**Drafting Information**

The principal author of this document was Charles D. Ressin, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

**Federal Register Thesaurus**

On January 22, 1981, the Office of the Federal Register published a final rule (46 FR 7162) which requires agencies to identify major topics and categories of persons affected in their regulations by using standard terms established in the Federal Register Thesaurus of Indexing Terms.

Accordingly, the index terms listed below are applicable to this regulatory project:

**List of Subjects**

*19 CFR Part 24*

Accounting.

*19 CFR Part 111*

Brokers.

*19 CFR Part 141*

Importers.

**Amendments to the Regulations**

Parts 24, 111, and 141, Customs Regulations (19 CFR 24, 111, 141), are amended as set forth below.

**William Von Raab,**
*Commissioner of Customs.*

Approved: June 10, 1982.

**John M. Walker, Jr.,**
*Assistant Secretary of the Treasury.*

## PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

The introductory paragraph of § 24.1(a), Customs Regulations (19 CFR 24.1(a)) is revised to read as follows:

**§ 24.1 Collection of Customs duties, taxes, and other charges.**

(a) Except as provided in paragraph (b) of this section, the following procedure shall be observed in the collection of Customs duties, taxes, and other charges (see §§ 111.29(b) and 141.1(b) of this chapter):

* * * * *

(R.S. 251, as amended, R.S. 3009, 3473, section 1, 36 Stat. 965, as amended, section 648, 46 Stat. 762, as amended (19 U.S.C. 66, 197, 198, 1648))

## PART 111—CUSTOMHOUSE BROKERS

§ 111.29, Customs Regulations (19 CFR 111.29) is amended by adding a new heading to the present paragraph and designating that paragraph as paragraph (a), and by adding a new paragraph (b) to read as follows:

**§ 111.29 Diligence in correspondence and paying monies.**

(a) *Due diligence by broker.* * * *

(b) *Notice to client of method of payment.* (1) All brokers shall provide their clients with a written notification as follows:

If you are the importer of record, payment to the broker will not relieve you of liability for Customs charges (duties, taxes, or other debts owed Customs) in the event the charges are not paid by the broker. Therefore, if you pay by check, Customs charges may be paid with a separate check payable to the "U.S. Customs Service" which shall be delivered to Customs by the broker.

(2) Brokers shall provide the information statement in paragraph (b)(1) as follows:

(i) On, or attached to, any power of attorney executed on or after (60 days from the date of publication in the **Federal Register** ); and

(ii) To each active client annually during the month of February beginning in February 1983, and during each February thereafter. An active client means a client from whom a broker has obtained a power of attorney.

* * * * *

(R.S. 251, as amended, sections 624, 641, 46 Stat. 759, as amended, 77A Stat. 14; (5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gn. Hdnote. 11), 1624, 1641))

## PART 141—ENTRY OF MERCHANDISE

§ 141.1(b), Customs Regulations (19 CFR 141.1(b)), is revised to read as follows:

**§ 141.1 Liability of importer for duties**

* * * * *

(b) *Payment of Duties.*—(1) *Personal debt of importer.* The liability for duties, both regular and additional, attaching on importation, constitutes a personal debt due from the importer to the United States which can be discharged only by payment in full of all duties legally accruing, unless relieved by law or regulation. Payment to a broker covering duties does not relieve the importer of liability if the duties are not paid by the broker. The liability may be enforced notwithstanding the fact that an erroneous construction of law or regulation may have enabled the importer to pass his goods through the customhouse without payment. Delivery of a Customs bond with an entry is solely to protect the revenue of the United States and does not relieve the importer of liabilities incurred from the importation of merchandise into the United States.

(2) *Means of Payment.* An importer or his agent may pay Customs by using any of the applicable means provided in § 24.1(a).

(3) *Methods of payment.* An importer may pay duties either—

(i) Directly to Customs whether or not a licensed customhouse broker is used; or

(ii) Through a licensed customhouse broker. When an importer uses a broker and elects to pay by check or bank draft, the importer may issue the broker either—

(A) One check or bank draft payable to the broker covering both duties and the broker's fees and charges, in which case the broker shall pay the duties to Customs on behalf of the importer, or

(B) Separate checks or bank drafts, one covering duties payable to the "U.S. Customs Service," for transmittal by the broker to Customs, and the other covering the broker's fees and charges. The importer's check or bank draft for duties shall be delivered to Customs by the broker.

(R.S. 251, as amended, section 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759 (19 U.S.C. 66, 1448, 1484, 1624))

[FR Doc. 82-20257 Filed 7-26-82; 8:45 am]

BILLING CODE 4820-02-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Parts 1 and 166

[Docket No. 79P-0402]

### Multiunit and Multicomponent Food Packages; Exemption From Required Label Statements

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is permitting (1) wrappers on subdivisions of oleomargarine and margarine in a multiunit retail food package, and (2) unit containers of other foods in a multiunit or multicomponent retail food package to be exempted from the requirement that the name and place of business of the manufacturer, packer, or distributor be declared on the label. FDA also is permitting all retail packages to be exempted from bearing the statement "Inner Units Not Labeled For Retail Sale." These exemptions are applicable when the retail package and inner units are otherwise properly labeled and when the inner units do not constitute separate units for retail sale. The purpose of these exemptions is to reduce industry labeling costs, thereby reducing cost to consumers.

**EFFECTIVE DATE:** July 27, 1982.

**FOR FURTHER INFORMATION CONTACT:** Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

**SUPPLEMENTARY INFORMATION:** Based on a National Association of Margarine Manufacturers' petition, FDA issued a proposal in the **Federal Register** of May 15, 1981 (46 FR 26790) to exempt wrappers on subdivisions of oleomargarine and margarine in a multiunit retail food package from the requirement that the name and place of business of the manufacturer, packer, or distributor be declared on the label. The proposal also provided this exemption for unit containers of other foods in a multiunit or multicomponent retail package when the inner units are otherwise properly labeled and when they do not constitute separate units for retail sale. Another condition for receiving an exemption was that the retail package, the wrappers, and the unit containers had to be labeled with a disclaimer informing consumers that the inner units are not labeled for retail sale. This final rule further exempts the retail packages from the requirement to bear this disclaimer.

Comments came from industry and a local government agency. Sixteen comments entirely supported the proposal; five comments suggested modifications. FDA has considered the comments, and its responses follow:

1. Two comments said the phrase "not labeled for retail sale" could lead consumers to believe the product is for some reason (other than labeling) unacceptable for sale to the consumer. They said that a better choice of words might be "not labeled for individual sale."

Although FDA has no evidence that consumers have a negative perception of the current terms, it recognizes that the term "individual" equally well conveys the intent of the regulations. Therefore, FDA is amending the regulations to permit the use of either the term "individual" or the term "retail" or both.

2. One comment said that the labeling cost to the industry and consumers would be the same whether the manufacturer had to declare the name and place of business of the manufacturer, packer, or distributor or the statement "This Unit Not Labeled For Retail Sale." The comment said that it would be more useful to the consumer to state the name and place of business of the manufacturer, packer, or distributor because many consumers continue to separate units from multiunit containers.

This final regulation will permit a generic inner wrapper or container to be used for a food made by one manufacturer but distributed by several packers and distributors under their own private labels. The use of the generic inner wrapper or container reduces the cost for printing private inner labels for each manufacturer, packer, and distributor. To this extent, FDA concludes that the regulation helps reduce production costs, thus benefitting manufacturers, retailers, and, ultimately, consumers.

3. One comment said that deleting all labeling requirements for unit containers where the retail package is labeled "Inner Units Not For Retail Sale" would allow the use of plain, unprinted papers or films for inner units.

Except for margarine, FDA lacks authority to require a unit container within a multiunit or multicomponent food package to bear written, printed, or graphic matter, because this type of wrapper is not a "label" or "labeling" as defined in section 201(k) and (m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(k) and (m)). Wrappers on interior sticks of margarine cannot be devoid of all written, printed, or graphic matter. Section 407(b)(4) of the act (21 U.S.C. 347(b)(4)) requires the wrappers on interior sticks of margarine to bear the word "oleomargarine" or "margarine." Consequently, such wrappers are "labels" within the meaning of section 201(k) of the act and must bear all mandatory labeling under the act, subject to exemptions provided by regulations promulgated under the authority of the act.

4. Several comments opposed the provision that requires both the label of the retail package and the labels of the inner units to bear a disclaimer informing consumers that the inner units are not labeled for retail sale. One comment asked that the disclaimer be required to appear on the retail package only. Three other comments contended that the choice of where the disclaimer should appear should be left to the manufacturer or packer. Another comment suggested that manufacturers be permitted to have the choice of where the disclaimer should appear in all cases except for margarine.

The agency believes that the disclaimer should appear on at least one designated label. Therefore, FDA concludes that the disclaimer should appear on the labels of the inner units, when these wrappers constitute labels, because they could become separated from the retail package. Accordingly, the final regulation is revised to reflect this change.

5. Two comments asked that the labels on the unit containers be exempted from bearing a declaration of the net quantity of contents.

The declaration of net quantity of contents on unit containers is required only for margarine. FDA believes that the absence of the quantity of contents statements from the labels of the inner unit containers for margarine would result in consumers not knowing the exact number of unit containers to constitute the retail package should the inner unit container be separated from the package. For this reason, FDA is not exempting the labels on the unit container for margarine from bearing a declaration of net quantity of contents.

In accordance with Executive Order 12291, the economic effects of this proposal were carefully analyzed at the time it was published in the **Federal Register** of May 15, 1981, and it was determined that the proposed rule was not a major rule as defined by that Order. The basis for this determinaton is that, for foods packaged in multiunit containers that do not constitute separate units for retail sale, this rulemaking removes an existing mandatory requirement that the name and address of the manufacturers be declared on the unit package label. Manufacturers will, therefore, be able to use up existing labels, and they will be able to omit the existing mandatory information from new labels. No increase in manufacturers' labeling costs is, therefore, expected. After reevaluating the regulation in light of the comments received, the agency concludes that it has no reason to believe that there has been a change in economic conditions to cause reevaluation of that determination. Therefore, FDA still considers valid the regulatory impact analysis assessment made at the time of the proposal.

In accordance with the Regulatory Flexibility Act (Pub. L. 96-354), it was certified at the time the proposal was published in the **Federal Register** of May 15, 1981, that this proposed rulemaking would not impact on small entities, including small businesses. The agency determined that, because the effect of this proposed regulation is to exempt unit containers in multiunit or multicomponent retail food packages from certain labeling requirements, thus reducing labeling costs, no small business economic impact will result from this action. After reevaluating the regulation in light of the comments received, the agency concludes that there is no reason to believe that this rule will have an economic impact on small businesses. Therefore, the certification made at the time of the proposal remains valid.

### List of Subjects in 21 CFR Parts 1 and 166

Cosmetics, Drugs, Exports, Food standards; Imports, Margarine, Labeling.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 407, 701, 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055–1056 as amended, 64 Stat. 20 (21 U.S.C. 321, 343, 347, 371)) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

## PART 1—GENERAL REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. In Part 1 by revising § 1.24(a)(14) to read as follows:

**§ 1.24 Exemption from required label statements.**

* * * * *

(a) * * *

(14) The unit containers in a multiunit or multicomponent retail food package shall be exempt from compliance with the requirements of section 403 (e)(1), (g)(2), (i)(2), and (k) of the act with respect to the requirements for label declaration of the name and place of business of the manufacturer, packer, or distributor and label declaration of ingredients when (i) the multiunit or multicomponent retail food package labeling meets all the requirements of this part; (ii) the unit containers are securely enclosed within and not intended to be separated from the retail package under conditions of retail sale; and (iii) each unit container is labeled with the statement "This Unit Not Labeled For Retail Sale" in type size not less than one-sixteenth inch in height. The word "Individual" may be used in lieu of or immediately preceding the word "Retail" in the statement.

* * * * *

## PART 166—MARGARINE

2. In Part 166 by revising § 166.40(i) to read as follows:

**§ 166.40 Labeling of margarine.**

* * * * *

(i) The wrappers on the subdivisions of oleomargarine or margarine contained within the package sold at retail are labels within the meaning of section 201(k) and shall contain all of the label information required by sections 403 and 407 of the Federal Food, Drug, and Cosmetic Act, just as in the case of 1-pound cartons, except that wrappers on the subdivisions contained within the retail package shall be exempt from compliance with the requirements of section 403 (e)(1), (g)(2), (i)(2), and (k) of the act with respect to the requirements for label declaration of the name and place of business of the manufacturer, packer, or distributor and label declaration of ingredients when (1) the subdivisions are securely enclosed within and are not intended to be separated from the retail package under conditions of retail sale; (2) the wrappers on the subdivisions are labeled with the statement "This Unit Not Labeled For Retail Sale" in type size not less than one-sixteenth inch in height. The word "Individual" may be used in lieu of or immediately preceding the word "Retail" in the statement.

* * * * *

*Effective date.* This amendment shall become effective July 27, 1982.

(Secs. 201, 403, 407, 701, 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055–1056 as amended, 64 Stat. 20 (21 U.S.C. 321, 343, 347, 371))

Dated: June 16, 1982.

**Arthur Hull Hayes, Jr.,**

*Commissioner of Food and Drugs.*

Dated: July 1, 1982.

**Richard S. Schweiker,**

*Secretary of Health and Human Services.*

[FR Doc. 82-20180 Filed 7-26-82; 8:45 am]

BILLING CODE 4160-01-M

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 41

[Order No. 984-82]

### Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

**AGENCY:** Justice Department.

**ACTION:** Final rule; Technical Amendment.

**SUMMARY:** This document replaces an obsolete appendix to regulations concerning coordination of enforcement of nondiscrimination on the basis of handicap in federally assisted programs.

**EFFECTIVE DATE:** July 27, 1982.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sara Kaltenborn, Attorney/Advisor, Coordination and Review Section, Civil Rights Division, United States Department of Justice, 320 First Street, NW., Room 841, Washington, D.C. 20530, Telephone (202) 724–2225 (Voice) or 724–7379 (TDD).

**SUPPLEMENTARY INFORMATION:** Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance and conducted by the Federal government. Executive Order 11914 (3 CFR 1977 Comp., p. 117) authorized the Department of Health, Education, and Welfare (HEW) to coordinate enforcement of section 504 for federally assisted programs. This authority was later transferred to the Department of Health and Human Services (HHS). On November 2, 1980, this authority was transferred to the Attorney General by Executive Order 12250 (3 CFR, 1980 Comp., p. 298). Section 1-502 of the Order provides that the HEW (later HHS) guideline "shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General."

On August 11, 1981, the Department of Justice issued a final rule transferring the guideline issued by HEW at 45 CFR Part 85 to title 28 of the Code of Federal Regulations and redesignating it as 28 CFR Part 41. 46 FR 40686. The rule also made nomenclature changes. Inadvertently, however, it failed to remove Appendix A to the guideline which set out Executive Order 11914 (revoked by Executive Order 12250). As a result, in the recently published recodification of title 28 of the Code of Federal Regulations, Appendix A to Part 41 is Executive Order 11914, incorrectly identified as Executive Order 12250. This rule therefore replaces Executive Order 11914 in Appendix A with Executive Order 12250.

Publication of this rule as a proposal for public comment is unnecessary because it is solely a replacement of an obsolete appendix.

The Department of Justice has determined that, because this rule is solely a replacement of an obsolete appendix, it is not a major rule for purposes of Executive Order 12291, no environmental impact analysis is required, and no regulatory flexibility analysis is required.

### List of Subjects in 28 CFR Part 41

Civil rights, Equal employment opportunity, Financial assistance, Grant programs, Handicapped.

(Executive Order 12250 (3 CFR, 1980 Comp., p. 298))

**William French Smith,**

*Attorney General.*

July 19, 1982.

Accordingly, Appendix A to Part 41 of Chapter I of Title 28, Code of Federal

Regulations, is revised to read as follows:

**Appendix A**

*Executive Order 12250 of November 2, 1980*

**Leadership and Coordination of Nondiscrimination Laws**

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 3 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

1-1. *Delegation of Function.*

1-101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-2. *Coordination of Nondiscrimination Provisions.*

1-201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

1-202. In furtherance of the Attorney General's responsibility for the coordination of the implementation and enforcement of the nondiscrimination provisions of laws covered by this Order, the Attorney General shall review the existing and proposed rules, regulations, and orders of general applicability of the Executive agencies in order to identify those which are inadequate, unclear or unnecessarily inconsistent.

1-203. The Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.

1-204. The Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance.

1-205. The Attorney General shall establish and implement a schedule for the review of the agencies' regulations which implement the various nondiscrimination laws covered by this Order.

1-206. The Attorney General shall establish guidelines and standards for the development of consistent and effective recordkeeping and reporting requirements by Executive agencies; for the sharing and exchange by agencies of compliance records, findings, and supporting documentation; for the development of comprehensive employee training programs; for the development of effective information programs; and for the development of cooperative programs with State and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

1-207. The Attorney General shall initiate cooperative programs between and among agencies, including the development of sample memoranda of understanding, designed to improve the coordination of the laws covered by this Order.

1-3. *Implementation by the Attorney General.*

1.301. In consultation with the affected agencies, the Attorney General shall promptly prepare a plan for the implementation of this Order. This plan shall be submitted to the Director of the Office of Management and Budget.

1-302. The Attorney General shall periodically evaluate the implementation of the nondiscrimination provisions of the laws covered by this Order, and advise the heads of the agencies concerned on the results of such evaluations as to recommendations for needed improvement in implementation or enforcement.

1-303. The Attorney General shall carry out his functions under this Order, including the issuance of such regulations as he deems necessary, in consultation with affected agencies.

1-304. The Attorney General shall annually report to the President through the Director of the Office of Management and Budget on the progress in achieving the purposes of this Order. This report shall include any recommendations for changes in the implementation or enforcement of the non-discrimination provisions of the laws covered by this Order.

1-305. The Attorney General shall chair the Interagency Coordinating Council established by Section 507 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794c).

1-4. *Agency Implementation.*

1-401. Each Executive agency shall cooperate with the Attorney General in the performance of the Attorney General's functions under this Order and shall, unless prohibited by law, furnish such reports and information as the Attorney General may request.

1-402. Each Executive agency responsible for implementing a nondiscrimination provision of a law covered by this Order shall issue appropriate implementing directives (whether in the nature of regulations or policy guidance). To the extent permitted by law, they shall be consistent with the requirements prescibed by the Attorney General pursuant to this Order and shall be subject to the approval of the Attorney General, who may require that some or all of them be submitted for approval before taking effect.

1-403. Within 60 days after a date set by the Attorney General, Executive agencies shall submit to the Attorney General their plans for implementing their responsibilities under this Order.

1-5. *General Provisions.*

1-501. Executive Order No. 11764 is revoked. The present regulations of the Attorney General relating to the coordination of enforcement of Title VI of the Civil Rights Act of 1964 shall continue in effect until revoked or modified (28 CFR 42.401 to 42.415).

1-502. Executive Order No. 11914 is revoked. The present regulations of the Secretary of Health and Human Services relating to the coordination of the implementation of Section 504 of the Rehabilitation Act of 1973, as amended, shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General.

1-503. Nothing in this Order shall vest the Attorney General with the authority to coordinate the implementation and enforcement by Executive agencies of statutory provisions relating to equal employment.

1-504. Existing agency regulations implementing the nondiscrimination provisions of laws covered by this Order shall continue in effect until revoked or modified.

JIMMY CARTER

THE WHITE HOUSE,

*November 2, 1980.*

[FR Doc. 82-20260 Filed 7-26-82; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

## Wage and Hour Division, Office of the Secretary

## 29 CFR Parts 1, 3 and 5

## Deferral of Effective Dates of Regulations Relating to Labor Standards on Federal and Federally Assisted Construction Projects

Note.—This document originally appeared in the Federal Register for July 26, 1982. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

**AGENCY:** Wage and Hour Division, Labor.

**ACTION:** Notice of deferral of effective dates of regulations.

**SUMMARY:** This notice defers the effective dates of certain Labor

Department regulations relating to labor standards on federal and federally assisted construction projects, from July 27, 1982, until further notice. This action is taken in order to comply with a preliminary injunction issued in the U.S. District Court for the District of Columbia on July 22, 1982.

**EFFECTIVE DATE:** This notice is effective on July 22, 1982.

**ADDRESS:** William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins, Department of Labor Building, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210.

**FOR FURTHER INFORMATION CONTACT:** William M. Otter. Telephone: (202) 523-8305.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of May 28, 1982 (47 FR 23644, 23658, 23678), the Department of Labor issued final regulations, 29 CFR Part 1, entitled "Procedure for Predetermination of Wage Rates"; section 3.3(b) of 29 CFR Part 3 entitled "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants From the United States"; and 29 CFR Part 5, entitled "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)." These regulations were to be effective July 27, 1982.

On July 22, 1982, the District Court for the District of Columbia issued a preliminary injunction enjoining the Department from putting certain provisions of these regulations into effect pending final disposition. Accordingly, to prevent confusion and disruption which would be caused by partial effectuation of the regulations, the effective date of the entire regulations published on May 28, 29 CFR Part 1, 29 CFR 3.3(b), and 29 CFR Part 5, Subpart A, is stayed until further notice.

Because these rules are scheduled to become effective very shortly, notice and public comment on this change of effective date is impracticable, unnecessary and contrary to the public interest and good cause exists for making these deferrals effective immediately.

**Authority:** The statutory authority for this action is as follows: (40 U.S.C. 276a—276a-7; 40 U.S.C. 276c; 40 U.S.C. 327-332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of Part 5).

Signed at Washington, D.C., this 23rd day of July, 1982.

**William M. Otter,**

*Administrator, Wage and Hour Division.*

[FR Doc. 82-20285 Filed 7-23-82; 11:47 am]

BILLING CODE 4510-27-M

## DEPARTMENT OF DEFENSE

## Department of the Navy

## 32 CFR Part 706

## Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS Mahlon S. Tisdale (FFG 27) and USS Aubrey Fitch (FFG 34), are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates, and (2) has found that USS Mahlon S. Tisdale (FFG 27) and USS Aubrey Fitch (FFG 34) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

**EFFECTIVE DATE:** June 11, 1982.

**FOR FURTHER INFORMATION CONTACT:** Captain Richard J. McCArthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Mahlon S. Tisdale (FFG 27) and USS Aubrey Fitch (FFG 34) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arc of visibility of their forward masthead lights; Annex I, Section 2(a)(i), regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b), regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special functions as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS Mahlon S. Tisdale (FFG 27) and USS Aubrey Fitch (FFG 34) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to these ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner different from that prescribed herein will adversely affect each ship's ability to perform its military function.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), Vessels.

## PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Accordingly, 32 CFR Part 706 is amended as follows:

**§ 706.2 (Amended)**

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

| Vessel | No. | Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I |
|---|---|---|
| * * * | * | * |
| USS Mahlon S. Tisdale | FFG 27 | 1.6 |
| USS Aubrey Fitch | FFG 34 | 1.6 |
| * * * | * | * |

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessels for which navigational