

point (5) L 42 deg.-52 min.-39.2 sec. N, 078 deg.-53 min.-57.1 sec. W then to point (6) L 42 deg.-52 min.-29.8 sec. N, 078 deg.-54 min.-20.2 sec. W then to point (7) L 42 deg.-52 min.-38.3 sec. N, 078 deg.-55 min.-00.7 sec. W then North along International boundary line to point (1).

(b) *Effective date.* This regulation becomes effective on 01 November 1986 at 8:00 am. It terminates on 01 December 1986 at 5:00 pm.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: October 20, 1986.

J.H. Johnson III,

Commander, U.S. Coast Guard, Captain of the Port, Buffalo, New York.

[FR Doc. 86-24589 Filed 10-29-86; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 165

[COTP Honolulu Reg. 86-07]

#### Safety Zone Regulations; Barbers Point, Oahu, HI

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

**SUMMARY:** The Coast Guard is establishing a safety zone around Hawaiian Independent Refinery Inc.'s tanker mooring located approximately 1.5 miles south of Barbers Point, Oahu, Hawaii. This zone is needed to protect the various craft and divers associated with the construction and installation of a new Catenary Anchor Leg Mooring System from a safety hazard associated with the passage of waterborne craft through the construction area. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATES:** This regulation becomes effective November 20, 1986 at 6:00 AM HST. It terminates December 10, 1986 at 6:00 AM HST unless terminated sooner by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander K.W. Keane, Chief, Port Operations Department, (808) 546-7146, Marine Safety Office, Honolulu, Hawaii.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since

immediate action is needed to prevent injury or damage to persons and equipment incident to the construction project.

#### Drafting Information

The drafters of this regulation are Lieutenant Commander K.W. Keane, Project Officer for the Captain of the Port, and Lieutenant Commander R. W. Bogue, Project Attorney, Fourteenth Coast Guard District Legal Office.

#### Discussion of the Regulation

The event requiring this regulation will begin on November 20, 1986. It involves the construction and installation of a new Catenary Anchor Leg Mooring System at Hawaiian Independent Refinery Inc.'s tanker mooring located approximately 1.5 miles south of Barbers Point, Oahu, Hawaii. Contractor vessels and divers will be operating in the area. Nearby vessel passages may make on-scene operations and diving hazardous.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in authority citation for all of Part 165.

#### List of Subjects in 38 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

#### Regulation

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T1407 is added as follows:

§ 165.T1407 **Safety Zone: Vicinity of Hawaiian Independent Refinery Inc.'s Tanker Mooring, Barbers Point, Oahu, Hawaii.**

(a) *Location.* The following area is a safety zone: 21°17'04.5" N 158°06'11" W; to 21°16'39.2" N 158°04'22" W; to 21°15'30.8" N 158°04'48.5" W; to 21°15'53.3" N 158°06'22" W; to 21°17'04.5" N 158°06'11" W.

(b) *Effective date.* This regulation becomes effective on November 20, 1986 at 6:00 AM HST. It terminates on December 10, 1986 at 6:00 AM HST unless terminated sooner by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the

Port. Section 165.23 also contains other requirements.

Dated: October 22, 1986.

C.W. Gray,

Captain, U.S. Coast Guard, Captain of the Port, Honolulu, Hawaii.

[FR Doc. 86-24586 Filed 10-29-86; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 165

[COTP Sault Ste. Marie, MI. Reg. 86-4]

#### Safety Zone Regulations; Vicinity of Sunken Fishing Tug RAZAL BROS. Posn. 45-49.1N, 085-44.7W, Lake Michigan

October 24, 1986.

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

**SUMMARY:** The Coast Guard is establishing a safety zone approx. 08 nautical miles WNW of Beaver Island MI, in the vicinity of the sunken fishing tug RAZAL BROS., at POSN. 45-49.1N, 085-44.7W, Lake Michigan.

This safety zone is established to warn against unauthorized diving operations and prevent further damage from occurring to the sunken fishing tug RAZAL BROS., while allowing authorized diving and potential salvage operations to take place. Entry into this zone is prohibited unless authorized by Captain of the Port, Sault Ste. Marie, MI.

**EFFECTIVE DATES:** This regulation becomes effective at 1700 G.m.t., 25 September 1986. It terminates at 1700 G.m.t., 09 January 1987.

**FOR FURTHER INFORMATION CONTACT:** LT. D.J. O'Shea, U.S. Coast Guard Captain of the Port Office, Sault Ste. Marie, MI. 49783-9501 Tel: (906) 635-3220.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to prevent further damage to the vessel involved, and to warn against unauthorized diving operations.

#### Drafting Information

The drafters of this regulation are LT. D.J. O'Shea, project officer for the Captain of the Port, and CDR. M.A. Leone, project attorney, Ninth Coast Guard District Legal Office.

**Discussion of the Regulation**

The mishap requiring this regulation resulted from the possible collision between the fishing tug RAZAL BROS. and the Yugoslavian freighter JABLANICA on the morning of 20 August 1986, with multiple loss of life. Large sections of fishing nets remain in the immediate vicinity of the sunken vessel which creates an extreme hazard to unauthorized divers.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

**Regulation**

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new § 165.T0904 is added to read as follows:

**§ 165.T0904 Safety Zone: Site of sunken fish tug RAZAL BROS.**

(a) **Location.** The following area is a safety zone: a 500 yd. radius around the fish tug RAZAL BROS. located at: POSN. 45-49.1N, 085-44.7W, approx. 08 NM WNW of Beaver Island, MI, Lake Michigan.

(b) **Effective dates.** This regulation becomes effective at 1700 G.m.t., 25 September 1986. It terminates at 1700 G.m.t., on 09 January, 1987.

(c) **Regulations.** In accordance with the general regulations in subpart 165.23 of this part, entry into this zone is prohibited unless authorized by Captain of the Port, Sault Ste. Marie, MI.

Dated: September 25, 1986.

**W.S. Viglienza,**  
*Capt. USCG, Captain of the Port.*

[FR Doc. 86-24587 Filed 10-29-86; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[PP 4F3108/R856; FRL-3103-2]

**Pesticide Tolerances for Fenarimol**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes tolerances for residues of the fungicide

fenarimol in or on certain raw agricultural commodities. This regulation, to establish maximum permissible levels of residues of fenarimol in or on the commodities, was requested in a petition submitted by Elanco Products Co. Elsewhere in this issue of the *Federal Register*, a feed additive regulation for fenarimol on apple pomace is also established.

**EFFECTIVE DATE:** Effective on December 1, 1986.

**ADDRESS:** Written objections, identified by the document control number [PP 4F3108/R856] may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M-3708, 401 M. St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:**

By mail: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Environmental Protection Agency, 401 M. St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1900).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice, published in the *Federal Register* of August 8, 1984 (49 FR 31756), which announced that Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285, submitted pesticide petition 4F3108 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the fungicide fenarimol [alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol] in or on the raw agricultural commodities apples at 0.1 ppm, meat and meat byproducts (mbyp; except fat and liver) of cattle, goats, hogs, horses, and sheep at 0.01 ppm, and fat and liver of cattle, goats, hogs, horses, and sheep at 0.1 ppm.

Elanco amended the petition (51 FR 34247, September 26, 1986) by reducing the tolerance for apples to 0.01 ppm and proposing a tolerance for kidney of cattle, goats, hogs, horses, and sheep at 0.1 ppm.

The commodity milk at .003 ppm was proposed in the petition, however, milk was inadvertently omitted in the notice of filing (49 FR 31756, August 8, 1984) and is being included in this final rule. To provide for any interested party to submit comments/objections to the .003 ppm tolerance for milk, this rule will not become effective until 30 days after publication in the *Federal Register*.

There were no comments received in response to the notices of filing.

The data submitted in support of this petition and other relevant material

have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the tolerances include:

1. A 1-year dog feeding study using doses of 0, 1.25, 12.5, and 125 mg/kg bodyweight/day. The no-observed-effect level (NOEL) is 12.5 mg/kg bodyweight/day. The 125 mg/kg bodyweight/day dose level caused increased serum alkaline phosphatase, increased liver weights, increase in *p*-nitroanisole *o*-demethylase activity, and mild hepatic bile stasis.

2. A 2-year chronic feeding/oncogenicity study in rats using dietary concentrations of 0, 50, 130, and 350 ppm (nominal doses of 0, 2.5, 6.5, and 17.5 mg/kg bw/day). The compound did not demonstrate any significant oncogenic effects under the conditions of the study. Because of the appearance of a low incidence of fatty change of the liver in the low dose groups, it is unclear if a NOEL was established at the lowest dose tested.

3. Two 2-year chronic feeding/oncogenicity study in rats dietary concentrations of 0, 12.5, 25, and 50 ppm (nominal doses of 0, 0.63, 1.25, and 2.5 mg/kg bodyweight/day). The purpose of these experiments was to further investigate fatty liver changes. In the first of these studies there was an increased incidence of fatty change in the high dose group. This study was compromised, however, by an outbreak of chronic respiratory disease which reduced survival in all experimental groups, including control. The study was repeated with the same dose levels. In the repeat study, no fatty liver changes nor any oncogenic effects were observed at the doses tested, under the conditions of the study.

Using data from all three 2-year studies, as well as a 12-month and 18-month study, a NOEL for fatty liver change of 6.5 mg/kg bw/day was established.

4. A 2-year oncogenicity study in mice using dietary concentrations of 0, 50, 170, and 600 ppm (nominal doses of 0, 7, 24.3, and 85.7 mg/kg bw/day) that was negative for oncogenic effects at all doses tested under the conditions of the study. At 600 ppm, an increase in fatty metamorphosis of the liver was demonstrated with a NOEL of 170 ppm.

5. A rabbit teratology study that was negative for teratogenic effects at all doses tested (0, 5, 10, and 35 mg/kg).

6. A rat teratology study that demonstrated hydronephrosis at 35 mg/kg (doses tested were 0, 5, 13, and 35 mg/kg). A postpartum study in rats indicated that the dose level of 35 mg/kg

was associated with maternal toxic effect (decreased weight gain during treatment). The Agency considers the NOEL to be 13 mg/kg.

7. A multigeneration reproduction study in rats that demonstrated decreased fertility in males and delayed parturition and dystocia in females at 5 mg/kg bw/day, supporting an overall NOEL of 2.5 mg/kg bodyweight/day.

8. Multigeneration reproduction studies in guinea pigs and mice that were negative for reproduction effects at doses tested (35 and 20 mg/kg bw/day, respectively, the highest dose tested).

9. An aromatase inhibition study that showed fenarimol to be a moderately weak inhibitor of rat aromatase activity.

The adverse reproductive effects cited in item 7, is considered species-specific caused by aromatase inhibition. This enzyme promotes normal sexual behavior in rats and mice, but not guinea pigs, primates, or man. A NOEL of 35 mg/kg bw/day for reproductive effects relevant to humans was established in the multigeneration reproduction study in guinea pigs.

10. A mouse lymphoma forward mutation assay; a DNA repair synthesis study in rat liver culture systems; gene mutation assays in *salmonella typhimurium* (Ames test) and in *E. coli*; a dominant lethal assay in Wistar rats; an assay for transformation activity in the C3H/10T 1/2 embryonic mouse fibroblast; and an *in vivo* assay for chromosome aberration in the Chinese hamster. Fenarimol did not demonstrate mutagenic activity in any of these studies.

The acceptable daily intake (ADI) based on the 2-year rat chronic feeding study (NOEL of 6.5 mg/kg bw/day) and using a 100-fold safety factor is calculated as 0.065 mg/kg bw/day. The maximum permitted intake (MPI) for a 60-kg person is calculated to be 3.9 mg/day. The theoretical maximum residue contribution (TMRC) from the established and proposed tolerances is 0.0003 mg/day and utilizes 0.46 percent of the ADI. A previous tolerance has been established for fenarimol in pecans.

In a previous Federal Register notice (51 FR 7567, March 5, 1986), the Agency indicated the compound to be oncogenic and teratogenic. Since that time, the compound has been reevaluated. A discussion of the findings leading to the conclusion in the reevaluation follows:

The Agency's original conclusion that fenarimol was oncogenic was based on a finding of a significant increase in hepatic lesions (adenomas and hyperplastic nodules) at the highest dose tested (nominal concentration of 17.5 mg/kg bodyweight/day), when male

and female rats were combined. Presently, in the analyses of oncogenic activity by the Agency, it is considered more appropriate to separate males and females and hyperplastic nodules from tumors (adenomas and carcinomas). When a re-evaluation of the hepatic lesions for males and females was performed separately with the elimination of hyperplastic nodules, the data did not demonstrate a statistically significant increased incidence in adenomas and/or carcinomas in either sex. Moreover, the mouse oncogenicity study did not demonstrate oncogenic potential at levels approaching a maximum tolerated dose (MTD).

The mutagenic potential of fenarimol has been evaluated in several assay systems (see item 10). Fenarimol did not demonstrate any significant mutagenic effect in these studies. Fenarimol did not induce altered foci or neoplastic nodules in an initiation and promotion assay for rat liver carcinogenesis.

Based on the above findings, the Agency concludes that fenarimol is not carcinogenic in the chronic feeding studies in the rat and mouse under test conditions in which the highest dose tested approached a MTD as evidenced by increased fatty metamorphosis of the liver.

On the issue of teratogenicity, the Agency evaluated a study in rats using doses of 0, 5, 13, and 35 mg/kg. This study demonstrated a significant increase of hydronephrosis at 35 mg/kg dose level. No maternal toxicity was demonstrated in this study. To further elucidate the hydronephrosis effect, the Agency evaluated a second teratology study designed to include a postpartum phase in order to evaluate the reversibility of hydronephrosis. Dosing in this study was at 0 and 35 mg/kg. Treatment-related hydronephrosis was observed both macroscopically and microscopically during gestation. The microscopic examination indicated that this lesion was not totally reversible in the postpartum phase. At the 35 mg/kg dose level, there was a decrease in weight gain during the treatment period, indicating a maternal toxic response. The Agency concludes, in accordance with the Standard Guidelines for Evaluation of Teratogenic Effects, that the observed hydronephrosis effect should be considered as a developmental toxic effect occurring at a level of maternal toxicity. The NOEL for developmental toxicity is 13 mg/kg.

The nature of the residue is adequately understood and an adequate analytical method is available for enforcement purposes. Because of the long lead-time from establishing this tolerance to publication of the

enforcement methodology in the Pesticide Analytical Manual Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested.

For copy of the enforcement methodology contract:

By mail: William Grosse, Chief, Information Service Branch, Program Management and Support Division (TS-757C), 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 223, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2613).

The pesticide is considered useful for the purposes for which the tolerances are sought. Based on the information and data considered, the Agency concludes that the establishment of the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Pursuant to the requirement of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

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

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 23, 1986.

Douglas D. Campt,  
Director, Office of Pesticide Programs.

## PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.421 is revised to read as follows:

### § 180.421 Fenarimol; tolerances for residues.

Tolerances are established for residues of the fungicide fenarimol [alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol] in or on the following raw agricultural commodities:

| Commodities         | Parts per million |
|---------------------|-------------------|
| Apples.....         | 0.01              |
| Cattle, fat.....    | 0.1               |
| Cattle, meat.....   | 0.01              |
| Cattle, mbyp.....   | 0.01              |
| Cattle, kidney..... | 0.1               |
| Cattle, liver.....  | 0.1               |
| Goat, fat.....      | 0.1               |
| Goat, meat.....     | 0.01              |
| Goat, mbyp.....     | 0.01              |
| Goat, kidney.....   | 0.1               |
| Goat, liver.....    | 0.1               |
| Hog, fat.....       | 0.1               |
| Hog, meat.....      | 0.01              |
| Hog, mbyp.....      | 0.01              |
| Hog, kidney.....    | 0.1               |
| Hog, liver.....     | 0.1               |
| Horse, fat.....     | 0.1               |
| Horse, meat.....    | 0.01              |
| Horse, mbyp.....    | 0.01              |
| Horse, liver.....   | 0.1               |
| Horse, kidney.....  | 0.1               |
| Milk.....           | 0.003             |
| Pecans.....         | 0.1               |
| Sheep, fat.....     | 0.1               |
| Sheep, meat.....    | 0.01              |
| Sheep, mbyp.....    | 0.01              |
| Sheep, kidney.....  | 0.1               |
| Sheep, liver.....   | 0.1               |

[FR Doc. 86-24557 Filed 10-29-86; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 2

[Gen. Docket Nos. 84-1231, 84-1233, and 84-1234]

### Cellular Radio, Private Land Mobile Radio, and a Mobile Satellite Service

#### Correction

In FR Doc. 86-23506 beginning on page 37398 in the issue of Wednesday, October 22, 1986, make the following correction:

On page 37399 in the third column and page 37400 in the first column, in the amendments to the table in § 2.106, the capitalization for some of the entries was inaccurate, and therefore the amendments to table are republished as follows:

### § 2.106 Table of frequency allocations.

| UNITED STATES TABLE                                                    |                                                                        | FCC USE DESIGNATORS              |
|------------------------------------------------------------------------|------------------------------------------------------------------------|----------------------------------|
| Government Allocation (MHz)                                            | Non-Government Allocation (MHz)                                        | Rule Part(s)                     |
| .....                                                                  | .....                                                                  | .....                            |
| .....                                                                  | 821-824<br>LAND MOBILE                                                 | PRIVATE LAND MOBILE (90)         |
| .....                                                                  | NG30 NG43<br>NG63                                                      |                                  |
| .....                                                                  | 824-849<br>LAND MOBILE                                                 | DOMESTIC PUBLIC LAND MOBILE (22) |
| .....                                                                  | NG30 NG43<br>NG63                                                      |                                  |
| .....                                                                  | 849-851<br>LAND MOBILE                                                 | Reserve                          |
| .....                                                                  | NG30 NG63                                                              |                                  |
| .....                                                                  | .....                                                                  | .....                            |
| .....                                                                  | 866-869<br>LAND MOBILE                                                 | PRIVATE LAND MOBILE (90)         |
| .....                                                                  | NG30 NG63                                                              |                                  |
| .....                                                                  | 869-894<br>LAND MOBILE                                                 | DOMESTIC PUBLIC LAND MOBILE (22) |
| .....                                                                  | NG30 NG63<br>US116 US268                                               |                                  |
| .....                                                                  | 894-896<br>LAND MOBILE                                                 | Reserve                          |
| .....                                                                  | US116 US268                                                            |                                  |
| .....                                                                  | .....                                                                  | .....                            |
| .....                                                                  | 935-940<br>LAND MOBILE                                                 | PRIVATE LAND MOBILE (90)         |
| .....                                                                  | US116 US215<br>US268                                                   |                                  |
| .....                                                                  | 940-941<br>MOBILE                                                      | GENERAL PURPOSE MOBILE ( )       |
| .....                                                                  | US116 US268                                                            |                                  |
| .....                                                                  | .....                                                                  | .....                            |
| 1545-1549.5<br>AERONAUTICAL MOBILE-SATELLITE (R)                       | 1545-1549.5<br>AERONAUTICAL MOBILE-SATELLITE (R)                       | AVIATION (87)                    |
| (space-to-Earth)<br>Mobile-Satellite (space-to-Earth)<br>722 729 US308 | (space-to-Earth)<br>Mobile-Satellite (space-to-Earth)<br>722 729 US308 |                                  |

| UNITED STATES TABLE                                                         |                                                                             | FCC USE DESIGNATORS |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------|
| Government Allocation (MHz)                                                 | Non-Government Allocation (MHz)                                             | Rule Part(s)        |
| 1549.5-1558.5<br>AERONAUTICAL MOBILE-SATELLITE (R)                          | 1549.5-1558.5<br>AERONAUTICAL MOBILE-SATELLITE (R)                          | AVIATION (87)       |
| (space-to-Earth)<br>MOBILE-SATELLITE (space-to-Earth)<br>722 729 US308      | (space-to-Earth)<br>MOBILE-SATELLITE (space-to-Earth)<br>722 729 US308      |                     |
| 1558.5-1559<br>AERONAUTICAL MOBILE-SATELLITE (R)                            | 1558.5-1559<br>AERONAUTICAL MOBILE-SATELLITE (R)                            | AVIATION (87)       |
| (space-to-Earth)<br>722 729 US308                                           | (space-to-Earth)<br>722 729 US308                                           |                     |
| .....                                                                       | .....                                                                       | .....               |
| 1646.5-1651.0<br>AERONAUTICAL MOBILE-SATELLITE (R)                          | 1646.5-1651.0<br>AERONAUTICAL MOBILE-SATELLITE (R)                          | AVIATION (87)       |
| (Earth-to-space)<br>Mobile-Satellite (Earth-to-space)<br>722 735 US39 US308 | (Earth-to-space)<br>Mobile-Satellite (Earth-to-space)<br>722 735 US39 US308 |                     |
| 1651-1660<br>AERONAUTICAL MOBILE-SATELLITE (R)                              | 1651-1660<br>AERONAUTICAL MOBILE-SATELLITE (R)                              | AVIATION (87)       |
| (Earth-to-space)<br>MOBILE-SATELLITE (Earth-to-space)<br>722 735 US39 US308 | (Earth-to-space)<br>MOBILE-SATELLITE (Earth-to-space)<br>722 735 US39 US308 |                     |
| 1660-1660.5<br>AERONAUTICAL MOBILE-SATELLITE (R)                            | 1660-1660.5<br>AERONAUTICAL MOBILE-SATELLITE (R)                            | AVIATION (87)       |
| (Earth-to-space)<br>RADIO ASTRONOMY<br>722 735 736 US308                    | (Earth-to-space)<br>RADIO ASTRONOMY<br>722 735 736 US308                    |                     |

#### U.S. Footnotes

US308 In the frequency bands 1549.5-1558.5 MHz and 1651-1660 MHz, the Aeronautical-Mobile-Satellite (R) requirements that cannot be accommodated in the 1545-1549.5 MHz, 1558.5-1559 MHz, 1646.5-1651 MHz and 1660-1660.5 MHz bands shall have priority access in the Mobile-Satellite service. All other users of the Mobile-Satellite service are subject to preemption based upon this priority access.

BILLING CODE 1505-01-M

# Proposed Rules

Federal Register

Vol. 51, No. 210

Thursday, October 30, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 36 and 91

[Docket No. 25109; Notice No. 86-16]

#### Noise Standards; Civil Supersonic Aircraft Noise Type Certification Standards and Operating Rules

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Advance Notice of Proposed Rulemaking (ANPRM).

**SUMMARY:** The Federal Aviation Administration is considering rulemaking to establish noise standards for the type certification of civil supersonic aircraft and to establish a corresponding operating rule for such airplanes. These actions would involve amending Parts 36 and 91 of the Federal Aviation Regulations (FAR). Currently, except for certain Concorde airplanes, any civil supersonic airplane operated at an airport in the U.S. must comply with the 1977 Stage 2 noise limits contained in FAR Part 91. However, other civil turbojet aircraft must meet more stringent standards to be certificated by the FAA. This advance notice is issued to solicit information on the economic reasonableness and technological feasibility of prescribing more definitive type certification and operating rules for such aircraft.

**DATES:** Comments must be received on or before February 27, 1987.

**ADDRESSES:** Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 25109, 800 Independence Ave. SW., Washington, DC 20591;

Or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Ave. SW., Washington, DC 20591.

Comments may be examined in the Rules Docket, weekdays except Federal Holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Tedrick, Noise Policy and Regulatory Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3558.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasonable regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Docket No. 25109." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. The rulemaking concepts discussed in this advance notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of ANPRMs

Any person may obtain a copy of this advance notice of proposed rulemaking (ANPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-200, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3479. Communications must identify the notice number of this

ANPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

##### Advance Notice

This advance notice of proposed rulemaking is issued in accordance with the FAA's policy or early institution of public proceedings in actions related to rulemaking. An "advance" notice of proposed rulemaking is issued when it is found that the resources of the FAA and reasonable inquiry outside the FAA do not yield a sufficient basis to identify and select tentative or alternative courses of action upon which a rulemaking procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternative courses of action. This latter purpose provides the basis for this advance notice of proposed rulemaking. Thus, this advance notice is the first step toward what may become new regulations affecting type certification and operation of future supersonic airplane types.

##### Regulatory Background

Parts 21, 36, and 91 of the Federal Aviation Regulations (14 CFR Parts 21, 36 and 91) were amended June 26, 1978 (published in 43 FR 28406, June 29, 1978), to add noise and sonic boom type certification and operational requirements for civil supersonic airplanes. These rules (1) require all civil supersonic airplanes (SSTs), except Concorde with flight time before January 1, 1980, to comply with the Stage 2 noise limits of Part 36 that were applied in 1969 to subsonic airplanes in order to operate at an airport in the U.S.; (2) prohibit the issuance of U.S. Standard Airworthiness Certificates to Concorde that did not have flight time before January 1, 1980, and that do not meet State 2; (3) prohibit the operation in the U.S. of the excepted Concorde airplanes if they have been modified in a manner that increases their noise; (4) prohibit scheduled operations of the excepted Concorde airplanes at U.S. airports between 10 p.m. and 7 a.m.; and (5) prohibits SSTs that are operating outside the U.S. from causing sonic booms in the U.S. when flying to or from U.S. airports. The preamble to these

amendments further stated that it was the "FAA's goal . . . not to certificate, or permit to operate in the United States, any future design SST that does not meet standards then applicable to subsonic airplanes." Currently, new subsonic turbojet airplanes and their derivatives are required to meet Part 36 Stage 3.

#### Technical Considerations

Although only one type of civil SST, the Anglo-French Concorde, is currently operating, it is entirely possible that several other types may be developed within the next few years. Several nations, in fact, have preliminary design studies underway to determine more exact mission requirements and technological feasibilities. These aircraft range from an up-graded Concorde to the hypersonic "Orient Express." The wide range of propulsion systems and civil missions under consideration make it difficult at this time to adequately assess either the environmental or economic consequences of any proposed regulatory alternative. However, it is important that both airplane designers and airport planners begin to consider the possible noise impacts of these new aircraft.

Specifically, the FAA is seeking information on the types of engines or other propulsion systems that may be used, on the availability of noise reduction technology for those engines, and the noise/performance/cost tradeoffs in applying that technology.

#### Regulatory Policy Considerations

Noise certification of new aircraft types under Part 36 is currently limited to subsonic airplanes. Operations of supersonic aircraft are limited by §§ 91.55, 91.309, and 91.311, as described above. The FAA needs to ascertain whether this approach is sufficiently conducive to the orderly development of economically and environmentally sound aircraft. This advance notice is the first step toward development of appropriate certification standards and operating rules. It should be noted that this potential regulatory action is intended to propose criteria which must be met prior to the issuance of a type certificate for future civil supersonic aircraft. Primarily, this involves the noise characteristics of the airplane during takeoff and landing at a civil airport.

Early public participation is welcomed in the development of the fundamental policies to be applied in establishing noise ceilings for civil supersonic aircraft. While comments, views, and opinions on any facet of the issues involved are welcome, comments are

particularly sought on the following primary problems:

(1) The extent to which the current (Stage 3) noise standards now applicable to subsonic turbojet-powered aircraft could be applied to future-generation SSTs. Comments should specifically address the requirements of section 611(b)(4) of the Federal Aviation Act of 1958 (as amended), that the Administrator, in issuing noise regulations, shall consider whether any proposed standard, rule, or regulation is "economically reasonable, technologically practicable, and appropriate for the particular type of aircraft."

(2) The appropriateness of using operational rules to ensure that foreign-built and certificated aircraft serving U.S. airports are subject to the same limitations and controls as those aircraft types certificated in the U.S.

(3) Methods to ensure that use of the regulatory authority under section 611 is made, with respect to civil supersonic aircraft, without undue Federal impact on the orderly growth of the national airspace system capacity and without Federal interference with the rights of states or local public agencies, as the proprietors of airports, to establish requirements as to the permissible level of noise which can be created by aircraft using their airports.

(4) The development of economic incentives for reducing the noise levels of civil supersonic aircraft.

#### Economic Impact and Benefits

Public comments concerning the economic impact and benefits are specifically sought in addition to comments on the technical aspect of the proposed airworthiness standard.

Agencies of the Federal Government are required by Executive Order 12291 to examine any proposed regulation to ascertain its economic impact and to adopt only those regulatory programs in which potential benefits to society clearly outweigh the potential costs to society. Any regulatory proposal by the FAA must be accompanied by an evaluation quantifying and/or qualifying, to the extent possible, the benefits and cost of such proposals. Although the FAA does not have sufficient information to generate definitive costs at this time, preliminary evaluation indicates that they would not be great. However, if comments to the Docket for this ANPRM indicate this assumption is erroneous, a complete cost evaluation will be prepared. Therefore, it is essential that comments for or against the proposal discussed here include the economic impact as perceived by the commenter.

Although we do not expect the ANPRM to be controversial, we are mindful that previous regulatory actions concerning supersonic aircraft noise have generated significant public controversy. Therefore, the ANPRM is classified as significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

#### Specific Regulatory Questions

As stated above, it is proposed to amend Parts 36 and 91 to add provisions specifically appropriate to new types of SSTs and their derivatives. The FAA believes that the basic three-point measurement system (i.e., takeoff, approach, and sideline) currently used in Part 36 for subsonic turbojets can be extended to supersonic aircraft. However, some or all supersonic aircraft may be sufficiently different from subsonic aircraft to justify a comprehensive review of the appropriateness of details of Part 36. For example, some advanced aircraft concepts discussed in the open literature may employ disposable rocket-or jet-assisted propulsion during takeoff. Also, the deceleration and steep descent angles envisaged for use during approach may be well outside current allowable Part 36 noise certification test windows. Public comment is therefore requested concerning the application of Part 36 to the new technology supersonic aircraft, with particular attention being given to the following:

(1) The changes, if any, to the aircraft noise measurement conditions of Appendix A of Part 36 that would be appropriate for supersonic aircraft, with respect to general test conditions, noise measurement procedures, and aircraft conditions.

(2) The extent to which the class of supersonic aircraft should be divided into subclasses for the purpose of establishing noise ceilings and measurement concepts.

(3) Factors, peculiar to supersonic aircraft, that should be considered by the Administrator to assure that supersonic aircraft noise regulations are consistent with the highest degree of safety in air commerce or air transportation.

#### Lists of Subjects

##### 14 CFR Part 36

Aircraft certification, Aircraft noise levels, Supersonic aircraft.

##### 14 CFR Part 91

Aircraft operations, Aircraft noise levels, Airports.

**PART 36—[AMENDED]**

The authority citation for Part 36 continues to be as follows:

**Authority:** 49 U.S.C. 1344, 1348, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430, 1431(b), 1651(b)(2), 2121, through 2125; 42 U.S.C. 4321 et seq.; Sec. 124 of Pub. L. 98-473, E.O. 11514, 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

**PART 91—[AMENDED]**

The authority citation for Part 91 continues to be as follows:

**Authority:** 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Issued in Washington DC, on October 24, 1986.

Norman H. Plummer,

Director of Environment and Energy.

[FR Doc. 86-24503 Filed 10-29-86; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 75**

[Airspace Docket No. 86-AWA-58]

**Proposed Alteration and Establishment of Jet Routes; Expanded East Coast Plan**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** This supplemental notice amends an earlier notice in which the FAA proposed to alter the descriptions of Jet Routes J-48, J-80 and J-563 and establish new J-228. This action redesignates the description of the proposed new Jet Route J-228 by extending it from Sparta, NJ, to the Canadian border. The FAA has determined that J-228 would enhance the Expanded East Coast Plan (EECP) by extending the route to the Canadian boundary. In addition, new Jet Route J-230 is proposed in order to facilitate Standard Instrument Departures (SID's) over Robbinsville, NJ, for westbound traffic via Bellaire, OH, and the current Jet Route J-80. These actions would improve traffic flow, reduce controller workload and aid flight planning.

**DATES:** Comments must be received on or before December 15, 1986.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA, Eastern Region, Attention: Manager, Air Traffic Division, Docket No. 86-AWA-58, Federal Aviation Administration, JFK

International Airport, The Fitzgerald Federal Building, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9254.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWA-58." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this Supplemental Notice of Proposed Rulemaking (SNPRM) by submitting a request to the Federal Aviation

Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this SNPRM. Persons interested in being placed on a mailing list for future SNPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

**The Proposal**

On September 30, 1986, the FAA proposed to alter the descriptions of J-48, J-80 and J-563 and establish new J-228 (51 FR 34651). This supplemental notice proposes to amend the earlier notice by extending J-228 from Sparta, NJ, to the Canadian border. In addition, J-230 is proposed in order to facilitate SID's serving Robbinsville, NJ, and Jet Route J-80. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 75**

Aviation safety, Jet routes.

**The Proposed Amendment****PART 75—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

1. The authority citation for Part 75 continues to read as follows:

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

**§ 75.100 [Amended]**

2. § 75.100 is amended as follows: