(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; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Program and Support)

Issued: September 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-28122 Filed 10-17-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 69

[CC Docket No. 78-72; Phase I]

MTS and WATS Market Structure; Waiver of Commission Rules

AGENCY: Federal Communications Commission.

ACTION: Waiver of Commission rules.

SUMMARY: The Chief of the Common Carrier Bureau, acting under delegated authority, grants in part the petition filed by Satellite Business Systems (SBS) seeking a waiver of the Commission's rule limiting to twenty-five pages the length of petitions for reconsideration of Commission decisions. SBS requested the waiver to permit parties to file petitions for reconsideration of the Commission's amended rules for computing access charges that were up to fifty pages in length. The amended rules were published on September 21, 1983 at 48 FR 42987. The waiver granted will permit parties to file petitions not exceeding thirty-five pages in length. The Chief of the Common Carrier Bureau concluded that this action was necessary because of the complexity and importance of the issues to be raised.

EFFECTIVE DATE: Waiver is effective October 12, 1983.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kathleen B. Levitz, Common Carrier Bureau, (202) 632-9342.

List of Subjects in 47 CFR Part 69

Access charges, Communication common carriers, Telephone.

Order

In the matter of MTS and WATS market structure, CC Docket No. 78-72, Phase I.

Adopted: October 7, 1983.
Released: October 12, 1983.

By the Chief, Common Carrier Bureau.

1. On August 22, 1983, this Commission released the *Memorandum Opinion and Order* [1] which modified the *Third Report and Order* [2] issued in this docket in response to petitions for reconsideration. On September 19, 1983, Satellite Business Systems (SBS) filed a motion for waiver of § 1.429(d) of the Commission's rules, 47 CFR 1.429(d). SBS requested that we authorize parties to file petitions for reconsideration of the August 22 *Order* that do not exceed fifty pages in length.

2. In support of its motion, SBS states that it will file a petition for reconsideration of the August 22 *Order* that will discuss complex, important issues. To present this discussion will require more than the twenty-five pages authorized by the Commission's rules.

3. Recognizing the complexity and importance of the issues addressed in the August 22 *Order* that may be the subjects of petitions for further reconsideration, we believe that some relaxation of the rule limiting the length of such petitions is appropriate. In a further reconsideration proceeding, however, the issues to be addressed should be fewer in number than those raised during the reconsideration proceeding. *See* 47 CFR § 1.429(i). For this reason, we conclude that the waiver SBS seeks is overly generous. We shall permit parties to file petitions that do not exceed thirty-five pages in length.

4. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's rules, 47 CFR 0.291, That the motion of Satellite Business Systems is granted in part and that parties may file petitions for reconsideration of the *Memorandum Opinion and Order* in CC Docket No. 78-72, Phase I, released August 22, 1983, that do not exceed thirty-five pages.

Jack D. Smith,

Chief, Common Carrier Bureau.

[FR Doc. 83-28345 Filed 10-17-83; 8:45 am]

BILLING CODE 6712-01-M

[1] FCC 83-356, 48 FR 42987 (Sept. 21, 1983).
[2] FCC 82-579, 48 FR 10319 (Mar. 11, 1983).

47 CFR Part 73

[MM Docket No. 83-412; RM-4377]

FM Broadcast Station in Ouray, Colorado; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 285A to Ouray, Colorado, in response to a petition filed by Kristi R. Westfall. The assignment could provide Ouray with its first FM allocation.

EFFECTIVE DATE: December 12, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Ouray, Colorado), MM Docket No. 83-412 RM-4377.

Adopted: September 27, 1983.
Released: October 11, 1983.

1. Before the Commission is the *Notice of Proposed Rule Making*, 48 FR 20962, published May 10, 1983, issued in response to a petition filed by Kristi R. Westfall ("petitioner"), proposing the assignment of FM Channel 285A to Ouray, Colorado, as that community's first FM allocation. Supporting comments were filed by petitioner reaffirming her intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. We believe the public interest would benefit from a grant of the petitioner's request since it could provide Ouray with its first local FM service.

3. Channel 285A can be assigned to Ouray in conformity with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

4. In view of the foregoing, and pursuant to the authority contained in

Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b), and 0.283 of the Commission's Rules, it is ordered, that effective December 12, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Ouray, Colorado	285A

5. It is further ordered, that this proceeding is terminated.

6. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-28346 Filed 10-17-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-02; Notice 2]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Final rule.

SUMMARY: This notice amends Safety Standard No. 108 to require installation of a single center, high-mounted stoplamp on passenger cars, in addition to the stoplamps presently required. Since the new stoplamp is a single function lighting device providing an unambiguous signal, and as it would be closer to the forward line of sight of following drivers, it will reduce rear end collisions by providing a more effective indication to those drivers that the car ahead is slowing or stopping. The amendment is supported by field test data indicating that the reduction in rear end collisions would be significant. A proposal on this subject was issued on December 31, 1980, and published on January 8, 1981 (46 FR 2132).

DATE: Effective date: September 1, 1985.

FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment* (49 CFR 571.108) presently requires passenger cars to be equipped with two stoplamps, mounted on the rear, one on each side of the vertical centerline, as far apart as practicable, and at the same height, which is not less than 15 inches, nor more than 72 inches above the road surface. Notwithstanding those stoplamps, the problem of rear end collisions remains very large.

The Rear End Collision Problem

Of the 4,200 rear end collisions in 1980 (Accident Facts, 1981 edition, p. 47), NHTSA estimates that approximately 3,500,000 were rear end collisions in which a passenger car was struck from behind by another motor vehicle. Based on agency studies, it is estimated that 2,344,000 of the struck passenger cars had their stoplamps on at the time of the collision. Data from NHTSA's Fatal Accident Reporting System (FARS) for 1980 showed 1,104 fatalities in accidents involving rear impacted passenger cars and data from NHTSA's National Accident Sampling System (NASS) showed 603,000 injuries in those accidents.

As NHTSA noted in the January 1981 proposal, the rule under discussion is the culmination of many years of NHTSA and industry-funded research on vehicle rear lighting systems. Early research findings advocated the separation of rear lamps and signals to improve recognition and response to the different functions. Research conducted in the private sector had concluded that reaction time, especially at night, was significantly faster when lamps were high-mounted.

Although NHTSA was encouraged by this research, the agency decided that more data were needed since the research was based on limited real-world testing. Thus, in 1977 NHTSA contracted with Essex Corporation to make a study and field test evaluation of rear lighting systems. The results of this study are contained in Report No. DOT-HS-803 467, "Field Test Evaluation of Rear Lighting Systems," 1978.

The purpose of this study was to determine whether equipping cars with one or more of three experimental rear lighting and sinaling systems would result in a significant reduction in rear-end collisions compared to cars equipped with the current conventionally configured (low-mounted) rear lamps under actual traffic conditions. The three experimental systems were:

1. A single center, high-mounted stoplamp. This stoplamp was installed at the approximate eye-level of a following driver. The stoplamp was positioned on the vehicle's trunk just beneath the centerline of the back window. This stop lamp was supplemental to the normal low-mounted stop and turn signal lamps of the vehicle.

2. A dual high-mounted stop and turn signal lamp system. Two high-mounted stoplamps, one on each side of the trunk directly below the back window, were installed at the approximate eye-level of a following driver. These stoplamps were supplemental to the normal low-mounted stop and turn signal lamps of the vehicle.

3. A functionally-separated system. The tail lamp was separated from the stop and turn functions of existing low-mounted lamps of the vehicle.

Approximately 2,100 taxicabs in the Washington, D.C. area participated in the study. The taxicabs were divided into four equal groups. Three of the groups were equipped with one of the three experimental concepts while the fourth or control group was equipped with conventionally configured rear lamps. During the 12-month study period, the four groups accumulated a combined total of nearly 60 million miles under a broad range of weather and road conditions. Drivers in the four groups had been matched for age, sex, and prior accident record. At the end of the study, the four groups had experienced a total of 1,470 accidents, of which 217 or fifteen percent involved taxicabs being struck in the rear while in operation.

The most significant finding of the study was that the rate at which taxicabs equipped with a single center, high-mounted stoplamp were involved in 54 percent fewer relevant rear-end collisions than were experienced by the control group. A relevant rear-end collision is one in which a stoplamp could have affected the outcome. Nonrelevant rear end collisions, e.g., the striking of the rear of a parked car by a moving car, were excluded. This reduction, which was demonstrated to be statistically significant, was achieved whether measured in terms of absolute number or frequency of accidents or in terms of accident rate per million vehicle miles. In addition, of all the cabs struck in the rear, those with the center, high-mounted stoplamp had the lowest mean cost of repair. This indicated that these accidents were less severe than accidents involving vehicles with other stoplamp systems.

To determine whether the drivers of cabs equipped with experimental lamps drove more carefully than drivers in the control group, a comparison of the groups was made based on non-rear-end accidents. The results of this comparison indicate no statistically significant differences between any of the three experimental groups and the control group. The similarity of experience in those crash modes and the difference in rear-end crashes support the finding in the Essex study that the supplemental single center high-mounted stop signal has the potential to dramatically reduce the occurrence of rear-end collisions.

The Essex report recommended that another field study be conducted, using a broader sampling of drivers, passenger cars, and traffic conditions in order to validate its findings. The Allen Corporation contracted to make this validation study and the results are given in the May 1980 Report "Validation of the Reduction of Rear-End Collisions by a High-Mounted Auxiliary Stoplamp," (DOT-HS 805 360).

Accident and exposure (mileage) data were collected on approximately 5,400 telephone company passenger cars, about 2,500 of which were equipped with the single, high-mounted stoplamp. The remaining cars had only conventionally configured stoplamps and served as the control group. The vehicles were operated by seven companies of the Bell Telephone System from New England to Florida, and also in Illinois and California. Data were collected from January 1, 1979, through December 31, 1979. During that time, the vehicles were driven a total of approximately 55 million miles.

The test group received 53 percent fewer rear-end impacts than did the control group. The difference was statistically significant beyond the 99 percent level of confidence. The result is in agreement with the Essex study which found a 54 percent reduction in rear-end impacts. Therefore, the agency tentatively concluded that the single high-mounted stoplamp would provide significant safety benefits beyond those obtained from the safety lighting required by Standard No. 108, and issued its January 1981 proposal for the installation of such a stoplamp.

As proposed by NHTSA, the high-mounted stoplamp would have been required to have an effective projected luminous lens area not less than 4½ square inches in size. A vibration test was specified, under which the lamp would have been energized during the final ten minutes of the test, and required to be functioning at the end. A turn signal, stop, or tail lamp would not have been permitted to have its edge closer then 10 inches to the edge of the high-mounted lamp. Three slightly different alternative locations for the high-mounted lamp were proposed (discussed in more detail below). A common feature of each was that, if mounted inside the vehicle, the lamp would have been required to be provided with means to prevent glare. The photometric requirements would have been those of SAE Recommended Practice J186a "Supplemental High Mounted Stop and Rear Turn Signal Lamps," September 1977, which specifies a maximum of 60 cp for a red supplemental stoplamp.

Since issuance of the proposal, there has been a further field study which verifies the earlier findings. That study, "A Field Test of Two Single High-Mounted Brake Light Systems," was sponsored by the Insurance Institute for Highway Safety (IIHS), and completed in April 1981. The objective of the study, conducted on a fleet of 900 taxicabs operating in New York City, was to establish the effectiveness of single, high-mounted brake lamp configurations in reducing rear-end collisions between vehicles stopping or slowing down.

The most significant finding of the study was that taxis equipped with a single center high-mounted stoplamp had almost 50% fewer rear-end collisions than those experienced by a control group of cabs having a conventional rear light configuration. Two versions of the high-mounted stoplamp were evaluated by the study. One employed a single bulb (44% reduction) and the other dual bulbs in a single housing (58% reduction). The two bulbs were brighter than the single bulb.

Discussion of Comments

1. Effectiveness on Small Cars

One of the major issues raised was the effectiveness of the center high-mounted stoplamps on subcompact cars. Critics of both the Essex and the Allen studies observe that subcompacts were not included in the Essex study and were included in relatively small numbers in the Allen study. Further, even though 329 or 11.2 percent of the 2,927 control cars used in the Allen study were subcompacts, none of these subcompacts were involved in a "relevant" rear-end collision during the test period. This fact has led to the conjecture by some commenters that subcompacts may actually be involved in relevant rear-end collisions to a significantly lesser extent than large cars and that as large cars are slowly being replaced in the fleet by small cars, there will be fewer vehicles involved in relevent rear-end collisions in the coming years. Thus, the effectiveness of center, high-mounted rear stoplamps on subcompact models was questioned.

In response to this criticism, the agency obtained data on all police-reported accidents involving passenger cars struck in relevant rear-end collisions in North Carolina for each year from 1975 through 1980. These data were obtained by size of car (e.g., large, intermediate, compact, subcompact and foreign).[1] The results of this study were:

a. For each year, except 1976, and for the average of all years combined there were no statistically significant differences in relevant rear-end accident rates between intermediate, compact and subcompact domestic cars. However, during 1976, significantly more subcompacts were struck in the rear as compared to compacts and intermediates.

b. For each year, there was a significantly lower relevant rear-end accident rate for large passenger cars compared to smaller ones.

c. In general (average of all years combined), the relevant rear-end accident rate for foreign cars was significantly higher than those of domestic compacts and subcompacts. However, in 1976 and 1977 the accident rate of the foreign and domestic compacts and subcompacts was essentially equivalent.

d. For each size passenger car and for the average of all passenger cars combined, there was no significant change in the rate of occurrence of relevant rear-end accidents from 1975 through 1978. Significantly lower rates were noted in 1979 and 1980, except for foreign cars.

These results are based on North Carolina accidents only, and for the years indicated. However, the North Carolina accident experience is believed to be comparable to that of the Nation taken as a whole for any year. The proportion of municipal and rural roadway mileage of North Carolina and the United States is virtually identical; the motor vehicle death rate for 100 million vehicle miles is only .14 percent higher in North Carolina, while the number of registered drivers per 1000 persons is only 25 persons higher than the National average. Therefore, these

[1] Foreign cars could not be broken down by size of car. Consequently, the size groups listed are for domestic passenger cars. NHTSA has subsequently learned that in the years 1975–80 about 90% of the foreign cars registered in North Carolina were subcompacts and about 9% were compacts.

The rear-end accident rate for foreign cars was significantly higher than that for compact and subcompact domestic cars.

results are strong evidence to indicate that, in general, the fact that a passenger car is smaller than average does not suggest that the car is more likely or less likely to be a struck vehicle in a relevant rear-end collision.

Further information pertinent to the issue of subcompact cars effectiveness is provided by past research on braking perception reaction time sponsored by General Motors at the University of Michigan Transportation Research Institute (formerly the Highway Safety Research Institute). One of the vehicles used to test for reaction time was a subcompact. A statistically significant reduction in reaction time occurred in urban areas when the center high-mounted stoplamp was added to that subcompact.

Another theory set forth is that the center high-mounted stoplamp on a subcompact car may not be perceived by following drivers as being higher than the conventionally configured stoplamps. Thus, subcompacts may not experience the same reductions in collisions as larger cars will. To determine the precise effectiveness of the center high-mounted stoplamp on subcompacts would require additional testing. However, the agency examined typical mounting heights (H_2) for the center lamp and compared these to the current brake light mounting heights (H_1) for subcompacts and larger vehicles. The difference in height ($H_2 - H_1$) was on average 2.35 inches less for subcompacts than larger vehicles (10.35 to 12.7 inches) and 3.3 inches less for the diagonal (24.0 to 27.3 inches). Thus, the differences between the center high-mounted stoplamp for subcompacts is 82 percent and 88 percent of the difference for larger cars. Based on this anlaysis and the previous discussions, the agency concludes that the center high-mounted stoplamp will be as effective for subcompacts as for the larger tested vehicles. Even if subcompacts only achieved 80 percent of the benefit of larger cars, they would be highly cost-effective.

2. Number of High-Mounted Stoplamps

Many of the automobile manufacturers commented on the issues of whether the final rule should require only one rather than two high-mounted stoplamps, as well as where the lamp or lamps should be located. Manufacturers argued that the agency should not be so design restrictive as to specify installation of only a single high-mounted stoplamp. The automobile industry generally favored the use of two high-mounted stoplamps located closer to the sides of a vehicle, in order to provide more styling flexibility. The agency does not agree with this comment because the data show that the single lamp design is more effective.

The Essex field test results show that the dual high-mounted lamps are not so effective as the single high-mounted lamp. One of the experimental groups in the field test consisted of vehicles with two high-mounted combined stop and turn signal lamps. This group did not experience a statistically significant reduction in rear-end accidents compared to the control groups.

3. Location

The 1981 NPRM asked for comments on three alternative locations as follows:

Alternative 1. Each high-mounted stoplamp would have been required to be mounted not less than 34 inches above the road surface:

(a) If practicable, outside the passenger car with the center of the lamp within 3 inches of the outside bottom edge of the rear window daylight opening, or

(b) If compliance with paragraph (a) of this section were not practicable, inside the passenger car with the center of the lamp not more than 3 inches above the inside bottom edge of the rear window daylight opening and with means provided to minimize reflections inside the vehicle from the light upon the rear window glazing, or

(c) If compliance with neither paragraph (a) or (b) of this section were practicable, outside the passenger car with the center of the lamp within 3 inches of the outside top edge of the rear window daylight opening.

Alternative 2. Each high-mounted stoplamp would have been required to be mounted inside or outside the passenger car with the center of the lamp not less than 34 inches and not more than 50 inches above the road surface, and not more than 3 inches below the bottom or above the top of the rear window daylight opening. If the lamp were mounted inside the vehicle, means would have been required to be provided to minimize reflections inside the vehicle from the light upon the rear window glazing.

Alternative 3. Each high-mounted stoplamp would have been required to be mounted:

(a) If practicable, outside the passenger car with its center not less than 38 inches above the ground surface and within 3 inches of the bottom of the rear window daylight opening, or

(b) If compliance with paragraph (a) of this section were not practicable, inside the passenger car with its center as near as practicable to 38 inches above the road surface, and with means provided to minimize reflections inside the vehicle from the light upon the rear window glazing.

In general, commenters recommended Alternative 2, the least design restrictive alternative. However, all the commenting automobile manufacturers, both domestic and foreign, recommended changes to the alternatives. Some wanted a minimum mounting height of 30 inches while others wanted the minimum to be 34 inches. Some agreed that the minimum separation distances between the high-mounted stoplamp and other rear lighting devices should be the proposed 10 inches, others wanted 15 inches. A few manufacturers asked deletion of the proposed requirement that the lamp be within 3 inches of the back window daylight opening. Some manufacturers wanted the decision whether to install the lamp inside or outside the car left to their discretion, and some wanted the option to place the lamp off-center to avoid interferring with the operation and location of rear windshield wiper systems. At least seven different locations were suggested by commenters to accommodate problems presented by different vehicle configurations. For sedans, the suggested locations were the trunk lid or the panel between the trunk lid and the rear window; for hatchbacks, the roof or the hatch; for station wagons, the roof or the tailgate. The seventh location suggested was forward of the rear window (i.e., inside the vehicle).

Based on these comments, the agency decided that none of the three alternatives would adequately accommodate the design problems involved in attempting to install center high-mounted stop lamps on all sizes and body types of cars. Accordingly, NHTSA has decided to eliminate many of the design constraints imposed by the three proposed location alternatives. The final rule requires only that the lamp be located on the vertical centerline of the vehicle, with no portion of the lens higher than the top of the back window nor lower than 3 inches below the bottom. NHTSA did not agree that hatchbacks and station wagons necessitated mounting the lamp on the roof, as it may be mounted at any point on the vehicle centerline within the parameters indicated. The lamp can either be inside or outside the back window. However, if it is inside, means shall be provided so that no reflections from the light of the lamp upon the rear glazing shall be visible to the driver when viewed indirectly in the rearview mirror or viewed directly. NHTSA has concluded that notwithstanding the increased latitude provided by this rule

in lamp placement, the new lamp will still afford the visual cues that proved so effective in the field studies.

4. Leadtime

NHTSA has also decided to establish an effective date of September 1, 1985, i.e., the 1986 model year. This will provide a two year leadtime. The agency believes that this leadtime represents an appropriate balance between minimizing the period in which center high-mounted stop lamps will have to be added to existing models instead of designed into new models and beginning implementation of a very cost-effective requirement that will reduce accidents and injuries.

5. Photometrics

Volkswagen, SAAB, JAMA, Stimsonite, and TSEI recommended that the high-mounted stoplamp have higher photometric requirements than were proposed. The NPRM proposed a minimum of 15 cp and a maximum of 60 cp at the H-V point. Volkswagen recommended that there be a minimum of 40 cp and that the maximum be increased from 60 cp to 75 cp. The JAMA recommended that the stoplamp intensity be increased.

The research performed by Essex and Allen used stoplamps that were intended to meet the photometric requirements of SAE J186a, a minimum of 15 cp and a maximum of 60 cp at the H-V test point. The measurement on a typical sample lamp used in these studies was 32 cp at H-V, but with a maximum of 47 cp. Although the results of these studies showed reduced rear-end collisions, the comments to the docket argue for a higher limit. The agency is especially impressed by the results of the IIHS study where a 58% reduction in collisions was achieved using two bulbs. The candela of the two bulb design was 128 candela at H-V with a maximum of 150. NHTSA has concluded that these results are convincing enough to justify adopting a minimum of 40 cp and a maximum of 160 cp at the H-V point, and the final rule so specifies. It is reasonable to believe that this increase will provide better detection during periods of dusk and dawn, improved visibility when the lamp lens becomes dirty, and better visibility of an inside-mounted lamp through the back window (because the window reduces the light transmittance.)

6. Lamp Size and Shape

The NPRM specified 4.5 square inches as the minimum size of the lamp. This size of lamp was used in the research performed by Essex and Allen. In view of the favorable results obtained in those studies and in the absence of comments providing convincing arguments for a different size, 4.5 square inches is retained in the final rule. The amendment leaves the shape to the judgement of individual manufacturers.

7. Acclimatization Factor

A number of comments argued that once all cars are equipped with the high-mounted stoplamp, it will no longer be effective because all drivers will be "acclimatized" to its effect. According to this argument, the additional lamp will show advantages only when lamps exist on small percentages of vehicles in the total vehicle population.

The agency does not consider this argument to have merit. The addition of a single, high-mounted stoplamp on the centerline of the vehicle has several direct benefits which the agency believes will be of lasting effect. One effect is that its presence on a vehicle (vehicle 1) gives the operator of the immediately following vehicle (vehicle 2) an additional "cue" on the centerline of his vision. A second is that the driver (driver of vehicle 3) behind vehicle 2 will be able to see through that vehicle (if that vehicle is a car) and obtain advance warning about the response of vehicle 2 to vehicle 1. A third benefit is that the supplemental stoplamp will have only one possible meaning as opposed to a stoplamp in the same housing as a taillamp: To indicate that a vehicle is slowing to stop or has stopped. In addition, the candela values adopted are substantially higher than those of lamps in the test fleets, increasing the likelihood that their signal will be perceived by following drivers.

The agency will evaluate the experience of cars equipped with the high-mounted stoplamp over a period of time and determine if there is any acclimatization. The acclimatization factor cannot be definitively determined in the absence of a substantial test fleet. The agency believes that it is at least as likely that the effectiveness of the lamp will increase as decrease in proportion to the percentage of vehicles equipped with it.

8. Vibration Tests

It was proposed that a high-mounted stoplamp be required to continue to provide illumination upon completion of the vibration test specified in SAE J575e. Some commenters disagreed with this requirement. The Japanese Automobile Manufacturers Association (JAMA) stated that the vibration resistance of a bulb is usually determined by making an impact test as defined in SAE J603. In the case of ordinary lamps, the breaking of a filament in the vibration test defined in SAE J575 is excluded. JAMA argued therefore that since the conditions for mounting the stoplamp are the same as those of existing lamps such as license plate lamps, the same vibration tests should suffice. The California Highway Patrol noted that the test appeared to be oriented towards the integrity of the bulb rather than the lamp since it does not permit a failed bulb to be replaced.

The vibration section of SAE J575e was designed as a test for vehicle lamp fixtures to assure that they would not be destroyed or become ineffective in service, and that the fixture mounting was stable. It was not intended to assess the durability of bulbs. Almost all bulb failures result from using up (by boiling away) tungsten of the filament during normal operation or by a fracturing of the filament. Before a filament has been burned, it is quite ductile and can withstand substantial physical abuse without breaking. But after it has been submitted to the 4500–4800°F temperature at which it normally operates, significant changes begin to occur. As the filament is burned, the tungsten takes a different crystalline structure and in time becomes fairly brittle. Thus, as the bulb is burned in normal usage, the filament becomes mechanically weaker from the boiling away of tungsten and less tolerant of physical shock and vibration because it has become more brittle as well.

For these reasons, the agency has decided that the lamp, but not the bulb, will be subject to the vibration tests, consistent with treatment of other vehicle lamps covered by Standard No. 108.

9. Tailgating Education

A concerned citizen asked whether an educational program to inform the public of the hazards of "tailgating" would be more effective in reducing rear-end collisions than the installation of the high-mounted stoplamps.

For many years there have been driver education programs in public and private schools. All these courses have emphasized the hazards of driving too closely to the preceding vehicle. Despite the educaton programs, no significant reduction in rear-end collisions appears to have resulted. In contrast, the effectiveness of the installation of center, high-mounted stoplamps in significantly reducing rear-end collisions has been demonstrated in three separate field studies.

10. Rural Accidents

A number of commenters correctly pointed out that the field studies (Essex, Allen and IIHS) involve mainly urban driving. Thus, there are no data on the effectiveness of the high-mounted stoplamp in predominantly rural driving, even though some test fleet vehicles were occasionally operated in rural areas. Accordingly, the agency is assuming for strictly analytical purposes that the stoplamp will not have any effectiveness in rural driving. This assumption does not mean that NHTSA anticipates that there will not be any benefits in rural driving. The agency believes that there will be some currently unquantifiable benefits and is not aware of any evidence negating the possibility of such benefits.

Summary of Decision

NHTSA is therefore requiring that passenger cars manufactured on or after September 1, 1985, be equipped with a center high-mounted stoplamp. The lamp must be red, with a minimum effective projected luminous lens area of 4.5 square inches and must be designed to meet the requirements of SAE Recommended Practice J186a "Supplemental High Mounted Stop and Rear Turn Signal Lamps," September 1977, except that the laboratory requirements are in accordance with SAE J575e, and the photometric requirements are those specified by NHTSA. The current stoplamp requirements and functions are retained. The center high-mounted stoplamp would be actuated by the stoplamp switch. The lens center of the lamp must be mounted on the vertical centerline of the car as seen from the rear. Because of the variety of passenger car types and the need of the manufacturers to incorporate the lamp into their designs in an economical and orderly manner, it is hereby found that an effective date slightly less than two years after the issuance of this rule is necessary to provide adequate leadtime and therefore is in the public interest.

Alternatives

With additional research, more nearly optimum specifications for stoplamp configurations may be developed. These factors may include more effective intensity, size, beamspread, and location. Other types of lamps or added functions such as deceleration signals may be desirable and should be investigated. However, to delay this rulemaking to await new improvements will result in delay of implementing requirements known to appreciably reduce accidents.

The agency also considered exempting subcompacts from the requirement. While the agency does not have a conclusive test of subcompacts with the center lamp, it knows of no reason why a center high-mounted stoplamp would not be equally effective for subcompacts.

Other alternatives now being investigated include radar or automatic braking and radar warning devices. Radar or automatic braking or warning systems have been developed and may be available as optional systems. Other systems are being developed and may also be available as optional systems. However, time will be needed to test and evaluate these systems. At least several years are likely to pass before there is a possibility that any of these systems can be proved sufficiently effective, reliable, and free of problems for the agency to consider initiating any rulemaking to permit and regulate their use. Further, the cost for automatic braking or radar warning would probably be many times the cost of the high-mounted stoplamp.

Potential Benefits, Costs and Other Impacts

NHTSA has considered the impacts of this rule and determined that the rule is major within the meaning of Executive Order 12291 and significant within the meaning of Department of Transportation guidelines. A regulatory impact analysis discussing those impacts has been prepared and placed in the docket. A copy of the analysis may be obtained free of charge from the Docket Section whose address is given near the beginning of this notice.

Benefits

The Essex study found that for taxicabs in the Washington, D.C. area, the center high-mounted single-function stoplamps reduced relevant rear-end collisions by 54 percent. Similarly, the Allen study found that for telephone company passenger cars operating with these stoplamps in many areas of the country, relevant rear-end collisions were reduced by 53 percent. The IIHS study indicated a 44 to 58 percent reduction. Had all passenger cars been equipped with the center high-mounted stoplamp, NHTSA estimates that there would have been 900,000 fewer accidents, and 40,000 fewer injuries in 1980. Available research data do not permit the agency to estimate the effectiveness of the center high-mounted stoplamp in reducing fatalities. However, the agency believes that it is reasonable to expect that the new stoplamp could reduce fatalities through making possible timely evasive action or reduction in impact speed. In view of the potential that this rule offers in reducing traffic accidents and injuries occurring in such accidents, NHTSA has determined that promulgation of the rule is within the authority delegated by law and consistent with Congressional intent, as expressed in the mandate of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 *et seq.*), an act whose purpose is "to reduce traffic accidents and deaths and injuries resulting from traffic accidents." This rule satisfies the statutory criteria of meeting the need for safety, being practicable and being stated in objective terms. NHTSA has further determined that the factual conclusions upon which this rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of people directly affected by the rule in particular.

A center high-mounted system would also reduce property damage. Data on the cost of repair damage from rear-end collisions on a national scale were not available. However, both the Essex and Allen studies reported on repair costs of relevant rear-end accidents for their test fleets. The mean average repair costs per vehicle in the two studies were, consecutively, $402 for the control group and $271 for the single high-mounted stoplamp group (1982 dollars).

Based on the data summarized above, more fully set forth in the final regulatory impact analysis, NHTSA estimates that approximately $434,000,000 (1982 dollars) would have been saved in 1980 in repairs by the avoidance of approximately 900,000 rear-end collisions and, on average, a lessening of severity in another 900,000 relevant rear end collisions.

Costs

Manufacturers estimated that a high-mounted stoplamp will add an average of $8.00 to $15.00 to the price of each car. NHTSA's estimated consumer costs range from about $4.00 (for integration of the lamp into new vehicle designs) to about $7.00 (for adding the lamp to existing vehicle designs). The figures in this range include the cost of installation. Resolution of the differences between these estimates is not possible since the manufacturers did not provide any detailed explanation or support for their estimates. The bases for the agency's two independent estimates are set forth in the regulatory impact analysis. The initial annual consumer cost of the high-mounted stoplamp is expected to be approximately $70 million, based on an annual production of 10 million passenger cars. By model year 1988,

when virtuallly all coupes, sedans, and station wagons could be redesigned to incorporate the lamp, the total annual consumer cost should fall to $40,000,000 or an average cost of $4.00 per stoplamp per car.

Combining the benefits from reductions in property damage and costs of the high-mounted stoplamp yields a net benefit of $394,000,000 per year. (Even if the highest of the unexplained cost figures from the manufacturers were used, there would still be net benefits of $284,000,000.) These net benefit figures are based on the agency's estimate that the stoplamp would be 50 percent effective in reducing relevant rear end collisions involving passenger cars in urban areas. If the stoplamp were only 5 percent effective in reducing rear end accidents, economic costs would just equal economic benefits (exclusive of reductions in injuries or fatalities) in the long run.

The agency anticipates that maintenance and operating costs of the new lamp will be minimal.

Potential Environmental Impacts

This action will not have a significant effect on the environment. NHTSA estimates that the increased fuel consumption caused by adding approximately one-half pound of weight to each car would be only 0.05 gallon per year. This would be a minor increase in use of fuel. The burning of this additional amount of gasoline would also be a negligible factor in air pollution. There are no other known negative environmental impacts.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

§ 571.108 [Amended]

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 is amended as follows:

1. Table III is amended to add the following new item of lighting equipment after "stoplamps":

TABLE III—REQUIRED MOTOR VEHICLE LIGHTING EQUIPMENT: ALL PASSENGER CARS AND MOTORCYCLES, AND MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES, OF LESS THAN 80 INCHES OVER WIDTH

Item	Passenger cars, multipurpose passenger vehicles, trucks and buses	Trailers	Motorcycles	Applicable SAE standards or recommended practices
*	* *	*	*	* *
High-mounted stoplamp.	1 red, effective September 1, 1985, for passenger cars only.	Not required.....	Not required.....	J186a, September 1977, except that Table 1 in that standard is replaced by Figure 10.
*	* *	*	*	* *

2. Table IV is amended to add the following new item of lighting equipment after "stoplamps":

TABLE IV—LOCATION OF REQUIRED EQUIPMENT: ALL PASSENGER CARS AND MOTORCYCLES, AND MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES, OF LESS THAN 80 INCHES OVERALL WIDTH

Item	Location on		Height above road surface measured from center of item on vehicle at curb weight
	Passenger cars, multipurpose passenger vehicles, trucks, trailers, and buses	Motorcycles	
(1)	(2)	(3)	(4)
* *	* *	*	* *
High-mounted stoplamp.....	On the rear, on the vertical centerline [See S4.3.1.8], effective September 1, 1985, for passenger cars only.	Not required.....	[See S4.3.1.8].
* *	* *	*	* *

* * * * *

3. New paragraph S4.1.1.41 is added to read:

S4.1.1.41 Each high-mounted stoplamp shall:

(a) Have an effective projected luminous area not less than 4½ square inches.

(b) Have a signal visible to the rear through a horizontal angle from 45 degrees to the left to 45 degrees to the right of the longitudinal axis of the vehicle.

(c) Have the minimum photometric values in the amount and location listed in Figure 10. At the axis reference H–V (where H=0° and V=0°), the intensity shall be not less than 40 and not more than 160 candela.

(d) Provide access for convenient replacement of the bulb without the use of special tools.

4. New paragraph S4.3.1.8 is added to read:

S4.3.1.8 Each high-mounted stoplamp shall be mounted with its center on the vertical centerline of the passenger car as the car is viewed from the rear. No portion of the lens shall be higher than the top of the back window or lower than three inches below the bottom of the back window. If the lamp is mounted inside the vehicle, means shall be provided so that no reflections from the light of the lamp upon the rear window glazing shall be visible to the driver when viewed indirectly in the rearview mirror or viewed directly.

5. Paragraph S4.4.1 is amended by removing the period at the end thereof and adding ", and no high-mounted stoplamp shall be combined with any other lamp or reflective device."

6. Paragraph S4.5.4 is amended by adding the following sentence:

S4.5.4 * * * The high-mounted stoplamp on each passenger car shall be activated only upon application of the service brakes.

7. The final clause of the first sentence of paragraph S5.1 is revised to read:

S5.1 * * *, for stoplamps, tail lamps, and turn signal lamps designed to conform to SAE Standards J586c, J585d/J585e, and J588e, respectively, and for high-mounted stoplamps designed to conform to SAE Recommended Practice J186a, except that Table 1 is replaced by Figure 10.

8. A new figure 10 is added as follows:

FIGURE 10—MINIMUM DESIGN PHOTOMETRIC REQUIREMENTS FOR CENTER HIGH-MOUNTED STOP-LAMPS

Test Points		Red (cd)
10U	10L	13
	V	26
	10R	13
5U and 5D	10L	26
	5L	40
	V	40
	50R	40
	10R	26
	10L	26
	5L	40

FIGURE 10—MINIMUM DESIGN PHOTOMETRIC REQUIREMENTS FOR CENTER HIGH-MOUNTED STOP-LAMPS—Continued

Test Points		Red (cd)
H	V 10R	40 26
	Maximum [1] 160	

[1] The lamp shall not exceed the listed maximum over an area larger than that generated by a ¼ degree radius within a solid cone angle from 10L to 10R and from 10U to 5D.

The engineer and lawyer primarily responsible for this rule are Kevin Cavey and Taylor Vinson, respectively.

(Secs. 103, 119, Pub. L. 89-563; 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50)

Issued on October 13, 1983.

Diane K. Steed,

Deputy Administrator.

[FR Doc. 83-28285 Filed 10-13-83; 2:32 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 30907-183]

Pacific Coast Groundfish Fishery

Correction

In FR Doc. 83-25041 beginning on page 41164 in the issue of Wednesday, September 14, 1983, make the following correction:

On page 41165, column three, paragraph one, line nine, "these actions are taken without prior notice in the" should appear after "FR 8286," and before "Federal Register".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 48, No. 202
Tuesday, October 18, 1983

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 JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Immigration and Naturalization Service seeks to restrict the use of oral argument for administrative appeals to the Commissioner. Oral argument would be limited to cases where the appellant clearly demonstrates, at the time of filing a notice of appeal, that oral argument is essential to the appeal and that a written brief is inadequate to represent the appellant's position. The problems of scheduling oral arguments and the relatively high rate of cancellation or failure of the appellant to appear cause an intolerable waste of time for the appellate officers.

DATE: Comments must be submitted on or before November 17, 1983.

ADDRESS: Please submit written comments in duplicate to: Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street NW., Room 2011, Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, Telephone: (202) 633-3048.

For Specific Information: Lawrence J. Weinig, Supervisory Immigration Examiner, Immigration and Naturalization Service, Telephone: (202) 633-2680.

SUPPLEMENTARY INFORMATION:

Presently, INS Regional Commissioners, in carrying out their duties as appellate authorities, entertain oral argument in lieu of or in addition to a written brief. Oral argument is generally granted upon request. As part of the recent consolidation of the appellate function under the Associate Commissioner for Examinations, a review of the entire process of handling appeals was conducted. It became readily apparent that oral arguments rarely introduce useful evidence which affects the decision. Generally, the material presented during oral argument is read from a brief or is merely a restatement of facts contained in the record.

In addition, the problems of scheduling oral arguments and the relatively high rate of cancellation or failure of the appellant to appear cause an intolerable waste of time for the appellate officers.

In order to reduce the number of oral arguments conducted, the Immigration and Naturalization Service proposes to restrict such argument to cases where the appellant, at the time of filing the appeal, provides convincing evidence that a written brief is inadequate to fairly represent his position. Under the proposed rule, when the appellate authority denies oral argument, the appellant would be granted sufficient time to submit a written brief or other appropriate written material.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Natuarlization certifies that the rule, if promulgated, would not have a significant economic impact on a number of small entities. This proposed rule would not be a major rule as defined in section 1(b) of E. O. 12291.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegation (Government Agencies), Appeals, Archives and records, Certification, Fees.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Accordingly, it is proposed to amend Part 103 of Chapter I of Title 8 of the Code of Federal Regulations as follows:

1. Section 103.3 would be amended by revising paragraph (c) to read as follows:

§ 103.3 Denials, appeals, and precedent decisions.

* * * * *

(c) *Oral Argument.* If an appeal is taken request for oral argument, if desired, shall be included in the notice of appeal. Such request must set forth facts which explain why oral argument is necessary and why a written brief is inadequate to fairly represent the appellant's position. The officer to whom the appeal is taken shall have sole authority to approve or reject a request for oral argument. Upon approval of a request for oral argument, the appellate authority shall set the time, date, place and manner by which the argument shall be heard. When a request for oral argument is denied, the appellant shall, upon request, be granted a period of up to 30 calendar days in which to submit additional written material.

* * * * *

(Sec. 103, Immigration and Nationality Act, as amended (8 U.S.C. 1103))

Dated: September 24, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-28147 Filed 10-17-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 83-021P]

Titanium Dioxide in Isolated Soy Protein; Preparation of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal meat and poultry products inspection regulations by removing the requirement that isolated soy protein used as an ingredient in meat or poultry products must contain titanium dioxide. This requirement was promulgated in 1965 for meat products and in 1970 for poultry products as a means of tracing the amount of isolated soy protein used in meat and poultry products. The Food Safety and Inspection Service (FSIS) is proposing this action in response to a petition filed on behalf of Archer Daniels Midland Company, Grain Processing

Corporation, and Ralston Purina Company asserting that such a requirement is no longer necessary.

DATE: Comments must be received on or before December 19, 1983.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Oral comments as provided under the Poultry Products Inspection Act should be directed to: Mr. Robert G. Hibbert, (202) 447-6042. (See also "Comments" under **SUPPLEMENTARY INFORMATION.**)

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). Firms manufacturing isolated soy protein would no longer be required to add titanium dioxide which would reduce a regulatory burden of the affected industry.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Office and should bear reference to the docket number located in the heading of this document. Any person desiring an opportunity for an oral presentation of views with respect to the effect of this proposal on the poultry regulations should make such request to Mr. Hibbert so that arrangements can be made for such views to be presented. A transcript will be made of all views orally presented. All comments submitted pursuant to this proposal will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

On July 9, 1965, the Consumer and Marketing Service (predecessor agency of FSIS) published a final rule in the **Federal Register** (30 FR 8673) allowing the limited use of isolated soy protein (ISP) in sausage and certain other meat food products. ISP is derived from the major proteinaceous portion of soybeans and is used to bind and extend product. The rule provided, however, that ISP used in these products processed in official establishments must contain 0.1 percent titanium added as titanium dioxide. The purpose of requiring the addition of titanium dioxide to ISP was to enable the agency to analytically detect the amount of ISP used in meat food products by calculating the amount of titanium present. This, in turn, allows the agency to determine usage levels of ISP in the sampled products and to assure that products are not adulterated or misbranded through the misuse of ISP. On April 17, 1970, the agency published a final rule in the **Federal Register** (35 FR 6255) allowing the use of ISP in poultry products as well, under conditions identical to such usage in meat food products.

FSIS has been petitioned on behalf of Archer Daniels Midland Company, Grain Processing Corporation, and Ralston Purina Company, all manufacturers of ISP, to delete the requirement that ISP contain titanium dioxide. The petitioners assert that titanium as a tracer in ISP is unnecessary and pointed out that tracers are not required for certain other protein-containing binders, e.g., whey, which also are not fully detectable and measurable by available laboratory analytical methods. The petitioners further claim that such requirement is a barrier to world trade for U.S. meat products containing ISP because the Commission of European Communities prohibits the use of titanium dioxide in ISP. One petitioner has also claimed that titanium dioxide produces an undesirable lightness in color due to its whitening power when used in certain products such as beef patties.

FSIS acknowledges the current lack of acceptable laboratory analytical methods for distinguishing ISP in meat and poultry products. However, FSIS has established certain procedures which are capable of assuring that meat and poultry products containing ISP and other added substances are properly formulated and labeled. Before ISP, whey, and other substances may be used in a product, the manufacturer must obtain FSIS approval of the product's formula and label to ensure that such substances would be used in proper quantities in accordance with the standards of identity and that appropriate information would be conveyed to the consumer through labeling. Additionally, as products are produced in official establishments, FSIS inspectors monitor the usage of substances to verify that the approved formula is followed.

Experience has shown that there is no reason to distinguish ISP as any more likely to be misused than other substances given the existing inspection procedures. Therefore, it appears that there is no continuing need for the use of titanium dioxide as a tracer in ISP, and, thus, FSIS is proposing to revoke such requirement.

List of Subjects

9 CFR Part 318

Food additives, Meat inspection, Preparation of products.

9 CFR Part 381

Food additives, Poultry products inspection.

The Proposal

PART 318—[AMENDED]

Accordingly, it is proposed to revise the Federal meat and poultry products inspection regulations as follows:

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

§ 318.6 [Amended]

2. Section 318.6(b) of the Federal meat inspection regulations (9 CFR 318.6) would be amended by removing the present paragraph (b)(11) and redesignating paragraph (b)(12) as (b)(11).

3. The authority citation for Part 381 reads as follows:

Authority: Sec. 14, Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 750); and subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws (33 U.S.C. 1254).

§ 381.147 [Amended]

4. Section 381.147 of the poultry products inspection regulations (9 CFR 381.147) would be amended by removing the present paragraph (e) and redesignating paragraph (f) as paragraph (e).

Done at Washington, D.C. on September 29, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-28279 Filed 10-17-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-ASO-29]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign VOR Federal Airways V-53 and V-311 located in the vicinity of Columbia, SC. The realignment of these airways would improve traffic flow between Charleston, SC, and Columbia, SC. This action would increase safety and improve traffic flow due to increased flexibility for meaneuvering traffic.

DATES: Comments must be received on or before December 5, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 83-ASO-29, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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, D.C.

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 Rulles Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguements 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, stamp postcard on which the following statement is made: "Comments to Airspace Docket No. 83-ASO-29." 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 Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of VOR Federal Airways V-53 in part, between Columbia, SC, and Charleston, SC, and V-311 in part, between Columbia, SC and Charleston, SC. The realignment would allow increased use of tower en route air traffic control procedures, thereby reducing controller workload, expediting traffic and reducing en route and terminal delays. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal Airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V-53 [Amended]

By deleting the words "From Charleston, SC, INT Charleston 296° and Columbia, SC, 153° radials; Columbia;" and substituting the words "From Charleston, SC, via Columbia, SC;"

V-311 [Amended]

By deleting the words "Columbia, SC;" and substituting the words "Columbia, SC; INT Columbia 153°T(155°M) and Charleston, SC, 296°T(298°M) radials; Charleston."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendmens are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Excutive 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 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.

Issued in Washington, D.C. on October 11, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-28307 Filed 10-17-83; 8:45 am]

BILLING CODE 4910-13-M