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Office of North African, Near Eastern, and

South Asian Affairs United States

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Diplomacy

(2) Other Agency Elements and addresses:

- (a) United States Information Agency, Health and Human Services Building (North), 330 Independence Avenue, SW., Washington, D.C. 20547; Bureau of Broadcasting.
- (b) United States Information Agency, Health and Human Services Building (South), 330 C Street, SW., Washington, D.C. 20547; Bureau of Management—Office of Contracts.
- (c) United States Information Agency, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20547; Bureau of Broadcasting—Television and Film Service.
- (d) United States Information Agency, Bureau of Programs—Foreign Press Center, National Press Building, 529 14th Street, NW, Washington, D.C. 20547.

Appendix II—United States Information Agency Office Locations Outside the Washington, D.C. Area

United States Information Agency, Bureau of Broadcasting—

- (a) Television and Film Service, New York Office, Room 30-100, 26 Federal Plaza, New York, N.Y. 10278
- (b) Relay Stations
 - (1) Bethany Relay Station, P.O. Box 227, Mason, Ohio 45040
 - (2) Delano Relay Station, Route 1, Box 1350, Delano, Calif. 93215
 - (3) Dixon Relay Station, Route 2, Box 739, Dixon, Calif. 95620
 - (4) Marathon Relay Station, P.O. Box 726, Marathon, Fla. 33050
 - (5) Edward R. Murrow Transmitting Station, P.O. Box 1826, Greenville, N.C. 27834
- (c) News Bureaus
 - (1) Midwest News Bureau, Room 3873, Federal Building, 230 South Dearborn Street, Chicago, Ill. 60604
 - (2) Southeast News Bureau, Room 1518, Federal Office Building, 51 S.W. First Avenue, Miami, Fla. 33130
 - (3) West Coast News Bureau, Room 11221, Federal Building, 11000 Wilshire Boulevard, Los Angeles, Calif. 90024
 - (4) New York News Bureau, Room 30-100, 26 Federal Plaza, New York, N.Y. 10278

Bureau of Programs

(a) Foreign Press Centers

- (1) Federal Bldg., 11000 Wilshire Blvd., Los Angeles, Calif. 90024
- (2) 18 E. 50th Street, 13th Floor, New York, N.Y. 10022
- (b) Senior Advisor for Public Affairs, U.S. Mission to the United Nations, 799 United Nations Plaza, New York 10017

Bureau of Management

- Administrative Services Division, New York Services Branch, 830 Third Avenue Brooklyn, N.Y. 11232

Bureau of Educational and Cultural Affairs—

- Reception Centers
 - (a) Honolulu—P.O. Box 50186, Honolulu, Hawaii 96850
 - (b) Miami—Room 1304, Federal Office Bldg., 50 SW. First Avenue, Miami, Fla. 33130
 - (c) New Orleans—Suite 1130 International Trade Mart 2 Canal Street, New Orleans, La. 70130
 - (d) New York—Third Floor, 1414 Avenue of the Americas, New York, N.Y. 10019
- Office of Public Liaison—New York Public Liaison Office, Room 30-100, 26 Federal Plaza, New York, N.Y. 10278

[FR Doc. 83-9008 Filed 4-8-83; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 74

[CGD 81-051]

Charges for Coast Guard Aids to Navigation Work

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations revise the charges for Coast Guard aids to navigation work. The charges presently listed in the Code of Federal Regulations were established in 1976 and do not reflect current costs. This document deletes these charges from Part 74 of the regulations and directs interested parties to the appropriate Coast Guard District Commander for charge schedules. Additionally, the regulations are simplified with unnecessary material removed.

DATES: This rule is effective May 11, 1983.

FOR FURTHER INFORMATION CONTACT:

LTJG Ronald A. Gan, Office of Navigation, Short Range Aids to Navigation Division (G-NSR/14), Room 1418, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C. 20593, (202) 426-1973, between 8 AM and 4 PM Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was published in the Federal Register of

October 28, 1982 (47 FR 47864). The comment period for this NPRM (CGD-81-051) ended on December 13, 1982. One comment was received. This comment supports the change. No request for a public hearing was received; no public hearing is scheduled.

Drafting Information

The principal persons involved in drafting these regulations are: LTJG Ronald A. GAN, Project Manager, Office of Navigation, and LT Mark D. HANLON, Project Attorney, Office of the Chief Counsel.

Background

Title 14, section 85, United States Code gives the Secretary of Transportation, for the protection of maritime navigation, the authority to prescribe and enforce necessary and reasonable rules and regulations relative to the establishment, maintenance, and operation of lights and other signals on fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States.

Title 14, section 86, United States Code gives the Coast Guard the authority to mark the location of any sunken vessel or other obstruction to navigation existing on the navigable waters or waters above the Continental Shelf of the United States. The Coast Guard may then, at the discretion of the Secretary of Transportation, charge the owners of the same for the cost of marking.

Title 14, section 642 of the United States Code authorizes the Coast Guard to recover the cost of repair or replacement of an aid to navigation that is damaged or destroyed by a private person.

Discussion of Final Rule

This document revises regulations which specify the charges for Coast Guard aids to navigation work. Presently, the charges are listed in the Code of Federal Regulations. These charges were last reviewed in 1976 and do not reflect the present cost of Coast Guard equipment and services. The transfer of these costs from the regulations to an annually revised, and readily available, Coast Guard publication will allow the Coast Guard to charge the users for the current average cost of manpower and equipment associated with the marking process. The average cost is based upon review of actual expenses recorded by units servicing aids to navigation.

The discrepancies between the prior charges published in 33 CFR Part 74 and the actual costs incurred forced the Coast Guard to absorb any increases in the cost of manpower and equipment. Using 1981 accounting data, the greatest loss absorbed in buoy costs was in the preparation and servicing of an 8-foot lighted buoy. It costs approximately \$1,420 to prepare a buoy of this type for setting. The preparation as previously listed in Part 74 was \$869. The resulting loss to the Coast Guard was \$551. Further, the monthly service charge for this buoy previously listed in Part 74 was \$63 while the actual cost is \$86. This resulted in a monthly servicing loss of \$23.

In the case of certain smaller buoys, the difference between the previously published charges and the actual costs resulted in the user being charged too much for the aids to navigation work. The rest illustration of this is the 4th class can or nun buoy. The previously published preparation charge for this buoy was \$112. Due to advances in the design of this type of buoy, preparation is no longer required before setting the buoy and the user was unnecessarily charged. The previously published monthly service charge was \$21 while the actual cost is only \$4. This discrepancy resulted in the user being overcharged \$17 per month by the Coast Guard.

The disparity between the prior published charges and actual charges for aids to navigation work is not limited to the buoy costs alone. The vessel and boat use costs have also gone up markedly since the prior review of charges in 1976.

Using 1981 accounting data, the greatest discrepancy existed in the cost per hour of a coastal buoy tender (WLM). Part 74 listed the cost per hour of a WLM as \$194. This published average hourly charge for the three types of WLM was drastically less than the actual cost. In reality, a 175 foot WLM costs \$871 per hour to operate, a 157 foot WLM costs \$638 per hour, and a 133 foot WLM cost \$443 per hour. Consequently, the Coast Guard had to absorb the difference in the costs which ranged from \$677 to \$249.

The revisions to this Part are necessary and worthwhile because the financial burden for aids to navigation work is more equitably shifted from the taxpayers to the actual users of the service. Subpart 74.05, Charges to Armed Forces and Subpart 74.15, Charges to Federal Agencies Other Than the Armed Forces, are removed. These subparts regulated various charges to other governmental agencies. Agreements between governmental

agencies need not be codified in the Code of Federal Regulations.

Regulatory Evaluation

These regulations have been evaluated under DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations", dated May 22, 1980, and have been found not to be significant. The increase in cost to the public will vary since the work performed, types of vessels performing, and charges will vary. A review of past charges was conducted in an effort to determine the scope of the impact of this revision on the public. In 1981, the Coast Guard charged the public \$83,750 for the installation and maintenance of aids marking sunken obstructions. It is estimated that this revision will increase the overall replacement charges by 16%, overall preparation charges by 30%, overall service charges by 13%, and overall vessel use charges by 204%. For example, if a third class unlighted buoy is prepared, installed by a 75 foot WLR in three billable hours, and maintained for one year, the previous charge was \$562. The charge, based upon the latest average cost figures, is \$966. The result is a 72% charge increase. If, for example, a 3½-foot lighted buoy is prepared, installed by a 133 foot WLM in three billable hours, and maintained for one year, the previous charge was \$1,193. The present charge, based upon the latest average cost figures, is \$2,112. The result is a 77% charge increase. Assuming an average charge increase of 75% and assuming the work performed in the future will be similar to that done in 1981, the amount chargeable will increase from \$83,750 to \$146,562.

The satisfactory marking of a sunken wreck by its owner is a statutory obligation. If the owner is unable to mark the wreck privately, he may request that the Coast Guard mark the wreck. Any increase in the charge for Coast Guard marking will not additionally burden the owner since he may elect to mark the wreck privately.

These regulations have been evaluated under E.O. 12291 and have been determined not to be major, for the reasons stated above. In addition, these regulations are certified as having no significant economic impact upon a substantial number of small entities. The need to mark an obstruction is a random occurrence which is no more likely to affect small entities than any other entity. In the event that a small business entity is affected, it is anticipated that the maximum increase in the cost of marking an obstruction will be \$1,000. This relatively minor cost increase is not

expected to significantly impact the economics of small businesses.

List of Subjects in 33 CFR Part 74

Navigation (water).

PART 74—[AMENDED]

In consideration of the foregoing, Part 74 of Title 33, Code of Federal Regulations, is amended as follows:

(1) The authority citation for Part 74 is revised as follows:

Authority: 14 USC 81, 85, 86, 82, 93, 141, 833, 642, 647; (49 CFR 1.46 (b)).

Subpart 74.01—Charges to the Public

(2) By revising § 74.01-10 as follows:

§ 74.01-10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

Charges for the establishment, maintenance, and replacement by the Coast Guard of an aid, either permanent or temporary, to mark a sunken wreck or other obstruction to navigation are calculated to recover the Coast Guard costs involved in, or associated with, the marking process. These charges will be invoiced to the owner of the obstruction. Charges for the removal of aids to navigation established by the Coast Guard will be invoiced to the owner unless the District Engineer requests the continued marking of the obstruction. All charges will be assessed in accordance with Subpart 74.20 of this part.

Subpart 74.05—Charges to the Armed Forces [Removed]

(3) By removing Subpart 74.05.

Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces [Removed]

(4) By removing Subpart 74.15.

Subpart 74.20—Aids to Navigation Costs

(5) By revising § 74.20-1 to read as follows:

§ 74.20-1 Buoy and vessel use costs.

(a) The buoy and vessel use costs for establishing, maintaining, repairing, replacing, or removing an aid to navigation under the requirements of this part are contained in COMDTNOTE 7310 (series) which is available at the Office of the Comptroller of the appropriate Coast Guard District Commander.

(b) Buoy and vessel use charges under this part are made for the cost or value of time, in hours, consumed by the

Government vessel, including ship's complement, employed in marking the obstruction. No charge for time and expense of Coast Guard vessels is made when the marking of the obstruction causes only minimal interruption of routinely scheduled ship's duty.

Dated: March 17, 1983.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 83-9092 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Service to Spain and Tunisia

AGENCY: Postal Service.

ACTION: Final action on International Express Mail Service to Spain and Tunisia.

SUMMARY: Pursuant to agreements with the postal administrations of Spain and Tunisia, the Postal Service intends to begin International Express Mail Service with Spain and Tunisia at postage rates indicated in the tables below. Service is scheduled to begin on May 9, 1983.

EFFECTIVE DATE: May 9, 1983.

FOR FURTHER INFORMATION CONTACT:

Leon W. Perlman, (202) 245-4414.

SUPPLEMENTARY INFORMATION: By a notice published in the Federal Register on March 7, 1983 (48 FR 9543), the Postal Service announced that it was proposing to begin International Express Mail Service to Spain and Tunisia on May 9, 1983. Comments were invited on published rate tables, which were proposed amendments to the International Mail Manual (incorporated by reference in the Federal Register, 39 CFR 10.1), and which are to become effective on the date service begins. No comments were received.

Accordingly, the Postal Service is confirming that it intends to begin International Express Mail Service with Spain and Tunisia on May 9, 1983 at the rates indicated in the tables below.

List of Subjects in 39 CFR Part 10

Foreign relations.

SPAIN—INTERNATIONAL EXPRESS MAIL

Custom designed service ^{1,2}		On demand service ²	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	\$27.00	1	\$19.00
2	29.80	2	21.90
3	32.80	3	24.80

SPAIN—INTERNATIONAL EXPRESS MAIL—Continued

Custom designed service ^{1,2}		On demand service ²	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
4	35.70	4	27.70
5	38.60	5	30.60
6	41.50	6	33.50
7	44.40	7	36.40
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	53.80
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	82.80
24	93.70	24	85.70
25	96.60	25	88.60
26	99.50	26	91.50
27	102.40	27	94.40
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80
34	122.70	34	114.70
35	125.60	35	117.60
36	128.50	36	120.50
37	131.40	37	123.40
38	134.30	38	126.30
39	137.20	39	129.20
40	140.10	40	132.10
41	143.00	41	135.00
42	145.90	42	137.90
43	148.80	43	140.80
44	151.70	44	143.70

¹Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

²Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

TUNISIA—INTERNATIONAL EXPRESS MAIL

Custom designed service ^{1,2}		On demand service ²	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	\$28.00	1	\$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90

TUNISIA—INTERNATIONAL EXPRESS MAIL—Continued

Custom designed service ^{1,2}		On demand service ²	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40
34	150.10	34	142.10
35	153.80	35	145.80
36	157.50	36	149.50
37	161.20	37	153.20
38	164.90	38	156.90
39	168.60	39	160.60
40	172.30	40	164.30
41	176.00	41	168.00
42	179.70	42	171.70
43	183.40	43	175.40
44	187.10	44	179.10

¹Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

²Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the Federal Register as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

(39 U.S.C. 401, 404, 407)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 83-9307 Filed 4-8-83; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 50, 66, 106, and 110

[CGD 80-161]

Ocean Thermal Energy Conversion Facility and Plantship Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations implement the Coast Guard's responsibilities pursuant to the Ocean Thermal Energy Conversion Act of 1980. The Act requires the Coast Guard to prescribe rules for ocean thermal energy conversion (OTEC) facilities and plantships for the purpose of promoting the safety of life and property at sea and protecting the marine environment. The regulations will affect prospective OTEC licensees and related private industry support interests. Vessel marking requirements in this rulemaking will also affect general navigation interests. The rules reference existing regulations and

establish new requirements for features which are unique to OTEC facilities and plantships.

EFFECTIVE DATE: This final rule becomes effective May 11, 1983.

FOR FURTHER INFORMATION CONTACT:

LT Thomas M. Curelli, Office of Merchant Marine Safety, Room 1306, U.S. Coast Guard Headquarters, 2100 2nd St. S.W., Washington, D.C. 20593; (202-426-2187).

SUPPLEMENTARY INFORMATION: On October 5, 1981 a Notice of Proposed Rulemaking was published (46 FR 49078) on this subject. Comments were received from nine commenters including private corporations, industry associations, research companies, government agencies, and educational institutions. No requests were received for a public hearing and none was held.

Drafting Information

The principal persons involved in drafting this rulemaking are: LT Thomas M. Curelli, Office of Merchant Marine Safety, and LT Walter Brudzinski, Office of Chief Counsel.

Discussion of Comments

Comments from nine sources were received on fourteen different topics. Commenters were unanimously in favor of this rulemaking although clarification on certain proposed rules appears necessary. A discussion of each comment follows.

Pollution Prevention

One commenter noted that consideration should be given to the pollution potential of the chemical additives used to prevent and remove fouling from the heat exchanger sea water surfaces. The Coast Guard has considered this issue from two perspectives, the threat posed by the possible normal operating discharges and the threat posed by the transportation and storage of these materials.

For substances designated as hazardous by the final rule in § 106.303, the Coast Guard will, if the potential pollution threat warrants, insure OTEC contingency plans adequately address response actions in the event of an accidental discharge. Operational discharges will be evaluated on an individual case basis during the joint federal agency licensing process conducted by NOAA.

Navigation Safety

One commenter suggested that OTEC facilities and plantships carry collision avoidance radar. The Coast Guard feels that even though such radar can be a

useful warning device, requiring its use on OTEC facilities and plantships is in excess of established safety requirements. If necessary, a Safety Zone may be established around the facility or plantship.

Documentation, Design and Manning

One commenter noted that routine maintenance procedures will require entry into the "OTEC working fluid zones" and that the procedures for isolating, clearing, ventilating, sealing, testing and reactivating those sections should be subject to procedures developed by the designers/operators and approved by the Coast Guard. This concern involves anticipated maintenance and/or repairs that will require the dismantling and inspection of the components and piping which handle hazardous materials.

The Coast Guard believes that if such maintenance and repairs are to be conducted on vessels and considered normal operations, an approved procedures guide must be used in conjunction with the required hazardous material protection plan. This guide will be approved by the Commandant on an individual vessel basis. The guide should include safety measures for the protection of the work force and procedures to prevent accidental release of hazardous substances. Section 106.305-Safety has been changed to include this requirement.

Two commenters requested an explanation of why an operating manual is not required for guidance in the safe operation of the facility or plantship during normal and extreme conditions. Such operating manuals are required for mobile offshore drilling units (MODUs) in § 109 of Subchapter I-A. Due to the nature of mobile offshore drilling units, the mode of operation changes for extreme weather or changes of station. OTEC facilities and plantships will probably remain under the same mode (operating drafts, loading conditions, etc.) for great lengths of time and will be designed to withstand heavy weather without changes in the vessel mode. Sufficient safe operational guidance is provided in the hazardous materials protection plans, station bills, stability letter and other required documents carried aboard the vessel.

One commenter took issue with the proposed § 106.215-Accommodation Spaces. This section requires that no part of the accommodation spaces deck shall be below the level of the deepest loadline. The commenter suggested that the Commandant may approve exceptions to this in special cases as long as the deck head of the crew spaces does not extend below the deepest load

line. The Coast Guard feels this is consistent with established marine safety requirements. Accordingly, § 106.215(b) has been changed to accommodate this suggestion.

One commenter stated that there appears to be no requirement for maneuvering data to be posted on the bridge of OTEC plantships. Although a requirement for maneuvering data is not stated specifically in the proposed PART 106, Subpart K-Operations requires OTEC facilities and plantships to comply with applicable sections of 46 CFR 109.564-Maneuvering characteristics. This section requires that the master or person-in-charge of each self-propelled plantship of 1600 gross tons and over shall ensure that a maneuvering information fact sheet is prominently displayed in the pilothouse.

One commenter noted that the definitions of OTEC facilities and plantships contained in proposed 46 CFR 66.03-21 and 66.03-23 differ from those found in the OTEC Act. The definitions found in Sections 3 (11) and (12) of Pub. L. 96-320 include cables, pipelines, and other associated equipment and appurtenances, while those found in the final rule do not include this equipment. The definitions found in proposed 46 CFR 66.03-21 and 66.03-23 apply solely to the documentation and admeasurement of vessels. Cables, pipelines and other associated equipment are a part of the vessel and not inherently capable of being documented or admeasured. Since they are not independently applicable to the documentation and admeasurement regulations, the inclusion of them in the definitions would be misleading and inaccurate.

One commenter submitted that the definition "Floating OTEC Facility" should include floating plants that use systems such as thrusters and dynamic positioning system for station keeping in addition to those plants that are securely and substantially moored to the ocean floor. The Coast Guard does not agree with this position. The definitions of plantships and floating facilities are very clear. A dynamically positioned OTEC is classified as a plantship, unless it is securely and substantially moored to the ocean floor so that it can not be moved without special effort.

The proposed changes to 46 CFR Part 66 have been superseded by publication of 47 FR 27494, a new 46 Part CFR 67, on June 24, 1982. Therefore, proposed 46 CFR 66.03-5, 66.03-21, 66.03-23 have been retracted from this rulemaking and incorporated without change in 46 CFR Part 67.

One commenter expressed concern that the minimum manning requirements will have a substantial impact on the operating costs of OTEC facilities. He recommended that special provisions be made for minimum crewing of such facilities where automation of operating equipment is provided with remote monitoring from a shore control facility. Present Subchapter P-Manning of Vessels, requirements provide for the minimum level of manning consistent with the vessel's safety. Partial or full automation will be considered for OTEC facilities on an individual facility basis. This will allow the greatest degree of freedom in setting the manning level consistent with an individual vessel's safety and the safety of the marine environment. Partial or full automation will be acceptable under these provisions assuming proper facility design.

Two commenters objected to the proposed § 109.209—Marine Engineering Requirements. This required case by case authorization from the Commandant for the use of aluminum or aluminum alloys which will be in contact with anhydrous ammonia. It was suggested by the commenters that it is not appropriate to apply the same requirements to ocean thermal energy conversion as to the regulation of transportation of anhydrous ammonia. It is not the intent of the proposed rules to prohibit the use of aluminum in OTEC industrial systems. Proposed design will be compared to applicable national or industry standards which have been adapted for marine application. Where no standard exists, proposed designs will be considered by the Commandant on an individual basis. This approach will allow for the development of new technological applications, while assuring the general safety of the system.

Five commenters recommended that Subpart B-Inspection and Certification be amended to provide for special examination in lieu of drydocking as the normal procedure, rather than as an exception requiring approval by the Commandant. The proposed rules required inspections at intervals not to exceed 24 months. If drydocking is found to be feasible for a facility or plantship, then special plans need not be approved by the Commandant and the inspection may be handled entirely by the cognizant Officer in Charge, Marine Inspection (OCMI). Where it is not feasible to drydock a facility or plantship due to size, shape, economic considerations, or other circumstances, a special examination in lieu of

drydocking may be conducted in accordance with § 106.103.

It is essential that the Commandant approve the procedures and plans as these examinations will be specific to each type of OTEC facility or plantship and consideration must be given to the adequacy and safety of the examinations. The Coast Guard feels that the final rule provides for the necessary inspections with sufficient flexibility so as not to burden any OTEC configuration.

General Comments

The Coast Guard published a reorganization of navigation rules on Tuesday, May 26, 1981 (46 FR 28153). Those regulations reorganize the rules contained in Title 33 by renaming or deleting the headings of Subchapter D, DD, E, and F, and by renumbering the parts in those Subchapters. No changes were made to the text of any of the affected regulations. Section 106.011 Navigation rules for plantships is changed to reflect this regulation and is revised to read, " * * * 33 CFR Part 81."

One commenter was concerned that the Coast Guard's estimated cost of regulatory compliance was excessive. The draft evaluation used a figure determined from historical data on compliance costs for conventional vessels and mobile offshore drilling units. These figures are very rough estimates derived from marine industry input. In order to determine the cost of compliance for OTEC facilities and plantships a general estimation is included in the final evaluation. This will include estimated costs for an anticipated OTEC of a given size. The Coast Guard does, however, realize that the marginal cost of compliance will very greatly and has designed the regulations to keep the cost of compliance to a minimum.

One commenter took issue with our certification, under the Regulatory Flexibility Act, that the proposed regulations would not have a significant economic effect on a substantial number of small entities. Our conclusion is based on an estimate that not more than ten OTEC facilities and plantships are anticipated and the assumption that the magnitude of the investment required in a project would preclude participation, at the owner/operator level towards which these rules are directed, by other than major companies. The commenter is a small company and states that "if OTEC proves to be an economic and reliable source of power, then there will be thousands of OTEC plants." Nothing in the rules precludes participation by small companies and we believe the flexibility provided by the rules, which

the commenter commends, enhances the ability of small firms with innovative designs to participate in the development of the OTEC industry. We remain of the view, however, that for the foreseeable future, the number of OTEC facilities will be limited and there will not be a substantial number of small entities affected by these rules. Section 117 of Pub. L. 96-320, the OTEC Act of 1980, does provide for the periodic review and revision of regulations not more than every three years. The Coast Guard will reevaluate this position as part of each periodic review. Therefore, the Coast Guard certifies under the provisions of Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601) that the regulations will not have a significant economic impact on a substantial number of small entities.

Evaluation

These regulations are considered non-significant and a final evaluation has been prepared and placed in the public docket as required by the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The Order requires that the evaluation contain an economic analysis which quantifies the estimated costs of the regulations to the private sector, consumers and governments, as well as the anticipated benefits and impacts of the regulations. These regulations will impose no unanticipated costs on the OTEC industry since they largely incorporate existing regulations which apply to similar vessels. The regulations establish a framework within which the emerging OTEC industry may develop. This will permit the rapid and orderly development of a vital alternative energy resource.

The estimated costs of regulatory compliance are outlined in the final evaluation and are considered to be minimal in comparison to non-Coast Guard regulated design and construction where practical seamanship dictates a minimum set of requirements. The marginal cost of compliance is estimated to be less than one percent of the total capital investment. A copy of the final evaluation may be obtained from the Commandant (G-CMC), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20583 (202-426-1477).

The regulations have also been found to be non-major under Executive Order 12291. They are designed to facilitate OTEC development through a minimum of regulatory control. The ocean thermal energy conversion system will produce usable energy at a minimal societal cost,

and by doing so will maximize the benefits to be received by all. The approval of OTEC facility design and equipment will be carried out with a view towards allowing designs which maximize flexibility and are consistent with the needs of safety and environmental protection. This minimizing of regulatory control and cooperation with the OTEC industry should produce maximum benefits for all parties. By fostering the productivity of an emerging industry, innovation and employment of United States industries should be enhanced.

For the reasons discussed above, it is certified that these regulations have also been determined to have no significant economic impact on a substantial number of small entities as required by the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601). No more than ten OTEC facilities are anticipated in the foreseeable future and the cost of each facility will be such as to preclude participation by all but the major energy companies and consortiums. While the number of entities involved will be small, the relative economic size of those entities is unlikely to be within the scope of the small business activities envisioned by the Act.

These regulations may subject some OTEC units to recordkeeping and reporting requirements. However, these requirements will be of limited impact and will be applicable to less than ten units for the foreseeable future. No comments on recordkeeping were received. These regulations will fall under the Section 3506(c)(5) exception of the Paperwork Reduction Act, since fewer than ten facilities are anticipated.

The Coast Guard has concluded that the environmental impact of these particular proposals will be minimal. Coast Guard actions performed under statutory authority for documentation and inspection authority for documentation and inspection of vessels are not normally actions with significant effect on the environment and do not require an Environment Assessment, Findings of No Significant Impact, or Environmental Impact Statement (EIS). Thus, a detailed EIS is not being prepared for this rulemaking.

List of Subjects

46 CFR Part 50

Marine safety, Ocean thermal energy conversion, and Vessels.

46 CFR Part 106

Energy, Environmental protection, Fire protection, Hazardous materials, Marine safety, Ocean thermal energy conversion and Vessels.

46 CFR Part 110

Vessels.

In consideration of the foregoing, the proposed rules in the Federal Register of October 5, 1981 (46 FR 49078) are adopted with some modifications as set forth below.

PART 50—GENERAL PROVISIONS

1. Paragraph (k) is added to § 50.01-1 to read as follows:

§ 50.01-1 Authority for regulations.

(k) *OTEC facilities and plantships.* The citation regarding authority to prescribe requirements for OTEC facilities and plantships is in PART 106 of this Chapter.

2. Paragraph (c) is added to § 50.05-15 to read as follows:

§ 50.05-15 Vessels subject to regulations in this subchapter.

(c) The provisions in this subchapter apply to OTEC facilities and plantships licensed under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.).

3. By adding a new Part 106 to read as follows:

PART 106—OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

Subpart A—General

- Sec.
- 106.001 Purpose.
- 106.003 Applicability.
- 106.005 Definition of terms used in this Part.
- 106.007 Pollution prevention.
- 106.009 Lights and warning devices.
- 106.011 Navigation rules for plantships.
- 106.013 Radiotelephone requirements.
- 106.015 Navigation safety requirements.

Subpart B—Inspection and Certification

- 106.100 Application.
- 106.103 Special examination in lieu of drydocking.
- 106.105 Plan approval.

Subpart C—Construction and Arrangement

- 106.200 General.
- 106.203 Structural standards.
- 106.205 General fire protection.
- 106.207 Structural fire protection.
- 106.209 Marine and electrical engineering requirements.
- 106.211 Means of escape.
- 106.213 Ventilation.
- 106.215 Accommodation spaces.
- 106.217 Rails.
- 106.219 Helicopter facilities.

Subpart D—Hazardous Materials

- 106.300 Purpose.
- 106.303 Designation of materials.
- 106.305 Safety.

Subpart E—Stability

- Sec.
- 106.400 Application.
- 106.403 Tension tendon tethered facility stability.
- 106.405 Stability test.

Subpart F—Fire Extinguishing Systems

- 106.501 Application.

Subpart G—Lifesaving Equipment

- 106.601 Application.

Subpart H—Cranes and Power Operated Industrial Trucks

- 106.701 Application.

Subpart I—Equipment Markings and Instructions

- 106.801 Application.

Subpart J—Miscellaneous Equipment

- 106.901 Application.

Subpart K—Operations

- 106.1001 Application.

Subpart L—Manning

- 106.1101 Requirements.

Authority: Pub. L. 96-320, 94 Stat. 974, (42 U.S.C. 9118, 9119(c), 9153(a), (b)); 49 CFR 1.46(ee).

Subpart A—General

§ 106.001 Purpose.

This part states the requirements for the promotion of safety of life and property on ocean thermal energy conversion facilities and plantships, protection of the marine environment from adverse impact resulting from OTEC activities, and implementation of the requirements of Section 108 of the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9118-9119).

§ 106.003 Applicability.

This part applies to facilities, plantships, vessels, and persons engaged in the production of energy from seawater temperature differences and licensed under the provisions of the Ocean Thermal Energy Conversion Act of 1980.

§ 106.005 Definition of terms used in this Part.

As used in this Part:

"Ocean Thermal Energy Conversion Facility (OTEC Facility)" means any facility which is standing or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such facility to use this electricity or other form of energy to produce, process, refine or manufacture a product, any equipment

used to transfer the product to other vessels for transportation to users, and all other associated equipment and appurtenances of the facility to the extent they are located seaward of the high water mark.

"Ocean Thermal Energy Conversion Plantship (OTEC Plantship)" means any vessel which is designed to use temperature differences in ocean water while floating unmoored or moving through such water, to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such vessel to use this electricity or other form of energy to produce, process, refine, or manufacture a product, and any equipment used to transfer the product to other vessels for transportation to users, and all other associated equipment and appurtenances of such vessels.

"OTEC" means ocean thermal energy conversion.

"Fixed Bottom Founded OTEC Facility (fixed facility)" means any facility which is permanently fixed to the ocean floor and does not use liquid buoyancy as a means of support.

"Floating OTEC Facility (floating facility)" means any buoyant facility securely and substantially moored to the ocean floor so that it cannot be moved without a special effort.

"Person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, or other entity organized or existing under the laws of any nation, and any federal, state, local or foreign government or any entity of any such government.

§ 106.007 Pollution prevention.

OTEC facilities and plantships are subject to the oil pollution regulations of 33 CFR Parts 154, 155, and 156.

§ 106.009 Lights and warning devices.

OTEC facilities are subject to the provisions of 33 CFR Part 64, concerning the marking of sunken vessels and other obstructions and 33 CFR Part 66, concerning private aids to navigation.

§ 106.011 Navigation rules for plantships.

The navigation and marking of OTEC plantships shall be in compliance with 33 CFR Part 81.

§ 106.013 Radiotelephone requirements.

The owner or operator of an OTEC facility or plantship shall comply with the radiotelephone requirements of 33 CFR Part 26.

§ 106.015 Navigation safety requirements.

The owner of an OTEC plantship shall ensure that the plantship is in compliance with the navigation safety regulations of 33 CFR Part 164.

Subpart B—Inspection and Certification

§ 106.100 Application.

Each OTEC facility and plantship shall meet Part 107, Subpart B—Inspection and Certification of this chapter, except that reference will be made to Subpart C of this Part for the requirements of § 107.231(a)(1).

§ 106.103 Special examination in lieu of drydocking.

(a) Each fixed facility must be examined at intervals not to exceed 24 months.

(b) Plantships and floating facilities may be specially examined in lieu of the drydocking required by § 107.261 when approved by the Commandant and in accordance with a plan—

(1) Submitted in accordance with paragraph (c) of this section; and

(2) Accepted by the Commandant.

(c) To meet the requirements in paragraphs (a) and (b) of this section, the owner of the OTEC facility or plantship must submit a plan to the cognizant OCMI that describes the methods used to determine the condition of the hull and mooring system or supporting structure for fixed facilities. The plan must contain the following information:

(1) The planned location where the facility or plantship is to be examined.

(2) The draft at which a hull is to be examined, or the depth of supporting structure.

(3) The names of the divers or diving company selected for the examination.

(4) The method of visual presentation for the examination.

(5) The method used to clean the underwater portion of the hull or structure.

(6) The method and location of gauging the underwater portion of the hull or structure.

(7) The number of underwater hull fittings and number of compartments to be opened.

(8) The underwater high stress areas and the welds in those areas to be examined.

(9) The method used to examine the intake and discharge pipes and joints.

§ 106.105 Plan approval.

(a) The list of required plans is general in character, but includes all plans which normally show construction and safety features coming under the

cognizance of the Coast Guard. In the case of a particular facility or plantship, all of the plans listed may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the arrangement, construction, and required equipment.

(b) Plans must be submitted in accordance with the requirements of Subchapter I-A, §§ 107.305, 107.309 and 107.317 of this Chapter.

(c) An operating manual is not required for OTEC facilities and plantships.

(d) Plans required in addition to those of § 107.305 of this Chapter are:

(1) Outboard profile showing entire mooring and cold water pipe schemes.

(2) Cold water, warm water, and discharge pipe arrangements and details.

(3) Structural calculations and plans showing special structural features.

(4) Bottom attachment details and calculations for fixed structures.

(5) Support structure details and calculations for fixed structures.

(6) The hazardous material plan required by § 106.305 of this Part.

Subpart C—Construction and Arrangement

§ 106.200 General.

(a) To use the rules of a classification society other than the American Bureau of Shipping in meeting the requirements of this section, the owner or operator must request approval from the Commandant. The relevant rules must be submitted with the request.

(b) Substitutes for fittings, materials, apparatus, equipment, arrangements, calculations and tests required in this Subpart may be accepted by the Commandant if the substitute provides an equivalent level of safety.

(c) Where the use of any particular equipment, apparatus, arrangement, or test is impracticable, the Commandant may permit the use of alternate methods that maintain a degree of safety consistent with the minimum standards set forth in this Subpart.

(d) Each item of lifesaving and firefighting equipment maintained in addition to those required by this Subpart must meet the requirements of this PART for that item of equipment. Use of nonapproved fire detection systems may be acceptable as excess equipment provided that they do not endanger the vessel or crew in any way.

§ 106.203 Structural standards.

(a) Except as provided for in § 106.200(b) of this chapter, each OTEC

facility, or plantship must meet the structural standards of the American Bureau of Shipping for the most appropriate vessel or structural configuration.

(b) Appliances for watertight and weathertight integrity must meet the requirements of § 108.114 of this chapter.

(c) If a plantship or floating facility is equipped with sliding watertight doors, each sliding watertight door must be approved under § 163.001 of this chapter.

§ 106.205 General fire protection.

OTEC facilities and plantships must meet the requirements of §§ 108.123 and 108.127 of this chapter.

§ 106.207 Structural fire protection.

OTEC facilities and plantships must meet §§ 108.131 through 108.147 of this chapter.

§ 106.209 Marine and electrical engineering requirements.

(a) Except as noted in paragraphs (b) and (c) of this section, all installations must comply with the marine and electrical engineering requirements of Subchapters F and J of this chapter.

(b) Where unusual design or equipment needs make compliance impractical, alternative proposals that provide an equivalent level of safety may be accepted, as provided by §§ 50.20-30, 106.200(c), and 110.20-1 of this chapter.

(c) Detailed design and operating requirements for marine and electrical engineering aspects of OTEC industrial systems have not been fully developed. The general system or design concepts must comply with Subchapters F and J of this chapter where practicable;

(d) If a unique aspect of an installation is not covered by these regulations and is regarded as potentially hazardous to the vessel or personnel or to the marine environment, the proposed design and operating standards will be compared to applicable national or industry standards, adapted for marine applications as necessary. Where no national or industry standards exist, the installation will be reviewed for a level of safety consistent with that required by the marine and electrical engineering regulations.

(e) Conceptual diagrams or schematics including general requirements for materials and a written description of system operation must be submitted to the Commandant for evaluation and determination of applicable standards and requirements. Upon completion of conceptual review, detailed plan review will be conducted

by a designated merchant marine technical field office using the requirements and standards established by the Commandant.

(f) The Commandant may accept certification of compliance with accepted standards, by a registered professional engineer, for certain industrial systems and their components in lieu of plan review and inspection by the Coast Guard.

§ 106.211 Means of escape.

OTEC facilities and plantships must meet §§ 108.151 thru 108.167 of this chapter.

§ 106.213 Ventilation.

OTEC facilities and plantships must meet § 108.181 of this chapter.

§ 106.215 Accommodation spaces.

(a) OTEC facilities and plantships must meet § 108.193 and §§ 108.197 through 108.215 of this chapter.

(b) No section of the accommodation spaces deck shall be below the level of the deepest loadline, except that the Commandant may approve exceptions to this in special cases as long as the deckhead of accommodation spaces does not extend below the deepest loadline.

(c) The elevation of the accommodation spaces deck of a fixed facility shall provide adequate clearance above the crest of the design wave.

(d) Each OTEC facility with accommodations for 12 or more persons shall have a hospital space as provided for in §§ 108.209 or 108.210 of this chapter.

§ 106.217 Rails.

(a) Except as permitted in paragraph (b) of this section, OTEC facilities and plantships must meet §§ 108.217 through 108.223 of this chapter.

(b) Fixed facilities need not comply with the requirements of § 108.221 (b) and (c) of this chapter.

§ 106.219 Helicopter facilities.

OTEC facilities and plantships must meet §§ 108.231 through 108.241 of this chapter.

Subpart D—Hazardous Materials

§ 106.300 Purpose.

This subpart defines those materials considered hazardous to personnel employed aboard an OTEC facility or plantship and prescribes a level of safety in their use onboard as working materials and during their transfer between vessels engaged in OTEC operations.

§ 106.303 Designation of materials.

(a) Hazardous material means any liquid material or substance which is:

- (1) Flammable or combustible;
- (2) Designated a hazardous substance under Title I, § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980; or
- (3) Designated a hazardous material under section 104 of the Hazardous Material Transportation Act (49 U.S.C. 1803).

(b) Materials which are incompatible due to reactivity shall be provided segregation in compliance with Part 150 of this chapter, or 49 CFR 176.

§ 106.305 Safety.

(a) The total complement of personnel must be protected in the event of accidental leakage, spillage, or combustion of hazardous materials through the use of facility or plantship arrangement, design and construction, and portable protective devices. A hazardous materials protection plan must be developed by the owner/operator and approved by the Commandant.

(b) The owner/operator shall provide guidance to the personnel engaged in the repair or maintenance of OTEC systems. A procedures guide for isolating, clearing, ventilating, sealing, testing and reactivating those sections of OTEC systems where anticipated maintenance or repairs require dismantling and inspection of components and piping that handle a hazardous material, is to be developed by the designers/operators and approved by the Commandant.

(c) Plans, procedures, and specifications for safety and protection measures are approved on an individual facility basis by the Commandant.

Subpart E—Stability

§ 106.400 Application.

(a) Plantships and floating facilities must meet Part 108, Subpart C—Stability, of this chapter, as modified by paragraph (b) of this section.

(b) "Normal operating condition" means a condition of the plantship or facility when loaded and arranged for producing energy or when in ocean transit.

§ 106.403 Tension tendon tethered facility stability.

Each OTEC facility of the tension tendon tethered configuration must be designed so that it continually maintains a tension on each tendon when subjected to the forces described in § 108.311 of this chapter.

§ 106.405 Stability test.

A stability test is not required for a floating facility or plantship if it is shown to the satisfaction of the Commandant that, because of its configuration, testing of the facility is not practicable and the facility has inherent adequate stability by design.

Subpart F—Fire Extinguishing Systems**§ 106.501 Application.**

OTEC facilities and plantships must meet Part 108, Subpart D—Fire Extinguishing Systems, of this chapter.

Subpart G—Lifesaving Equipment**§ 106.601 Application.**

OTEC facilities and plantships must meet Part 108, Subpart E—Lifesaving Equipment, of this chapter.

Subpart H—Cranes and Power Operated Industrial Trucks**§ 106.701 Application.**

OTEC facilities and plantships must meet Part 108, Subpart F—Cranes and Power Operated Industrial Trucks, of this chapter.

Subpart I—Equipment Markings and Instructions**§ 106.801 Application.**

OTEC facilities and plantships must meet Part 108, Subpart G—Equipment Markings and Instructions, of this chapter.

Subpart J—Miscellaneous Equipment**§ 106.901 Application.**

OTEC facilities and plantships must meet Part 108, Subpart H—Miscellaneous Equipment, of this chapter.

Subpart K—Operations**§ 106.1001 Application.**

OTEC facilities and plantships must meet Part 109—Operations, of this chapter, except for §§ 109.103, 109.121 and 109.583(c).

Subpart L—Manning**§ 106.1101 Requirements.**

(a) OTEC facilities and plantships must be manned or crewed by United States citizens or aliens lawfully admitted to the United States for permanent residence, unless—

(1) There is not a sufficient number of United States citizens, or aliens lawfully admitted to the United States for permanent residence, qualified and available for such work, or

(2) The President makes a specific finding with respect to the particular OTEC facility or plantship that application of this requirement would not be consistent with the national interest.

(b) Manning requirements for floating facilities and plantships are contained in Subchapter P—Manning of Vessels, of this chapter. The application of these regulations is in the same manner and to the same extent as they are applied to conventional vessels.

PART 110—GENERAL PROVISIONS

4. A new paragraph (h) is added to § 110.01–10 to read as follows:

§ 110.01–10 Authority for regulations.

(h) OTEC facilities and plantships. The citation regarding authority to prescribe requirements for OTEC facilities and plantships is in Part 106 of this chapter.

5. A new paragraph (b) is added to § 110.05–1 to read as follows:

§ 110.05–1 Vessels subject to the requirements of this subchapter.

(b) The provisions in this Subchapter apply to OTEC facilities and plantships licensed under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 *et seq.*).

(Pub. L. 96–320, 94 Stat. 974, (42 U.S.C. 9118, 9119(c), 9153(a)(b)); 49 CFR 1.46(ee))

Dated: February 15, 1983.

Clyde T. Lusk, Jr.,

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

[FR Doc. 83–9142 Filed 4–9–83; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82–309; RM–4094]

47 CFR Part 73**FM Broadcast Station in Deer Lodge, Montana; Changes in Tables of Assignments**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein deletes FM Channel 244A at Deer Lodge, Montana, in response to a petition for reconsideration filed by Deer Lodge Broadcasting, Inc. Petitioner advises that it is no longer supportive of the assignment.

EFFECTIVE DATE: March 29, 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.

Memorandum Opinion and Order

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Deer Lodge, Montana) BC Docket No. 82–309, RM–4094.

Adopted: March 15, 1983

Released: March 29, 1983.

By the Chief, Policy and Rules Division.

1. A petition for reconsideration of the Commission's *Report and Order*, 47 FR 41381, published September 20, 1982, assigning FM Channel 244A to Deer Lodge, Montana, as that community's first FM assignment, was filed on October 8, 1982 by Deer Lodge Broadcasting, Inc. ("petitioner").¹ No responses to the petition for reconsideration were received.

2. Although petitioner initiated the rule making request to assign Channel 244A to Deer Lodge, Montana, it now seeks reconsideration of that action due to recent supervening occurrences that transpired after adoption of the *Report and Order* in this proceeding.

3. Specifically, petitioner advises that at the time its petition was filed, Deer Lodge was devoid of any local FM broadcast facility and thus it desired to implement a first local service to the community. Subsequent to the assignment, petitioner discovered that an existing FM facility in nearby Anaconda, Montana (Channel 249A), had been placed on the market. As a result, petitioner now wishes to acquire the existing Anaconda station and provide service to Deer Lodge from that facility. Moreover, petitioner states that such acquisition would enable the citizens of Anaconda to continue uninterrupted programming from its only local FM facility, while simultaneously preserving the availability of Channel 244A for assignment elsewhere. Hence, petitioner is no longer supportive of the Deer Lodge assignment. Since no other party has expressed an interest in the assignment, it will be deleted consistent with prior Commission precedent. See, *Wadena, Minnesota*, 47 Fed. Reg. 18011, published April 27, 1982.

4. In view of the above, it is ordered, that the petition for reconsideration filed by Deer Lodge Broadcasting, Inc. is granted.

¹ Public Notice of the petition was given on October 29, 1982, Report No. 1383.

5. It is further ordered, that pursuant to sections 4(f), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204 and 0.283 of the Commission's Rules, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to Deer Lodge, Montana, by removing the 244A FM Channel assignment as follows:

City	Channel No.
Deer Lodge, Montana.....	

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

7. For further information concerning this proceeding, contact Nancy V. Joyner, 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. 83-8946 Filed 4-8-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-180]

Organization and Delegation of Powers and Duties; National Capital Transportation Assistance Act of 1969

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Urban Mass Transportation Administrator the authority vested in the Secretary by the National Capital Transportation Assistance Act of 1969, as amended, to make grants to the Washington Metropolitan Area Transit Authority.

DATE: The effective date of this amendment is January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Ross, Office of the General Counsel, C-50, Department of Transportation, Washington, DC 20590 (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made

effective in fewer than thirty days after publication in the Federal Register.

List of Subjects in 49 CFR Part 1

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

PART 1—[AMENDED]

In consideration of the foregoing, paragraph (d) of § 1.51 of Part 1 of Title 49, Code of Federal Regulations, is revised to read as follows:

§ 1.51 Delegations to Urban Mass Transportation Administrator.

The Urban Mass Transportation Administrator is delegated authority to exercise the functions vested in the Secretary by:

(d) Sections 3 and 9 through 15 of the National Capital Transportation Assistance Act of 1969, as amended (D.C. Code, § 1-2441 et seq.).

Authority: 49 USC 322.

Issued in Washington, DC, on April 4, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83-9201 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-82-M

49 CFR Part 23

[OST Docket No. 64c; Notice No. 83-10]

Participation by Minority Business Enterprises in Department of Transportation Programs

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of Policy.

SUMMARY: This notice of policy describes how the Department intends to carry out the requirements of section 105(f) of the Surface Transportation Assistance Act of 1982 before the effective date of a final rule to implement this statute. Section 105(f) requires that not less than ten percent of funds authorized to be appropriated by the Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The Department published a notice of proposed rulemaking (NPRM) to implement section 105(f) of the Surface Transportation Assistance Act on February 28, 1983. The comment period for this NPRM closed on April 5, 1983. The Department intends to issue a final rule as soon as possible.

DATES: This notice of policy is effective April 11, 1983, and will remain in effect until the effective date of a final rule implementing section 105(f).

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th St., SW., Room 10424, Washington, D.C., 20590, (202) 426-4723.

SUPPLEMENTARY INFORMATION: The Surface Transportation Assistance Act of 1982 was enacted on January 6, 1983. Section 105(f) of the Act provides that

Except to the extent that the Secretary determines otherwise, not less than ten percent of the amounts authorized to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined by section 8(d) of the Small Business Act (15 U.S.C. section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

Federal highway program and urban mass transportation program funds to which this section applies began to be apportioned or allocated to recipients as soon as the Act was enacted.

On February 28, the Department published a notice of proposed rulemaking (NPRM) to implement this statute (48 FR 8416). The NPRM proposed that recipients of funds from the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) set overall minority business enterprise (MBE) goals of at least ten percent of contract funds unless the FHWA or UMTA Administrators waive this requirement and approve lower goals. Any waiver must be initiated by the recipient and must document efforts by the recipient to achieve the required MBE participation. The proposed waiver provision is explicitly intended to grant relief to recipients which, despite making appropriate efforts, can not fairly be expected to obtain ten percent MBE participation in a given year.

The comment period on the NPRM ended on April 5. After reviewing the comments, the Department intends to publish a final rule as soon as possible. The Department is aware that recipients and contractors are concerned about what they should do pending the issuance of a final rule. This policy statement is intended to respond to that concern.

Recipients' Goals and Efforts in the Interim Period

Section 105(f) took effect on January 6, 1983, and applies to funds which