

its state of incorporation or the address of its principal place of business.

(5) Where the vessel is owned in a trust arrangement, the home port is determined in accordance with paragraphs (b) (1), (3), or (4) of this section, as appropriate, using the address of any one of the trustees.

(6) Where the vessel owner has no domicile in the United States or does not have a permanent address in the United States, the home port may be any port of documentation.

(7) Where the vessel is owned by the Federal Government, or any agency thereof, the home port must be Norfolk.

(8) Where the vessel is owned by a state, territory, possession, or any agency thereof, the home port must be, except in the Third, Eighth, and Thirteenth Coast Guard Districts, the port of documentation for the Coast Guard District in which the capital is located. The home port of a vessel owned by the State of New York, New Jersey or Connecticut, or any agency thereof, must be New York. The home port of a vessel owned by the State of Pennsylvania or Delaware, or any agency thereof, must be Philadelphia. The home port for a vessel owned by the State of Texas or New Mexico, or any agency thereof, must be Houston. The home port of a vessel owned by the State of Louisiana, Mississippi or Alabama, or any agency thereof, must be New Orleans. The home port for a vessel owned by the State of Washington or Montana, or any agency thereof, must be Seattle. The home port of a vessel owned by the State of Oregon or Idaho, or any agency thereof, must be Portland.

(9) Where the vessel is owned by a political subdivision of a state, territory, possession, or any agency thereof, the home port must be, except in the Third, Eighth, and Thirteenth Coast Guard Districts, the port of documentation for the Coast Guard District in which the political subdivision is located. The home port of a vessel owned by a political subdivision of the State of New York, New Jersey or Connecticut, or any agency thereof, which subdivision is located in the Third Coast Guard District, must be New York. The home port of a vessel owned by a political subdivision of the State of Delaware or Pennsylvania, or any agency thereof, which subdivision is located within the Third Coast Guard District, must be Philadelphia. The home port for a vessel owned by a political subdivision of the State of Texas or New Mexico, or any agency thereof, must be Houston. The home port of a vessel owned by a political subdivision of the State of Louisiana, Mississippi, Florida, Georgia,

or Alabama, or any agency thereof, which subdivision is located within the Eighth Coast Guard District, must be New Orleans. The home port for a vessel owned by a political subdivision of the State of Washington or Montana, or any agency thereof, must be Seattle. The home port for a vessel owned by a political subdivision of the State of Oregon or Idaho, or any agency thereof, must be Portland.

3. In § 67.13-7, paragraph (c) is revised to read as follows:

**§ 67.13-7 Hailing port designation.**

(c) When the home port of a vessel is determined in accordance with § 67.13-3(b)(6), the hailing port must be the home port of the vessel.

(Sec. 103, Pub. L. 96-594, 94 Stat. 3453 (46 U.S.C. 65a), sec. 105, Pub. L. 96-594, 94 Stat. 3454 (46 U.S.C. 85c), sec. 124 Pub. L. 96-594, 94 Stat. 3458 (46 U.S.C. 85v))

Dated: February 14, 1983.

L. N. Hein,  
Captain, U.S. Coast Guard, Acting Chief,  
Office of Merchant Marine Safety.

[FR Doc. 83-4164 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-14-M

**46 CFR Part 80**

[CGD 79-180]

**Disclosure of Safety Standards and Country of Registry**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its regulations that apply to the disclosure of safety standards and country of registry for domestic and foreign passenger vessels. Past regulations were misleading and failed to correctly express the intent of Congress. This document clarifies disclosure standards by accurately defining the requirements imposed on the passenger vessel industry when advertising or selling passage aboard vessels of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers.

**EFFECTIVE DATE:** This amendment is effective on March 24, 1983.

**FOR FURTHER INFORMATION CONTACT:** CDR John P. Deleonardis (G-MVI-2/24), Room 2612, U.S. Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593. (Tele. 202-426-2190).

**SUPPLEMENTARY INFORMATION:** The Coast Guard published a notice of proposed rulemaking (NPRM) concerning these amendments on August 2, 1982 (47 FR 33284). A ninety day comment period was provided. No written comments or requests for a public hearing were received on the proposal. No public hearing is scheduled.

**Drafting Information**

The principal persons involved in the drafting of these rules are: CDR John P. Deleonardis, Project Manager, Office of Merchant Marine Safety and LT Mark Hanlon, Project Attorney, Office of the Chief Counsel.

**Discussion**

Subsection 382(b) of Title 46, United States Code, requires owners, operators, agents, or any persons selling passage on subject vessels to disclose the vessels' compliance with certain safety standards. This disclosure requirement applies to passenger vessels, unless otherwise exempted, of 100 gross tons or more, having berth or stateroom accommodations for fifty or more persons Congress did not deem it necessary to apply the disclosure requirements to smaller vessels, such as passenger ferries, day cruisers, etc.

The statute requires direct notification of each prospective passenger embarking on subject vessels from United States ports. In order to prevent circumvention of these passenger notification requirements by vessels embarking passengers at ports outside, rather than within the United States, Congress extended the disclosure requirements to advertisements in the United States for passage on such vessels for ocean voyages anywhere in the world, and also required disclosure of country of registry.

In discussing promotional literature or advertising, the statute speaks to offers of passage or soliciting passengers, rather than the size of vessels covered or persons subject to the requirement. There is an implication that the advertising disclosure requirement applies to the same size vessels as the passenger notification requirement. This has led some to believe that the embarkation of passengers at United States ports is also a prerequisite to applicability of the advertising disclosure requirements. The legislative history of the statute indicates that the advertising disclosure requirement applies to the same size vessels as the passenger notification requirement, and that disclosure must occur in all advertising even though the vessel

concerned does not embark passengers at U.S. ports.

Past regulations in Part 80 of Title 46, Code of Federal Regulations, were misleading in that the statutory ambiguity was not resolved. The embarkation of passengers at United States ports, as a prerequisite to application of the passenger notification requirement (46 CFR 80.25), was not explicitly stated in § 80.10(a). The advertising disclosure requirement (46 CFR 80.30) was not explicitly made applicable to only subject vessels in § 80.10(b). The statutory language "ocean voyage anywhere in the world" was not defined.

In order to resolve these ambiguities and to reflect actual Coast Guard practice in applying these regulations, these amendments revise the applicability of the regulations to read in terms of persons who are subject thereto. The vessel size description is clearly set out. Applicability is no longer defined in terms of subject vessels and voyages or advertising activities. A definition of "ocean voyage anywhere in the world" is also included to clarify Congressional intent that a seagoing voyage on exposed waters, as opposed to a voyage on inland or protected waters, is contemplated. The definition of the regulated activities therefore are now found in the substantive subparts implementing the statutory passenger notification and advertising disclosure requirements (46 CFR 80.25, as revised by these amendments, and § 80.30, respectively). The amendments more accurately define the scope of the regulations and more effectively implement the intent of Congress.

A final ambiguity requiring clarification concerns the minimum type size of printed country of registry statements. Prior §§ 80.25(b) and 80.30(c)(1) required a minimum type size for prescribed safety information statements, which included country of registry information. Prior § 80.20(b), which required country of registry statements concerning vessels otherwise exempt from safety information statement requirements, failed to specify the minimum type size requirement. That section is now amended to include this requirement. This action follows the Congressional intent that country of registry statements be made in a manner which reasonably discloses that information.

#### Evaluation

The Coast Guard has determined, in accordance with E.O. 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated 5 May, 1980 that

these amendments are not major and not significant. These amendments consist of mere editorial changes and a new minimum type size requirement. The minimum type size requirement is the least costly method of implementing the Congressional intent that the country of registry information be reasonably disclosed. Specifying a minimum type size, in order to ensure that the information is clearly disclosed, adds no additional reporting cost. Consequently, no evaluation has been prepared.

#### Regulatory Flexibility Analysis

The regulations have been evaluated under Pub. L. 96-354 (94 Stat. 1168) and are certified as having no significant economic impact on a substantial number of small entities. A six point American type size requirement to disclose country of registry has no significant economic impact since there will be no increase in the reporting cost. The remaining amendments are purely editorial with no economic impact.

#### List of Subjects in 46 CFR Part 80

Advertising, Marine safety, Passenger vessels, Penalties, Travel and Foreign trade.

In consideration of the foregoing, Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

#### PART 80—DISCLOSURE OF SAFETY STANDARDS AND COUNTRY OF REGISTRY

1. By revising § 80.10 to read as follows:

##### § 80.10 Applicability.

Except as exempted in § 80.20, this part applies to—(a) owners, operators, agents, or any persons selling passage on a foreign or domestic vessel of one hundred gross tons or over having berth or stateroom accommodations for fifty or more passengers and embarking passengers at a United States port for a coastwise or an international voyage; and (b) owners, operators, agents, and other persons involved in the publishing and distribution of promotional material in or over any medium of communication within the United States offering passage or soliciting passengers for an ocean voyage anywhere in the world, by a vessel of one hundred gross tons or over having berth or stateroom accommodations for fifty or more passengers, regardless of whether passengers are embarked at United States ports for said voyage.

2. By revising § 80.15 to read as follows:

##### § 80.15 Ocean voyage.

An ocean voyage for the purposes of this part means:

A voyage on any body of water seaward of the low water mark such as an ocean or arm thereof, other major bodies of water such as seas, gulfs, and straits, except voyages exclusively within harbors and small coastal indentations.

3. By revising § 80.20(b) to read as follows:

##### § 80.20 [Amended]

(b) If the exception in paragraph (a) of this section applies, the country of registry must appear in printed advertising or promotional literature as described in § 80.30(a), in a type no smaller than six points, American point system.

4. By revising § 80.25(a) to read as follows:

##### § 80.25 Notification of safety standards.

(a) Each owner, operator, agent, or other person, selling passage for a coastwise or an international voyage embarking passengers at a United States port shall give to a prospective passenger, in writing, at the time of or before passage is booked, separately from any promotional literature or advertising used, a document containing the following information for each vessel concerned—

(R.S. 4400, as amended, Pub. L. 89-777, 80 Stat. 1356; Pub. L. 91-154, 83 Stat. 427 [46 U.S.C. 362]; 49 U.S.C. 1655(b)(1); 49 CFR 146(b))

Dated: January 25, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83-4380 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-14-M

#### FEDERAL MARITIME COMMISSION

##### 46 CFR Part 536

[G.O. 13; Amdt. 14]

#### Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This document corrects citation references appearing in 46 CFR Part 536, relating to publishing and filing tariffs by common carriers in the foreign commerce of the United States.

DATE: Effective February 22, 1983.

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

**SUPPLEMENTARY INFORMATION:** A review of 46 CFR Part 536 reveals certain incorrect citation references which should be amended.

1. Part 536 publishes rules and regulations governing tariffs filed by common carriers in the foreign commerce of the United States. Section 536.5(d)(9), which publishes rules applicable to freight forwarder compensation contains a reference to "§ 510.24(f)." Part 510 was revised by the Commission effective October 1, 1981, at which time § 510.24(f) was revised and redesignated as § 510.33(d). The reference to "§ 510.24(f)" in § 536.5(d)(9) should therefore be amended to read "§ 510.33(d)."

2. The reference to "§ 536.10(c)(6)" in § 536.10(c)(7) is incorrect. The section intended to be referenced is "§ 536.10(c)(5)."

Therefore, pursuant to 5 U.S.C. 553 and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) Part 536 of Title 46 CFR is amended in the following respects.

**§ 536.5 [Amended]**

1. In § 536.5 *Tariff Contents*, the reference in paragraph (d)(9) to "§ 510.24(f)" is amended to read "§ 510.33(d)."

**§ 536.10 [Amended]**

2. In § 536.10 *Amendment to tariffs*, the reference in paragraph (c)(7) to "§ 536.10(c)(6)" is amended to read "§ 536.10(c)(5)."

Notice and opportunity to comment are not necessary for these amendments because they contain no substantive changes.

By the Commission, February 4, 1983.

Francis C. Hurney,  
Secretary.

[FR Doc. 83-4365 Filed 2-18-83; 8:45 am]

BILLING CODE 6730-01-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[BC Docket No. 82-596; RM-4145]

**Radio Broadcast Services; TV Broadcast in Crockett, Texas, Changes Made in Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein assigns UHF television Channel 40 to Crockett, Texas, as its first television assignment, in response to a petition filed by Holt-Robinson Communications.

**EFFECTIVE DATE:** April 12, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 47 CFR Part 73**

Television broadcasting.

Adopted: January 26, 1983.

Released: February 11, 1983.

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Crockett, Texas); BC Docket No. 82-596, RM-4145; report and order (Proceeding terminated).

1. The Commission herein considers the Notice of Proposed Rule Making, 47 FR 40457, published September 14, 1982, which invited comments on a proposal to assign UHF television Channel 40 to Crockett, Texas, in response to a petition filed by Holt-Robinson Communications ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. No opposing comments were received.

2. We believe that the petitioner has adequately demonstrated the need for a first commercial television assignment to Crockett, Texas, and that the public interest would be served by assigning UHF television Channel 40 to that community.

3. Accordingly, 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 §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective April 12, 1983, the Television Table of Assignments, § 73.606(b) of the Rules, is amended with respect to the community listed below:

| City            | Channel No. |
|-----------------|-------------|
| Crockett, Texas | 40          |

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4340 Filed 2-18-83; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 97**

[RM-4122; FCC 83-36]

**Amateur Radio Service; Authorization of the Digital Code "AMTOR" for Use by Stations in the Amateur Radio Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Amateur Radio Service Rules to allow amateur radio stations to use the digital radioteletype code AMTOR on frequencies below 50 MHz. This amendment is necessary for amateur radio operators for experimentation and reliable communications under marginal propagation conditions. With AMTOR, amateur stations will derive the inherent benefit of reliable, error-free copy at the receiving teleprinter.

**EFFECTIVE DATE:** February 22, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Steven W. Lett, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 47 CFR Part 97**

Radio.

Adopted: January 27, 1983.

Released: February 8, 1983.

By the Commission: Commissioner Sharp concurring in the result.

In the Matter of Authorization of the digital code "AMTOR" for use by stations in the Amateur Radio Service. RM-4122, Order.

**Introduction**

1. The Commission has before it a petition for rule making, RM-4122, submitted by the American Radio Relay League, Inc. (the League) and received by the Commission on May 26, 1982. The petition requests " \* \* \* that the Commission amend § 97.99 of its Rules to permit transmission by amateurs of the digital teleprinter code specified in Recommendation No. 476-2 (1978) of the International Radio Consultative Committee (CCIR), known in the Amateur Radio Service as 'AMTOR,' in