

comments at p. 6 the Service hypothesizes a situation in which under the proposed rule the test year would begin 22 to 24 months from the filing date. The Service suggests that a test year this prospective could be challenged because it produces recommended rates "based on projections of costs further in the future, and therefore presumably greater, than the costs being incurred by the Postal Service when the rates went into effect." (Footnote omitted.)

For both rate cases filed since passage of the 1976 amendments to the Postal Reorganization Act "the Governors have chosen to utilize a hybrid test period beginning in the middle of a fiscal year. Apparently this choice was, in part, dictated by the Governors' determination that it results in implementing rates in late winter or spring when volume is relatively low. In contrast, the hypothetical assumes implementation of new rates during the peak Christmas season. On balance, it is far more likely that the Service will continue past practice and avoid implementing new rates during the October to December Christmas mailing season assumed in the hypothetical. In any event, the rule does not foreclose the Postal Service from seeking a waiver if it deems it necessary to avoid the problem envisioned in its comments.

Finally, pursuant to Rule 54(n) the Postal Service provides a reconciliation between prior test year estimates and actual results in its next formal request for changes in rates. Providing this data earlier benefits the Commission and parties as it would allow review and analysis with a view toward improving estimating techniques during the period between rate cases rather than solely during the more hectic period when an omnibus rate case is pending before the Commission. We propose that this reconciliation be made no later than six months following the end of the last fiscal year included in the test year of the last rate case.

Only the Postal Service objects to the rule. The Postal Service opposes producing the report at that time because of possible disruption to internal staffing requirements. Inasmuch as this reconciliation is not a particularly difficult report to prepare and any disruption will be minimal, we are adopting the proposed rule. While we recognize that an administrative "crunch" might arise in a particular

case, requiring special consideration, we are not prepared to abandon a useful analysis across the board because of that possibility. This is a question which is better dealt with on the basis of some practical experience, so far as a permanent disposition is concerned.

Impact of proposed changes. Pursuant to Executive Order 12291, the Commission finds that the proposed rule changes do not constitute a "major rule." The changes deal with procedural matters and it is not anticipated that they could result in an appreciable change in the costs of participating in these cases. Nor will the changes have any adverse effects on competition, employment or the other factors listed in E.O. 12291.

The above analysis that the proposed rule changes do not constitute a major rule for purposes of E.O. 12291, applies with equal force to the Regulatory Flexibility Act.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure.

PART 3001—RULES OF PRACTICE AND PROCEDURE

Subparts B and G—Administrative Practice and Procedure

We hereby amend Rules 54(f)(2), 54(n) and 102(d) of the rules of practice [39 CFR 3001.54(f)(2), 3001.54(n) and 3001.102(d)] as follows:

1. Amend § 3001.54(f)(2) to remove the number "12" and inserting in its place the number "24" in the second sentence of Rule 54(f)(2) to read as follows:

§ 3001.54 Contents of formal requests.

(f) * * *

(2) * * * Estimated accrued costs referred to in paragraph (f)(2)(ii) of this section shall be for a fiscal year beginning not more than 24 months subsequent to the filing date of the formal request. * * *

2. Remove § 3001.54(n) and redesignate current paragraphs (o) to (t) as paragraphs (n) through (s) respectively.

3. Amend § 3001.102(d) by adding new paragraph (d)(4) to read as follows:

§ 3001.102 Filing of reports.

(d) * * *

(4) A report containing, to the extent practical, and explanation considering both price and nonprice variables, of the reasons that the costs (by cost segment), revenues and volumes (by class and

subclass of mail), projected for the test period used in the most recently concluded rate case, differ from the actual accrued costs, revenues and volumes (six months following the end of the last fiscal year included in the test year of the last rate case).

(39 U.S.C. 3603, 3622, 3623)

By the Commission, Commissioner Duffy abstains.

Charles L. Clapp,

Secretary.

[FR Doc. 83-29903 Filed 11-3-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 468

[WH-FRL 2462-5]

Copper Forming Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction of final rule.

SUMMARY: EPA is correcting several errors in the effluent limitations guidelines, pretreatment standards and new source performance standards for the copper forming category which appeared in the *Federal Register* on August 15, 1983 (48 FR 36942). These errors include (1) the omission of a requirement for the drawing spent lubricant stream from 40 CFR 468.01; (2) the number of plants and discharge points included in the discharge monitoring report (DMR) data and (3) typographical errors in both the preamble and 40 CFR Part 468.

DATE: These corrections shall become effective on November 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. David Pepson, at (202) 312-7126.

SUPPLEMENTARY INFORMATION: On August 15, 1983 EPA published final effluent limitations guidelines and standards for the copper forming point source category (40 CFR Part 468; 48 FR 36942). Both the preamble and the regulation contained several errors. These errors are discussed briefly below and are corrected by this notice.

A provision was inadvertently omitted from 40 CFR 468.01 "Applicability" that limits the applicability of a discharge allowance for drawing spent lubricant to only those plants that actually discharge the

* The 1976 amendment to the Postal Reorganization Act inter alia, established the existing operative framework in which new rates are implemented approximately 10 to 12 months after a rate case filing.

drawing spent lubricant waste stream at copper forming sites. No discharge allowance is applicable or allowable where these wastewaters are hauled off-site or otherwise not discharged at copper forming sites. Accordingly, 40 CFR 468.01 is corrected to add paragraph (b) explaining this condition for the allowance. EPA's intent to impose this condition for obtaining a drawing spent lubricant allowance is clearly explained in the preamble at 48 FR 36946, along with the reasons for doing so.

Sections IV and IX of the preamble contain discussions of discharge monitoring report data obtained subsequent to proposal which were analyzed and compared to the treatment effectiveness values used in developing limitations and standards. There are several factual errors in these discussions relating to the number of plants and discharge points for which data were available. These errors are corrected by this notice. The conclusions reached from analyses of the discharge monitoring data are discussed in the preamble to the final rule and are unchanged by the corrections made today.

There are several typographical errors in the preamble and in the numerical limitations and standards of 40 CFR Part 468. These errors are also corrected by this notice.

In addition, it should be noted that on September 15, 1983 the Agency published a technical amendment to 40 CFR Part 468 that deleted a footnote under § 468.04 compliance date for PSES (48 FR 41409). The footnote stated that the compliance date for PSES was subject to Court approval of an EPA modification of the Consent Decree in *NRDC v. Train*, 12 ERC 1833 (D.D.C. 1979). Subsequent to promulgation the Court approved EPA's modification allowing three years for compliance. Accordingly, the footnote was deleted.

Dated: October 26, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

PART 468—[CORRECTED]

The following corrections are made to Federal Register document OW-FRL-2401-3 published on August 15, 1983 (48 FR 36942).

1. On page 36944, column one, second paragraph, "19 discharges from 15 copper forming plants" is corrected to read "17 discharges from 16 copper forming plants".

2. On page 36944, second column, second paragraph, "the basic for the revised costs" is corrected to read "the basis for the revised costs".

3. On page 36945, second column, fifth paragraph, "(20 plants versus four copper forming plants available)" is corrected to read "(18 plants versus four copper forming plants available)".

4. On page 36946, first column, third paragraph, and again in the second column, first and third paragraphs, "1/kkg" is corrected to replace the number "1" with the letter "l" for liters to read "l/kkg".

5. On page 36947, column two, third paragraph, "1,755 l/kkg" is corrected to read "1755 l/kkg".

6. On page 36952, column one, fourth paragraph, "data points from 20 plants" is corrected to read "data points from 18 plants".

7. On page 36952, second column, first paragraph, the first sentence is corrected and a second sentence added for purpose of clarification. As corrected, this paragraph now reads: "The Agency confirmed that copper forming plants were achieving results that were consistent with the values determined from the CMDB by examining discharge monitoring reports (DMR). Of the 17 discharge points for which data were collected, fifteen discharge points had treatment consistent with the lime and settle technology used as the basis for the copper forming regulation. Although reported in summary form (usually as monthly averages) DMR data can be used to construct annual average effluent concentration values".

8. On page 36952, column two, second paragraph, "42 annual average values for copper from the 19 discharge points" is corrected to read "41 annual average values for copper from the 15 discharge points". In that same paragraph, "These 42 averages" is corrected to read "These 41 copper averages".

9. On page 36952, column two, third paragraph, "Thirty-three of these 42" is corrected to read "Thirty-one of these 41".

10. On page 36952, column two, third paragraph "annual averages for 11 of the discharge points" is corrected to read "annual averages for 8 of the 15 discharge points".

11. On page 36952, column two, third paragraph, "the remaining eight" is corrected to read "the remaining seven".

12. On page 36952, column two, third paragraph, "of the eight discharge points, seven had only one year in which the annual average was greater than the CMDB average and the other discharge point reported two of four annual averages only slightly greater than the CMDB average" is corrected to read "of the seven discharge points, four had only one year in which the annual average was greater than the CMDB average and the other three discharge

points reported two annual averages greater than the CMDB average".

13. On page 36952, column two, fourth paragraph, "data on four other" is corrected to read "data on six other".

14. On page 36952, column two, fourth paragraph, "for chromium, nickel, zinc, and TSS" is corrected to read "for nickel, lead, and TSS". Immediately following, a new sentence is added to read "Forty-five percent of the chromium annual averages, forty-seven percent of the iron annual averages, and twenty-two percent of the zinc annual averages were below their respective CMDB long-term average".

15. On page 36953, first column, fourth paragraph, "for the drawing spent lubricant operation" is corrected to read "for drawing spent lubricant".

16. On page 36954, second column, second paragraph, "BPT costs estimates are higher" is corrected to read "BPT cost estimates are higher".

17. On page 36957, column one, under Appendix C, "The following three (3) pollutants" is corrected to read "The following two (2) pollutants".

§ 468.01 [Corrected]

18. In 40 CFR 468.01 which appears on page 36957, the first paragraph is designated as paragraph (a).

19. In 40 CFR 468.01, a new paragraph (b) is added to read as follows:

(b) The discharge allowances for drawing spent lubricant of 40 CFR 468.11(c), 468.12(c), 468.13(c), 468.14(c) and 468.15(c) are applicable only to those plants that actually discharge the drawing spent lubricant waste stream at copper forming sites. No discharge allowance is applicable or allowable where these wastewaters are hauled off-site for disposal or are otherwise not discharged at copper forming sites.

§ 468.02 [Corrected]

20. 40 CFR 468.02(n) which appears on page 36958, column one, "the mass or copper of copper alloy" is corrected to read "the mass of copper or copper alloy".

§ 468.13 [Corrected]

21. In 40 CFR 468.13(f) which appears on page 36962 the maximum for any 1 day for copper of "10.587" is corrected to read "1.587". In this same paragraph the maximum for any 1 day for zinc of "0.264" is corrected to read "1.264".

22. In 40 CFR 468.13(i) which appears on page 36963, the maximum for any 1 day for chromium of "4.667" is corrected to read "4.677".

23. In 40 CFR 468.13(q) which appears on page 36964, column one, the maximum for monthly average for copper of "1.013" is corrected to read "0.013".

§ 468.15 [Corrected]

24. In 40 CFR 468.15(o) which appears on page 36967, column two, "PSPS" is corrected to read "PSNS".

(FR Doc. 83-20720 Filed 11-2-83; 8:45 am)

BILLING CODE 5560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6439

[AA-9206]

Alaska; Revocation of Public Land Order No. 5549

Correction

In FR Doc. 83-19996 beginning on page 33713 in the issue of Monday, July 25, 1983, make the following corrections:

1. On page 33713, third column, thirteen lines from the bottom, in the entry for "Sec. 35", "N½N½" should read "N½N½".

2. On the same page, in the same column, three lines from the bottom, in the entry for "Sec. 4", "S½NE¼" should read "S½NW¼".

3. On page 33714, first column, nine lines from the top, in the entry for "Sec. 21", "N½NW¼" should read "N½NE¼".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below:

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik; Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 [Pub. L. 90-448]), 42 U.S.C. 4002-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has provided criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of The Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	§Depth in feet above ground. *Elevation in feet (NGVD). Modified
California	Novato, city of Marin County (FEMA-6409)	Novato Creek	At eastern corporate limits	*6
			Approximately 3400 feet downstream of confluence with Simmons Slough	*6
			Area bounded by U.S. Highway 101 and Northwestern Pacific Railroad	*8
			Approximately 100 feet downstream of Northwestern Pacific Railroad Bridge	*9
		Vineyard Creek	Area bounded by U.S. Highway 101, Redwood Boulevard, and Lamont Avenue	*12
			Upstream edge of Center Road bridge	*45
			Approximately 725 feet downstream of Wilson Avenue crossing	*54
		Wilson Creek	Downstream edge of Trumbull Avenue bridge	*68
			Downstream edge of Mill Road bridge	*102
			Approximately 25 feet upstream of McClay Avenue crossing	*57
			Approximately 125 feet downstream of Hansen Road extended	*68
			At Hansen Road extended	*70
			Approximately 100 feet downstream of Shields Lane crossing	*71

State	City/town/county	Source of flooding	Location	[Depth in feet above ground. Elevation in feet (NGVD). Modified]
		Arroyo San Jose	At eastern corporate limits	*8
			Approximately 100 feet downstream of Bel Marin Keys crossing	*14
			Approximately 100 feet upstream of U.S. Highway 101 crossing	*27
		Pacheco Creek	At downstream limit of detailed study	*15
			Approximately 25 feet upstream of Northwestern Pacific Railroad crossing	*27
			At Main Entrance Road crossing	*44
			Approximately 25 feet downstream of second crossing of Bolling Drive	*62
			Approximately 25 feet upstream of Bolling Drive second crossing	*71
		San Pablo Bay	At northeastern corporate limits	*6
			At mouth of Novato Creek	*6
			At Hamilton Air Force Base	*6
Maps available for review at the Lobby of the Community Development Department, 901 Sherman Avenue, Novato, California.				
Massachusetts	Westwood, town, Norfolk County (FEMA-6538)	Neponset River	Blue Hill Drive	*47
Maps available for inspection at the Town Hall, 580 High Street, Westwood, Massachusetts.				
Michigan	(C) Detroit, Wayne County (FEMA-6547)	Middle River Rouge	Just upstream of West Warren Road	*598
			About 700 feet upstream of West Warren Road	*599
Maps available for inspection at the Department of Planning, 3400 Cadillac Tower, Detroit, Michigan.				
Minnesota	(C) Stillwater, Washington County (FEMA-6514)	Saint Croix River	At downstream corporate limits	*692
			At upstream corporate limits	*693
		Browns Creek	About 1300 feet upstream of State Highway 96	*705
		Long Lake	Shoreline	*693
Maps available for inspection at City Hall, 216 North Fourth Street, Stillwater, Minnesota.				
Nevada	North Las Vegas, city of Clark County (FEMA-6583)	Las Vegas Wash	25 feet downstream of center of Carey Avenue	*1833
		Unnamed Tributary to Las Vegas Wash	50 feet upstream of East Cheyenne Avenue	*1868
		Union Pacific Railroad Overflow	Intersection of Fehner Road and Losee Road	*1909
Maps are available for review at 2200 Civic Center Drive, North Las Vegas, Nevada.				
New Jersey	Bernardsville, borough, Somerset County (FEMA-6538)	Passaic River	Downstream corporate limits	*298
			Approximately 1,950 feet downstream of Jockey Hollow Road	*386
			Just upstream Jockey Hollow Road	*423
			Upstream corporate limits	*428
		Indian Grave Brook	Downstream corporate limits	*258
			Approximately 200 feet downstream of Hardscrabble Road Bridge	*310
Maps available for inspection at the Borough Hall, Bernardsville, New Jersey.				
Ohio	(V) Whitehouse, Lucas County (FEMA-6508)	Lone Oak Ditch	Downstream corporate limits	*644
			Approximately 900 feet upstream of downstream corporate limits	*644
		Blue Creek	Downstream corporate limits	*641
		Swan Creek	Downstream corporate limits	*641
			Upstream corporate limits	*642
Maps available for inspection at the Municipal Building, 6655 Providence Street, Whitehouse, Ohio.				
Oklahoma	Webbers Falls, town, Muskogee County (FEMA-6547)	Arkansas River	Upstream corporate limits	*482
Maps available for inspection at the Town Municipal Building, Webbers Falls, Oklahoma.				
Oregon	Marion County, unincorporated areas (FEMA-6538)	Mill Creek	300 feet upstream of centerline of Interstate Highway 5 northbound	*226
		Battle Creek	140 feet upstream of centerline of Reese Hill Road	*525
		Claggett Creek	100 feet upstream of centerline of Dearborne Avenue NE	*125
		East Fork Pringle Creek	At downstream edge of Interstate Highway 5	*221
Maps available for review at the Planning Department, 220 High Street, Salem, Oregon.				
Pennsylvania	East Buffalo, township, Union County (FEMA-6538)	Limestone Run (Bull Run)	Approximately 450 feet upstream of State Route 45 (downstream crossing)	*487
			Approximately 250 feet upstream of CONRAIL (upstream crossing)	*477
Maps available for inspection at the Township Building, 610 Fairground Road, Lewisburg, Pennsylvania.				
Pennsylvania	Solebury, township, Bucks County (FEMA-6522)	Delaware River	Downstream corporate limits	*62
			Downstream corporate limits of Borough of New Hope	*67
			Upstream corporate limits of Borough of New Hope	*73
			Upstream Upper York Road bridge	*83
			Upstream Lumberville bridge	*95
			Upstream corporate limits	*96
		Paunacussing Creek	Upstream corporate limits	*96
			Upstream River Road bridge	*207
			Upstream Paunacussing Road bridge	*207
			Upstream Fleecy Dale Road bridge	*225
			Upstream Sawmill Road bridge	*267
			Upstream Mechanicsville Road bridge	400

State	City/town/county	Source of flooding	Location	\$Depth in feet above ground. *Elevation in feet (NGVD). Modified
		Panunacussing Creek Tributary No. 1.	Upstream Stovers Mill Road bridge. Approximately 1,500 feet upstream Stovers Mill Road bridge.	*231 *245
Maps available for inspection at the Township Building, Solebury, Pennsylvania.				
Texas	Denton, city, Denton County (FEMA-6547)	Pecan Creek	Upstream of McKinney Street	*611
		North Pecan Creek	Upstream of Crescent and Fulton Streets	*641
			Upstream of Anna Street	*631
			Upstream of University Drive West	*648
Maps available for inspection at the Municipal Building, Denton, Texas.				
Vermont	Moretown, town, Washington County (FEMA-6532)	Winooski River	Downstream corporate limits.	*428
			Upstream of U.S. Route 2	*447
			Upstream of State Route 100B	*501
		Crossett Brook	Approximately 2,700 feet upstream of State Route 100.	*452
Maps available for inspection at the Town Hall, Route 100B, Moretown, Vermont.				
Virginia	Campbell County (FEMA-6547)	Dreaming Creek	Downstream corporate limits.	*831
			Approximately 200 feet upstream State Route 1554	*850
Maps available for inspection at the County Courthouse, Rustburg, Virginia.				
Virginia	Lynchburg, city (FEMA-6547)	Dreaming Creek	Upstream side of State Route 291 bridge	*700
			Upstream side Norfolk and Western Railway bridge	*726
			Upstream side U.S. Route 460 bridge	*760
			Upstream side State Route 1447 bridge	*800
			Upstream corporate limits	*831
Maps available for inspection at the City Hall, Lynchburg, Virginia.				

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; E.O. 12127, 44 FR 19367; and delegation of authority to Federal Emergency Management Agency)

Issued: October 25, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-29652 Filed 11-2-83; 8:45 am]

BILLING CODE 6718-03-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program; Mississippi

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This notice identifies the location of a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended. The Attorney General has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution.

EFFECTIVE DATE: November 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Clogston, Coordinator, Voting Rights Program, Office of Personnel Management, Washington, D.C. 20415, 202-632-5691.

SUPPLEMENTARY INFORMATION: The Attorney General has designated Lowndes County, Mississippi, as an

additional examination point coming under the provisions of the Voting Rights Act of 1965, as amended. He has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, the U.S. Office of Personnel Management will appoint Federal examiners to review the qualifications of applicants to be registered to vote and Federal observers to observe local elections.

Pursuant to Section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OPM's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and locations within these counties where citizens can be Federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Pursuant to Section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately to allow Federal examiners to immediately register voters and Federal observers to observe elections under the authority of the Voting Rights Act of 1965, as amended.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because its purpose is the addition of one new location to the list of counties in the regulation concerning OPM's responsibilities under the Voting Rights Act.

List of Subjects in 45 CFR Part 801

Administrative practice and procedures, Voting rights.

Office of Personnel Management.

Donald J. Devine,
Director.

Accordingly, the Office of Personnel Management amends 45 CFR Part 801, Appendix A, by adding Lowndes County, Mississippi, to read as follows:

Appendix A—[Amended]

Mississippi

County; Place for filing; Beginning date.

Lowndes; Columbus—Ramada Inn, Room 153, Highway 45 North; August 22, 1983.

(5 U.S.C. 1103; Secs. 7, 9, 79 Stat. 440, 441 (42 U.S.C. 1973c, 1973g))

[FR Doc. 83-29817 Filed 11-3-83; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 21, 22, 23, 74, 78, 81, 87, 90, and 94

[General Docket 82-334; FCC 83-393]

Spectrum Utilization Policy for the Fixed and Mobile Services in the 947 MHz-40 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission provides spectrum and revises its Rules to provide for the recommendation of private operational fixed links currently operational in the 12.2 to 12.7 GHz (12 GHz) band. This is necessary due to the introduction of the Broadcast Satellite Service in the 12 GHz spectrum. The rule changes permit the displaced links access to the following bands: 6525-6875 MHz, 12.7-13.2 GHz and 17.7-19.7 GHz. Additionally, the rule changes provide for future growth of the private operational fixed service and compatible services at 18 GHz on providing channeling plans for 220, 80, 40, 20, 10, and 6 MHz channels and other appropriate standards.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Draper Campbell, (202) 653-8177, James T. Vorhies, (202) 653-9097, Office of Science and Technology, Spectrum Management Division.

List of Subjects

47 CFR Part 2

Frequency allocation, radio.

47 CFR Part 21

Point-to-point microwave, radio.

47 CFR Part 22

Mobile radio service radio.

47 CFR Part 23

Radio.

47 CFR Part 74

Radio.

47 CFR Part 78

Communications equipment, radio.

47 CFR Part 81

Communications equipment, radio.

47 CFR Part 87

Communications equipment.

47 CFR Part 90

Mobile services, radio.

47 CFR Part 94

Radio.

First Report and Order

In the matter of establishment of a spectrum utilization policy for the fixed and mobile services use of certain bands between 947 MHz and 40 GHz Gen. Docket 82-334.

Adopted: September 9, 1983.

Released: September 30, 1983.

By the Commission.

Purpose

1. The purpose of this First Report and Order in General Docket 82-334 is to provide frequencies and revised Rules for the reaccommodation of existing 12 GHz fixed microwave users. This is necessary because the 12 GHz band (12.2 to 12.7 GHz) has been allocated to the Direct Broadcast Satellite (DBS) service on a primary basis, and the fixed services and DBS services cannot use the same frequencies in a geographic area due to interference. This First Report and Order will also allocate spectrum in the 18 GHz band to fixed services. A number of issues concerning future utilization of fixed and mobile services microwave spectrum were raised earlier in this proceeding, however, broader changes in the microwave service rules will be treated in other phases of this Docket.

Introduction

2. On January 13, the Commission adopted and released a *Notice of Proposed Rulemaking (NPRM)*¹ in this proceeding proposing spectrum allocations and standards for certain microwave bands. A major purpose of the *NPRM* was to propose changes in the Commission's Rules to accommodate private fixed users who

might be displaced from the 12 GHz frequency band by the allocation of this band to Direct Broadcast Satellite. Earlier, the Commission had released a *Notice of Inquiry (NOI)* in this proceeding to examine spectrum allocations and technical standards for certain fixed and mobile services' bands between 17.7 and 40 GHz.² The scope of the proceeding was expanded by the *NPRM* to include consideration of certain additional bands between MHz and 17.7 GHz in order to provide a means for developing provisions to accommodate the displaced 12 GHz users.

3. This was in response to the Commission's instruction in the *Report and Order* in Docket 80-603 authorizing Direct Broadcasting Satellite (DBS) service in the 12.2-12.7 GHz band (12 GHz band). In that *Report and Order*, the Commission instructed the staff to prepare a notice of proposed rule making to make spectrum available for private fixed service users who might be displaced from the 12 GHz band by the DBS service.³ While the Commission recognized that many displaced 12 GHz fixed operations could be supported at frequencies of 18 GHz and higher, it tentatively identified other spectrum that might also support some of them. In particular, it noted that the bands at 6525-6875 MHz and 12.7-13.25 GHz might be used with significantly lower costs than those associated with the 18 GHz band. The Commission stated that it intended to propose a considerable amount of sharing or pooling of microwave spectrum among the broadcast auxiliary, cable television relay (CARS) and private operational fixed services, and to consider the possibility of sharing between these services and common carrier services. By opening up lower bands through interservice sharing, opportunities would be created to reaccommodate displaced 12 GHz users at less cost than would occur if they were restricted to moving only to bands at 18 GHz and higher. Among other issues that the Commission expressed intent to address were: (1) The need for minimum path length criteria for the use of each of the available bands, (2) bandwidth requirements and appropriate channeling plans for the bands, (3) feasibility of continued private fixed use of the 12.2-12.7 GHz band on a secondary basis, (4) coordination and loading practices needed to ensure

¹ *Notice of Inquiry* (FCC 82-286) in General Docket 82-334, Released July 9, 1982.

² *Report and Order* (FCC 82-285) in General Docket 80-603, Released July 14, 1982.

³ *Notice of Proposed Rulemaking* in General Docket 82-334, Adopted and Released January 13, 1983 (FCC 83-2).