of basis and purpose" of rulemakings published in the **Federal Register**, in that the notice of proposed rulemaking was not published in time to allow public comments prior to the start of the Virginia program.

Response: The start-up date of the I/M program was mandated by State statute and, while EPA's administrative review of the proposed revision did somewhat delay publication of a Proposed Rulemaking, EPA has no authority to delay implementation of a State law pending submittal of comments to a **Federal Register** notice. Furthermore, the Commonwealth held public hearings prior to submittal of the proposed revisions and has already addressed any comments received at that time.

Comment: The State of Connecticut expressed concern that EPA did not publish the actual emission standards in its Notice of Proposed Rulemaking.

Response: It is standard practice to describe and summarize the State regulation in the **Federal Register** rather than reprint it. The Notice provides names, addresses, and phone numbers of State and Federal personnel any interested party may contact should he desire a copy of the regulation in question.

EPA has thoroughly reviewed all of the State of Connecticut's comments and does not find sufficient evidence has been presented to justify disapproval of the proposed revisions.

Conclusion

The Administrator's decision to approve the proposed revision was based on the comments received and on a determination that the amendments meet the requirements of section 110 and 172 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Furthermore, today's action is *not* intended, nor should it be interpreted as complete approval of Virginia's total I/M program or the total I/M section of Virginia 1982 SIP revision. Approval of the total I/M program and the I/M section of the 1982 SIP revision can only be granted after all of the remaining elements, as specified above, required by the 1982 SIP policy (46 FR 7181, January 22, 1981) are submitted and reviewed in order to assure that Virginia's total I/M program and I/M section of Virginia's 1982 SIP satisfy the requirements of Part D of the Clean Air Act.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the provisions of 6 U.S.C. 605(b), I hereby certify that SIP approvals under section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under sections 110 and 172 within the terms of the January 27 certification.

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 of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–7642)

Dated: March 31, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

Air Pollution Control
Ozone
Sulfur oxides
Nitrogen dioxide
Lead
Particulate matter
Carbon monoxide
Hydrocarbons.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart VV—Virginia

1. In § 52.2420, paragraph (c)(70) is added as follows:

§ 52.2420 Identification of Plan

* * * * *

(c) * * *

(70) Revisions submitted on July 13, 1981 and August 10, 1981, pertaining to the Inspection and Maintenance Program in the Northern Virginia AQCR, by the Secretary of Commerce and Resources.

[FR Doc. 82-9181 Filed 4-5-82; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 201

[AH-FRL-2090-7]

Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction to final rule.

SUMMARY: This is a notice of corrections to the **Federal Register** published January 4, 1980, Volume 45, No. 3, at pages 1252 to 1271, titled "Environmental Protection Agency (40 CFR Part 201) Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers." The corrections listed below are necessitated by minor inconsistencies and/or typographical errors in the published final rule.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Rose, Office of Noise Control Programs, (ANR-490), Environmental Protection Agency, Washington, D.C. 20460, (703) 557-7666.

SUPPLEMENTAL INFORMATION: Errors were made to:

Page 1263, column 2, Table of Contents for Subpart C—Measurement Criteria
Page 1263, paragraph 201.1(h)
Page 1264, paragraph 201.1(r)
Page 1264, paragraph 201.1(aa)
Page 1264, paragraph 201.1(ii), was inadvertently deleted
Page 1264, column 1, line 28
Page 1264, column 1, line 31
Page 1265, column 2, line 42
Page 1265, column 2, line 51
Page 1265, column 3, line 15
Page 1265, column 3, line 34
Page 1265, column 3, line 52
Page 1265, column 3, line 56
Page 1265, column 3, line 59
Page 1266, column 1, line 58
Page 1266, column 2, line 20
Page 1266, column 2, line 30
Page 1266, column 3, line 6
Page 1270, column 1, line 5

1. Correct Table of Contents for Subpart C—Measurement Criteria as follows:

Subpart C—Measurement Criteria

Sec.

§ 201.1 [Corrected]

2. On pages 1263 and 1264, § 201.1 paragraphs (h), (r), and (aa) are corrected to read as follows:

* * * * *

(h) "Decibel" means the unit measure of sound level, abbreviated as dB.

* * * * *

(r) "Maximum Sound Level" means the greatest A-weighted sound level in decibels measured during the designated time interval or during the event, with either fast meter response § 201.1(l) or slow meter response § 201.1(ii) as specified. It is abbreviated as L_{max}.

* * * * *

(aa) "Sound Level" means the level, in decibels, measured by instrumentation which satisfies the requirements of American National Standard Specification for Sound Level Meters S1.4-1971 Type 1 (or S1A) or Type 2 if adjusted as shown in Table 1. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. For the purpose of these procedures the sound level is to be measured using the Aweighting of spectrum and either the FAST or SLOW dynamic averaging characteristics, as designated. It is abbreviated as L_A.

3. Add inadvertently removed § 201.1(ii) as follows:

* * * * *

(ii) "Slow Meter Response" means that the slow response of the sound level meter shall be used. The slow dynamic response shall comply with the meter dynamic characteristics in paragraph 5.4 of the American National Standard Specification for Sound Level Meters. ANSI S1.4-1971. This publication is available from the American National Standards Institute Inc., 1430 Broadway, New York, New York 10018.

4. Corrected line 28, column 1 on page 1264 is as follows: "ANSI S1.4-1971. This publication is"

5. Corrected line 31, column one, on page 1264 is as follows: "Broadway, New York, New York 10018."

6. Corrected line 42, column two on page 1265 is as follows: "operation under stationary conditions."

7. Corrected line 51, column two on page 1265 is as follows: "operated singly and when connected to a."

8. Corrected line 15, column three on page 1265 is as follows: "when operated singly and when".

9. Corrected line 34, column three on page 1265 is as follows: "except idle, when operated singly and".

10. Corrected line 52, column three on page 1265 is as follows: "when measured with fast meter".

11. Corrected line 59, column three on page 1265 is as follows: "operation under moving conditions".

12. Corrected line 58, column one on page 1266 is as follows: "201.13 Standard for rail car operations".

13. Corrected line, column two on page 1266 is as follows: "level of 83 dB at any receiving property".

14. Corrected line 30, column two on page 1266 is as follows: "Sound level of 92 dB at any receiving".

15. Corrected line 6, column three on page 1266 is as follows: "load cell does not exceed 65 dB at any".

16. Corrected line 5, column one on page 1270 is as follows: "weighted sound level [FAST] at a rate".

Dated: March 25, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise & Radiation.

[FR Doc. 82-9090 Filed 4-5-82; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

46 CFR Part 530

Maritime Carriers and Related Activities; Interpretations and Statements of Policy

AGENCY: Federal Maritime Commission.

ACTION: Adoption of statement of policy.

SUMMARY: This sets forth the Commission's policy that documents relating to matters pending before the Commission are to be filed with the Office of the Secretary. Also, requests as to whether the disposition of matters considered by the Commission in closed session has been made public are to be directed to the Office of the Secretary rather than to other Commission personnel. Recent Commission experience indicates that clarification of these points is necessary.

EFFECTIVE DATE: April 6, 1982.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573; (202) 523-5725.

SUPPLEMENTARY INFORMATION: Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) and the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), the Commission hereby adopts the following statement of policy by adding a new § 530.16, Policy Statement—Filing of documents and confidentiality of closed Commission meetings, to Title 46 CFR:

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

§ 530.16 Policy statement—Filing of documents and confidentiality of closed Commission meetings.

(a) Documents relating to matters pending before the Commission are to be filed with the Office of the Secretary, unless otherwise required by 46 CFR 502.118(b)(4), in the case of exhibits in formal proceedings. Pleadings, correspondence or other documents relating to pending matters should not be submitted to the Offices of individual Commissioners. Distribution to Commissioners and other agency personnel is handled by the Office of the Secretary, to ensure that persons in decision-making and advisory positions receive in a uniform and impersonal manner identical copies of submissions, and to avoid the possibility of *ex parte* communications within the meaning of 46 CFR 502.11(b). These considerations apply to informal and verbal communications as well, such as requests for expedited consideration.

(b) All inquiries as to the status of pending matters which were considered by the Commission in closed session should be directed to the Secretary of the Commission. Commission personnel who attend closed meetings of the Commission are prohibited from disclosing anything that occurs during those meetings. An employee's failure to respect the confidentiality of closed meetings constitutes a violation of the Commission's General Standards of Conduct. The Commission can, of course, determine to make public the events or decisions occurring in a closed meeting, such information to be disseminated by the Office of the Secretary. An inquiry to the Office of the Secretary as to whether any information has been made public is not, therefore, improper. However, a request of or attempt to persuade a Commission employee to divulge the contents of a closed meeting constitutes a lack of proper professional conduct inappropriate to a person practicing before this agency, and requires that the employee file a report of such event so that a determination can be made whether disciplinary action should be initiated pursuant to 46 CFR 502.30.

By the Commission March 25, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-9147 Filed 4-5-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket 79-318]

Public Mobile Radio Services; Cellular Communications Systems; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Memorandum Opinion and Order on Reconsideration that appeared on page 10018 in the **Federal Register** on March 9, 1982, 47 FR 10018 relating to use of specific frequency bands for cellular communications systems. This action is necessary to correct errors in the original document.

FOR FURTHER INFORMATION CONTACT: Thomas Gutierrez, Mobile Services Division, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION: In the matter of an inquiry into the use of the Bands 825-845 MHz and 870-890 MHz for Cellular Communications Systems; and amendments of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems.

The *Memorandum Opinion and Order on Reconsideration* in the captioned proceeding, FCC 82-99 (released March 3, 1982), 47 FR 10018 (March 9, 1982), is corrected as follows:

1. On page 10031 in the issue of March 9, at footnote 51, the phrase "the day cut-off" is corrected to delete the word "day".

2. On page 10036 in the issue of March 9, near the bottom of column 3, 47 CFR 22.916(b)(1) is corrected by inserting the word "non-wireline" between the words "that" and "applicants".

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-9175 Filed 4-5-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1005, 1008, and 1015

[Ex Parte 263 (Sub-3) and Ex Parte 406]

Electronic Transmission of Loss and Damage Claims and Freight Bills; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: At 47 FR 12803, March 25, 1982, the Commission published rules to permit electronic transmission and disposition of: (1) Freight bills; and (2) loss and damage claims (as well as overcharge, duplicate payment, or overcollection claims), as an alternative to paper bills and claims, when agreed to by the parties (carriers and shippers/consignees). That notice carried an incorrect effective date for those rules. The correct effective date is set forth below.

EFFECTIVE DATE: April 26, 1982.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9182 Filed 4-5-82; 8:45 am]

BILLING CODE 7035-01-M