misleading in any particular. Any determination by the inspector-in-charge that labeling being used in accordance with paragraph (b) of this section is false or misleading or that labeling alleged by an establishment to be approved under paragraph (b) of this section which the inspector-in-charge determines is not so approved, shall preclude the use of the labeling and said determination shall remain in effect unless and until an alternative decision is made by the Standards and Labeling Division. A copy of any labeling to be used in accordance with paragraph (b) of this section shall be supplied to the inspector-in-charge prior to its use.

(b) Labeling which has previously been approved but which contains the following modifications is generically approved and may be used in conformity with the requirements of paragraph (a) of this section:

(1) All features of the label are proportionately enlarged or reduced: *Provided*, That all minimum size requirements specified in applicable regulations are met and the labeling is legible;

(2) There is substitution of such abbreviations as "lb." for "pound," or "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation;

(3) A master or stock label has been approved from which the name and address of the distributor are omitted and such name and address are applied before being used (in such case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval);

(4) During holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labeling (the use of such design will not make necessary the application of labeling not otherwise required);

(5) There is a change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;

(6) The addition, deletion, or amendment of a coupon, a cents-off statement, cooking instructions, packer product code information, or UPC product code information;

(7) Any change in the name or address of the packer, manufacturer, or distributor that appears in the signature line;

(8) Any change in the net weight: *Provided*, That the size of the net weight statement complies with § 381.121 of this subchapter;

(9) The addition, deletion, or amendment of recipe suggestions for the product;

(10) Any changes in punctuation;

(11) Newly assigned or revised establishment numbers for a particular establishment for which use of the labeling has been approved by the Standards and Labeling Division or the inspector-in-charge assigned to that establishment;

(12) The addition or deletion of open dating information; or

(13) A change in the type of packaging material on which the label is printed.

§ 381.135 [Reserved]

9. Section 381.135 (9 CFR 381.135) is removed and the section number is reserved.

Information collection requirements contained in this regulation (§§ 306.5, 317.4, 317.5, 381.35, 381.132, and 381.134) have been approved by the Office of the Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0583-0015.

Done at Washington, D.C., on February 24, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-7204 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Hearing

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is amending § 308.61 of its regulations (12 CFR 308.61) to delegate to the Executive Secretary the authority to (1) designate presiding officers for hearings under § 308.59 of its regulations (12 CFR 308.59) and (2) set a later hearing date.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Assistant Executive Secretary, 550 17th Street, NW., Washington, D.C. 20429, telephone (202) 389-4446.

SUPPLEMENTARY INFORMATION: Section 308.59 of FDIC's regulations provides that an individual subject to suspension and removal proceedings under section 8(g) of the Federal Deposit Insurance Act ("FDI Act," 12 U.S.C. 1818(g)) or, in the case of a petition for reconsideration of a denial of an application under section 19 of the FDI Act (12 U.S.C. 1829), the bank or the affected individual, may request a hearing. Under section 308.61 of FDIC's regulations, the Board of Directors designates the presiding officer for any such hearing and may order a later hearing date upon petition. (The Executive Secretary sets the original hearing date.) For reasons of administrative ease and efficiency, the Board is delegating authority to the Executive Secretary to designate the presiding officers and to set a later hearing date.

These amendments relate solely to internal agency practices and procedures and, therefore, the notice, public comment and delayed effective date requirements of 5 U.S.C. 553 are not applicable. The amendments also would not have a significant economic impact on a substantial number of small entities and would not impose any recordkeeping or reporting requirements on any person. Thus, under FDIC's policy statement on drafting regulations entitled, "Development and Review of FDIC Rules and Regulations," a cost-benefit analysis is not required.

List of Subjects in 12 CFR Part 308

Administrative practice and procedure, Claims, Courts, Equal access to justice, Lawyers, Penalties.

PART 308—[AMENDED]

Accordingly, the Board of Directors amends Part 308 as set forth below.

1. The authority citation for Part 308 reads as follows:

Authority: Sec. 2(9), Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. 94-29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L. 95-630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203, Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504).

2. Paragraph (a) of § 308.61 is revised to read as follows:

§ 308.61 Hearing.

(a) The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for hearing pursuant to § 308.59, except in the case of a petition for reconsideration of denial of a section 19 application, for which the time periods set forth in § 303.10(d) shall apply. The hearing shall be held in Washington, D.C., or at another designated place, before a presiding officer designated by the Executive Secretary. The Executive Secretary may order a later hearing date upon petition of the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing.

* * * * *

By order of the Board of Directors, this 14th day of March, 1983.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-7167 Filed 3-17-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 572

[No. 83-143]

Net Worth Certificates

March 7, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") has extended until April 1, 1983, the initial filing date for a qualified institution to apply for the Federal Savings and Loan Insurance Corporation ("FSLIC") to purchase net worth certificates ("MWCs") in accordance with Title II of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, 96 Stat. 1469 (October 15, 1982). This extension will allow additional time for the dissemination of information regarding the Board's NWC program and for institutions to apply under that program.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Deputy Director, Policy and Programs (202-377-6480) or James A. Kristufek, Capital Assistance Program Administrator (202-377-6363), Office of Examinations and Supervision, or Thomas J. Haggerty, Senior Attorney, Division of Securities and Corporate Analysis, Office of General Counsel (202-377-6911), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: In order to allow additional time for the dissemination of information regarding the Board's NWC program, 12 CFR Part 572, and to allow qualified institutions to complete their application to the FSLIC to purchase NWCs in accordance with that Program, the Board has amended § 572.3(c) of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 572.3) to provide that any application for capital assistance based on operating losses for an applicable-six-month fiscal-year period which has closed may be made until April 1, 1983. Previously, § 572.3(c), as amended, had specified a March 1, 1983, date. Section 572.3(c) continues to require that after the April 1, 1983, date applications must be filed within 30 days after the close of an applicable period.

List of Subjects in 12 CFR Part 572

Savings and loan associations.

The Board finds that observance of the notice and comment period pursuant to 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, are unnecessary because this amendment constitutes a benefit to applicants by extending the initial application due date. The Board had retained authority to waive that due date in any event.

Accordingly, the Board hereby amends Part 572 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 572—NET WORTH CERTIFICATES

§ 572.3 [Amended]

Amend paragraph (c) of § 572.3 by inserting the word "April" in place of the word "March" in that paragraph.

(Secs. 401, 402, 403, 405, 406, and 407, 48 Stat. 1255, 1256, 1257, 1259, and 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1728, 1729, and 1780); Reorg. Plan No. 3 of 1947, 3 CFR, 1943-48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.

Acting Secretary.

[FR Doc. 83-7126 Filed 3-17-83; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 389

Filing-Fee Requirements; Waiver

AGENCY: Civil Aeronautics Board.

ACTION: Waiver of Filing-Fee Requirements Under 14 CFR Part 389.

SUMMARY: Following requests on behalf of certain foreign carriers, the Board's Managing Director, acting under delegated authority, has waived the requirements of Part 389 of the Board's Organization Regulations to the extent necessary to relieve the carriers of France (by letter dated March 9, 1983) and Canada (by letter dated March 9, 1983), from paying the filing fees set forth in § 389.25. Both actions were effective immediately on March 9, 1983, and the filing of a petition for review will not alter the effectiveness.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Allen Brown, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5878.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-7140 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 162

[T.D. 83-72]

Summary Forfeiture and Disposition of Controlled Substances

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that: (1) Certain controlled substances which are imported into the United States without proper entry documentation may be seized and summarily forfeited to the United States; and (2) certain notice procedures are inapplicable to the disposition of such controlled substances.

These amendments are being made to eliminate the unnecessary and costly storage of large quantities of controlled substances.

EFFECTIVE DATE: March 18, 1983. These amendments were previously published as interim regulations, effective on May 11, 1982.

FOR FURTHER INFORMATION CONTACT: Steven L. Basha, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-2482); or David Goldfarb, Assistant Regional Counsel, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131, (305-350-4321).

SUPPLEMENTARY INFORMATION:

Background

During the last few years, Customs has found it increasingly difficult to store and safeguard controlled substances that have been seized for violation of drug and/or customs laws. Accordingly, by T.D. 82-89, published in the **Federal Register** on May 14, 1982 (47 FR 20753), Customs issued interim regulations to provide that: (1) Certain controlled substances which are imported into the United States without proper entry documentation may be seized and summarily forfeited to the United States; and (2) certain notice procedures are inapplicable to the disposition of such controlled

substances. Prior to the interim regulations, § 162.45, Customs Regulations (19 CFR 162.45), required Customs to retain seized controlled substances for at least three weeks, during which time notice of their impending forfeiture was given. The three week retention necessitated the storage of the controlled substances in secure areas because of their illicit value and dangerous propensities. The problem of storage and security of seized drugs has become acute in Customs regions that have large scale drug smuggling activity. For example, the Miami, Florida, Customs Region (Southeast Region) seized over 3,400,000 pounds of marihuana in fiscal year 1981. The cost to the Government in providing secure storage for such large quantities of drugs has become excessive. Additionally, the storage of large quantities of these items often interferes with the efficient operation of other Customs business.

The Controlled Substances Act (21 U.S.C. 801, *et seq.*) and the Controlled Substances Import and Export Act (21 U.S.C. 951, *et seq.*) deem illegally imported Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) to be contraband that is summarily forfeited to the United States (21 U.S.C. 881(f) and 965). The Supreme Court has held that contraband is not required to be returned to the person from whom it is seized. *Trupiano v. United States*, 334 U.S. 699, 710 (1948); *United States v. Jeffers*, 342 U.S. 48, 54 (1951).

Accordingly, because illegally imported Schedule I substances are summarily forfeited to the United States upon seizure, there is no purpose served in storing such substances, or notifying the public of Customs intention to dispose of such substances. The public notice provision of § 162.45 is included in the regulations for the benefit of those parties who might have a legitimate interest in seized property, and who might wish to file a claim for such property pursuant to § 162.47, Customs Regulations (19 CFR 162.47). The fact that seized Schedule I controlled substances are deemed contraband and are summarily forfeited to the Government precludes any claim under § 162.47.

Comments

Although T.D. 82-89 specifically invited written comments on the interim regulations, none were received.

Changes to Interim Regulations

Customs has determined to adopt the interim regulations as permanent rules with the only substantive change being the addition of a sentence at the end of § 162.45a, Customs Regulations (19 CFR 162.45a). That sentence provides that when seized controlled substances are required as evidence in a court proceeding they shall be preserved to the extent and in the quantities necessary for that purpose.

Inapplicability of Delayed Effective Date Provisions

T.D. 82-89 stated that, because of the acute storage problem associated with large quantity seizures of controlled substances, and because 21 U.S.C. 881 (f) and 965 deem illegally imported Schedule I controlled substances to be contraband that is summarily forfeited to the United States, Pursuant to 5 U.S.C. 553(b)(B), notice and public procedure were impracticable, unnecessary, and contrary to the public interest. T.D. 82-89 further stated that, pursuant to 5 U.S.C. 553(d)(3), good cause existed for dispensing with a delayed effective date. For the same reasons, and for the reason that the interim regulations have been in effect since May 11, 1982, good cause exists for dispensing with a delayed effective date for the final rule.

Executive Order 12291

This amendment is not a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Analysis

T.D. 82-89 contained a certification pursuant to the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that these regulations will not have a significant economic impact on a substantial number of small entities. The same certification is applicable to this document. Accordingly, regulatory flexibility analyses are not required.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Law enforcement, Penalties, Search warrants, Seizures and forfeitures, Imports, Customs duties and inspection.

Amendments to the Regulations

Part 162, Customs Regulations (19 CFR Part 162), is amended as set forth below

William von Raab,

Commissioner of Customs.

Approved: **John M. Walker, Jr.,**

Assistant Secretary of the Treasury.

March 3, 1983.

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The section heading and paragraph (b) of § 162.45, Customs Regulations (19 CFR 162.45(b)), are revised to read as follows:

§ 162.45 Summary forfeiture where value not over $10,000: Property other than Schedule I controlled substances. Notice of seizure and sale.

* * * * *

(b) *Publication.* (1) If the appraised value of any property in one seizure from one person other than Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) exceeds $250, the notice shall be published in a newspaper of general circulation in the Customs district and the judicial district in which the property was seized for at least three successive weeks.

(2) In all other cases, except for Schedule I controlled substances (see § 162.45a), the notice shall be published by posting in a conspicious place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at last three successive weeks. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

* * * * *

2. Part 162, Customs Regulation (19 CFR Part 162), is amended by adding a new § 162.45a, to read as follows:

§ 162.45a Summary forfeiture of Schedule I controlled substances.

The Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801) provides that all controlled substances in Schedule I (as defined in 21 U.S.C. 802(6) and 812) that are possessed, transferred, sold or offered for sale in violation of the Act shall be deemed contraband and seized and summarily forfeited to the United States (21 U.S.C. 881(f)). By reference, the Controlled Substances Import and Export Act (21 U.S.C. 951) incorporates this contraband forfeiture provision. See 21 U.S.C. 965. Accordingly, in the case of a seizure of Schedule I controlled substances, the appropriate Regional

Commissioner of Customs or his designee shall contact the appropriate Drug Enforcement Administration official responsible for issuing permits authorizing the importation of such substances (see 21 CFR 1312). If upon inquiry the Regional Commissioner or his designee is notified that no permit for lawful importation has been issued, he shall declare the seized substances contraband and forfeited pursuant to 21 U.S.C. 881(f). Inasmuch as such substances are Schedule I controlled substances, the notice procedures set forth in section 162.45 are inapplicable. When seized controlled substances are required as evidence in a court proceeding, they shall be preserved to the extent and in the quantities necessary for that purpose.

3. Section 162.63, Customs Regulations (19 CFR 162.63), is amended to read as follows:

§ 162.63 Arrests and seizures.

Arrests and seizures under the Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801), and the Controlled Substances Import and Export Act (84 Stat. 1285, 21 U.S.C. 951), shall be handled in the same manner as other Customs arrests and seizures. However, Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) imported contrary to law shall be seized and forfeited in the manner provided in the Controlled Substances Act (21 U.S.C. 881(f)). See § 162.45a.

(Sec. 511(d), 1016, 84 Stat. 1276 as amended, 1291; 21 U.S.C. 881(d), 966)

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[FR Doc. 83-7152 Filed 3-17-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Commissioner of Food and Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority that contain the delegations of authority to the Commissioner of Food and Drugs to incorporate a revised delegation to the Commissioner to accept gifts under section 501 of the Public Health Service Act (PHS Act).

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: On February 25, 1983, the Assistant Secretary for Health issued a memorandum delgating to the Commissioner the authority under section 501 of the PHS Act, as amended, to accept offers of gifts, excluding the acceptance of gifts of real property. Only the authority to accept unconditional gifts of personal property valued at $5,000 or less can be redelegated. The delegation superseded the previous delegation of this authority by the Director, Office of Management, PHS, dated August 20, 1979.

In § 5.10 (21 CFR 5.10), new paragrpah (a)(20) is being added to reflect the revised delegation and paragraph (e) is being deleted to remove the superseded delegation.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a) 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended in § 5.10 by adding new paragraph (a)(20) and by removing paragraph (e) as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a) * * *

(20) Functions vested in the Secretary under section 501 of the Public Health Service Act (42 U.S.C. 219) as amended, to accept offers of gifts, excluding the acceptance of gifts of real property. Only the authority to accept unconditional gifts of personal property valued at $5,000 or less may be redelegated.

* * * * *

Effective date. This regulation shall be effective March 18, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7107 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 5

Delegations of Authority and Organization; Revised Organization

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the regulations setting forth its organization structure. Several reorganizations have occurred since the structure was last issued. These revised regulations will present FDA's latest structure.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended by revising § 5.100 to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

Office of the Commissioner [1]

Commissioner of Food and Drugs.
Deputy Commissioner.
Office of Regulatory Affairs.
Office of Health Affairs.
Office of Management and Operations.
Office of Planning and Evaluation.
Office of Legislation and Information.
Office of Consumer Affairs.

Bureau of Foods [2]

Office of the Director.

[1] Mailing address: 5600 Fishers Lane, Rockville, MD 20857.

[2] Mailing address: 200 C St. SW., Washington, DC 20204.