

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 11-12-83]

Establishment of Special Local Regulations for the "Newport to Ensenada Yacht Race"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Newport to Ensenada Yacht Race, an ocean racing and cruising type sailboat race in Newport Beach, to be held on 23 April 1983 near the Newport Jetty. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 23 April 1983 and terminate on 25 April 1983.

FOR FURTHER INFORMATION CONTACT: LT N. M. Turner, Commander (bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590-2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. There was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The principal individuals involved in drafting this rule are LT Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and LT Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

SPECIAL LOCAL REGULATION

Discussion of Regulations

Newport Ocean Sailing Association's "Newport to Ensenada Yacht Race" will be conducted in Newport Beach beginning April 23, 1983, starting near Newport Jetty. This event will have 800 24- to 85-foot ocean racing and cruising type sailboats that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation

These regulations have been reviewed under the provisions of Executive Order

12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.35-11-1112 to read as follows:

§ 100.35-11-1112 Newport Ocean Sailing Association/Newport to Ensenada Yacht Race.

(a) *Regulated area:* The following regulated area will be closed intermittently to all vessel traffic from 11:30 AM to 2:00 PM on 23 April 1983, for the start of subject race, bounded by the following coordinates:

33°35.3' N	117°53.3' W
33°34.9' N	117°53.3' W
33°34.9' N	117°54.5' W
33°35.3' N	117°54.5' W

(b) *Special Local Regulations:*

(1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: March 30, 1983.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 83-9136 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Allowance in Lieu of Government-Furnished Headstone or Marker

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has increased the monetary allowance payable in lieu of a Government-furnished headstone or marker from \$63 to \$67. The need for this action resulted from the fact that the actual cost of a Government-furnished headstone or marker increased from \$63 to \$67. The effect of this action is to permit payment of up to \$67 in lieu of a Government-furnished headstone or marker.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: C. A. Wheeler, 202 389-3005.

SUPPLEMENTARY INFORMATION: On pages 56880 and 56881 of the Federal Register of December 21, 1982, the Veterans Administration published a proposed amendment to 38 CFR 3.1612. Interested persons were given until January 21, 1983, to submit comments, suggestions, or objections to the proposed amendment to § 3.1612.

We received no comments, suggestions, or objections to the proposed amendment of § 3.1612. The amendment is adopted as proposed.

The Administrator hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this regulation affects individual claimants only. Pursuant to 5 U.S.C. 601(b), this regulation is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Veterans Administration has determined in accordance with Executive Order 12291 that this regulation is nonmajor because it simply implements statutory requirements and would have little or no economic impact in itself.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Catalog of Federal Domestic Assistance Program number is 64.101.

Approved: March 22, 1983.

By direction of the Administrator,
Everett Alvarez, Jr.,
Deputy Administrator.

PART 3—ADJUDICATION

The VA is amending 38 CFR Part 3 as follows:

In § 3.1612, paragraph (e)(2)(ii) is revised as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

(e) Payment and amount of the allowance. * * *

(2) The amount of the allowance payable is the lesser of the following:

(ii) The average actual cost, as determined by the Veterans Administration, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased. The average actual cost of headstones and markers furnished at Government expense for fiscal year 1981 (October 1, 1980 through September 30, 1981) is \$63 and \$67 for fiscal year 1982 (October 1, 1981 through September 30, 1982).

[FR Doc. 83-0143 Filed 4-6-83; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS 62024C; TSH FRL 2341-6]

Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Incorporations by Reference Revisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; correction.

SUMMARY: This document corrects a final rule on the incorporations by reference for polychlorinated biphenyls (PCBs) that appeared in the Federal Register of February 8, 1983 (48 FR 5729). Inadvertently, the language used restricted "batch testing" for PCBs to transformers only. This provision, under 40 CFR 761.60(g)(1)(ii), was amended in the Federal Register of August 25, 1982 (47 FR 37342) to allow "batch testing" of all electrical equipment including transformers. Today's action restores the language of 40 CFR 761.60(g)(1)(ii) to that of the August 25, 1982 amendment.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460. Toll free: (800-424-9065); in Washington, D.C.: (554-

1404); outside the USA: (Operator—202-554-1404).

Dated: March, 29, 1983.

Don R. Clay,

Acting Assistant Administrator, Office of Pesticides and Toxic Substances.

PART 761—[AMENDED]

Accordingly, 40 CFR 761.60(g)(1) is corrected by revising paragraph (ii) to read as follows:

§ 761.60 Disposal requirements.

(g) * * *

(1) * * *

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common containers or the individual electrical equipment to determine the PCB concentration. *Except*, That if any PCBs at a concentration of 500 ppm or greater have been added to the container or equipment then the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of the Subpart. For purposes of this paragraph, representative samples of mineral oil dielectric fluid are either samples taken in accordance with American Society of Testing and Materials method D-923-81 or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

[FR Doc. 83-0079 Filed 4-6-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, and 196

[CGD 82-069]

Casualty Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This Final Rule amends the casualty reporting requirements by eliminating from these requirements the consideration of certain costs associated with the repair of a vessel sustaining damage as the result of a marine casualty. The costs of salvage, cleaning, gas freeing and drydocking are no longer to be included in the estimation of the damage costs resulting from a marine casualty. This Final Rule will reduce the number of reports submitted while still

providing the Coast Guard with sufficient marine casualty information to allow it to fulfill its statutory obligation.

DATES: Effective May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Lt. C. V. Mosebach, Office of Merchant Marine Safety (G-MMI-1/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593; (202) 426-1455, 7:00 to 3:30 Monday through Friday.

SUPPLEMENTARY INFORMATION: On August 16, 1982 (47 FR 35533), the Coast Guard published a Notice of Proposed Rulemaking (NPRM) (CGD-82-069) concerning eliminating the costs of salvage, cleaning, gas freeing and drydocking from the casualty reporting requirements. As a result of this NPRM, 5 comments were received all of which expressed complete support for this amendment. Two of the commenters also recommended that the existing \$25,000 reporting threshold, which became effective on January 1, 1981, be adjusted to reflect escalating repair costs. In addition, both commenters suggested that future adjustments be accomplished by either a routine annual or biennial amendment or through the use of an inflation factor. Since this final rule provides a significant reduction in the costs to be included when determining the damage costs (i.e. the elimination of the costs of salvage, cleaning, gas freeing and drydocking), the Coast Guard does not intend to adjust the \$25,000 reporting threshold at this time. However, the impact of inflation on the reporting threshold will be monitored and if an adjustment is warranted these recommendations will be given further consideration.

Regulatory Analysis

This revision has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). The only impact of this change is to reduce the number of reports submitted by an estimated 5 percent. This will reduce the compliance cost to the public from \$128,620 to \$122,200, a savings of \$6,420. Therefore, in accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

Energy/Environmental Impact

It has been determined that there will be no impact on the environment or upon energy use as a result of this revision.

Authority: 46 U.S.C. 239, 46 U.S.C. 375, 33 U.S.C. 361, 49 U.S.C. 1655(b)(1), and 43 U.S.C. 1348.

List of Subjects**46 CFR Part 4**

Administrative practice and procedure, Investigations, Marine Safety, Accidents, National Transportation Safety Board, Reporting and recordkeeping requirements;

46 CFR Part 26

Marine Safety, Penalties, Reporting and recordkeeping requirements, Uninspected vessels, Navigation (water), Passenger vessels, Fishing vessels, Tow boats;

46 CFR Part 35

Hazardous materials transportation, Marine Safety, Tank vessels, Barges;

46 CFR Part 78

Marine Safety, Passenger vessels, Penalties, Reporting and recordkeeping requirements, Navigation (water);

46 CFR Part 97

Cargo vessels, marine safety, reporting and recordkeeping requirements;

46 CFR Part 109

Reporting and recordkeeping requirements, Vessels, Outer Continental Shelf, Marine Safety, Accidents;

46 CFR Part 167

Fire prevention, Reporting and recordkeeping requirements, Marine Safety, Nautical school ships;

46 CFR Part 185

Marine Safety, Small passenger vessels, Reporting and recordkeeping requirements, Navigation (waters);

46 CFR Part 196

Marine Safety, Oceanographic vessels, Reporting and recordkeeping requirements.

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

PART 4—MARINE INVESTIGATION REGULATIONS

1. By revising § 4.05-1(f) as follows:

§ 4.05-1 Notice of marine casualty.

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 26—OPERATIONS (UNINSPECTED VESSELS)

2. By revising § 26.08-1(f) as follows:

§ 26.08-1 Notice of marine casualty.

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 35—OPERATIONS (TANK VESSELS)

3. By revising § 35.15-1(a)(6) as follows:

§ 35.15-1 Notice of casualty and voyage records.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 78—OPERATIONS (PASSENGER VESSELS)

4. By revising § 78.07-1(a)(6) as follows:

§ 78.07-1 Notice of marine casualty.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 97—OPERATIONS (CARGO AND MISCELLANEOUS VESSELS)

5. By revising § 97.07-1(a)(6) as follows:

§ 97.07-1 Notice of marine casualty.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 109—OPERATIONS (MOBILE OFFSHORE DRILLING UNITS)

6. By revising § 109.411(a)(6) as follows:

§ 109.411 Notice of marine casualty.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

7. By revising § 167.65-65(a)(6) as follows:

§ 167.65-65 Notice of marine casualty and voyage records.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 185—OPERATIONS (SMALL PASSENGER VESSELS)

8. By revising § 185.15(f) as follows:

§ 185.15-1 Notice of marine casualty.

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 196—OPERATIONS (OCEANOGRAPHIC VESSELS)

9. By revising § 196.07-1(a)(6) as follows:

§ 196.07-1 Notice of marine casualty.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

(Sec. 10, 18 Stat. 128 (33 U.S.C. 361); R.S. 4450, as amended (46 U.S.C. 239); R.S. 4405 (46 U.S.C. 375); 80 Stat. 938 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b); 92 Stat. 655 (43 U.S.C. 1348))

Clyde T. Lusk, Jr.,

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

March 7, 1983.

[PR Doc. 83-9137 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-14-M

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-179]

Organization and Delegation of Powers and Duties; Correction

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects a delegation to the General Counsel which inadvertently displaced the delegation to the General Counsel regarding tort claims in the Office of the Secretary.

DATE: The effective date of this amendment is June 7, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C-50, Department of Transportation, Washington, DC (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.

In the Federal Register of June 7, 1982 (47 FR 24581), DOT published Amendment 1-171, which delegated to the General Counsel the authority to conduct coordination with foreign governments under section 118 of the Deep Seabed Hard Mineral Resources Act. DOT intended that this authority appear as paragraph (o) of 49 CFR 1.57; it was mistakenly made paragraph (n), thereby displacing from the Code of Federal Regulations the then-existing delegation in paragraph (n) relating to tort claims arising from the activities of the Office of the Secretary. It was never intended in any way to affect the tort claim delegation; consequently, this amendment assigns the correct paragraph letters. The effective date for this change is the same date on which the incorrectly-lettered delegation which caused the problem took effect.

List of Subjects in 49 CFR Part 1

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

PART 1—[AMENDED]

In consideration of the foregoing, § 1.57 of Part 1 of Title 49, Code of Federal Regulations, is amended by revising paragraphs (n) and (o), to read as follows:

§ 1.57 Delegations to General Counsel.

The General Counsel is delegated authority to:

(n) Consider, ascertain, adjust, determine, compromise, and settle for an amount not exceeding \$25,000, any tort claim arising from the activities of any employee of the Office of the Secretary. Request the approval of the Attorney General for any such award, compromise, or settlement in excess of \$25,000 (28 U.S.C. 2672).

(o) Conduct coordination with foreign governments under section 118 of the Deep Seabed Hard Mineral Resources Act (June 21, 1980).

Authority: 49 U.S.C. 322; 49 CFR 1.57(1).
Issued in Washington, DC, on March 30, 1983.

Rosalind A. Knapp,
Acting General Counsel.

[PR Doc. 83-9020 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 173, 177, and 178

Carriers and Shippers Concerning Continuing Qualification of Cargo Tanks—83-1

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration Department of Transportation.

ACTION: Rule related notice.

SUMMARY: The purpose of this notice is to enhance safe transportation of hazardous materials in cargo tanks by emphasizing to operators of cargo tanks, marked as meeting DOT specifications as an indication they are authorized for transportation of hazardous materials, that, as a condition for their continued use, the cargo tanks must conform to the specifications under which they were manufactured. This notice also contains statements applicable to shippers who offer hazardous materials for transportation in cargo tanks.

FOR FURTHER INFORMATION CONTACT: Lee E. Metcalfe, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590; (202) 426-2075.

SUMMARY: Paragraph (b) of § 173.33 of the Department's Hazardous Materials Regulations (HMR, 49 CFR, Parts 171-179), specifies that qualification of a cargo tank as an authorized container includes compliance with applicable specifications (as listed) plus current compliance with the retest provisions of § 177.824. Applicable specifications means the specification in effect on the date a cargo tank was identified as a specification cargo tank by attachment of its metal certification plate and a manufacturer's certificate executed as required by the specification.

New construction of cargo tanks under certain specifications has not been authorized for a number of years. Most notable was the prohibition of new construction under seven specifications on September 1, 1967. However, a cargo tank constructed under one of those specifications may be continued in use if it conforms to its applicable specification.

Paragraph (h)(i) of § 177.824 reads as follows:

Withdrawal of certification. If, as the result of an accident or for any other reason a cargo tank no longer meets the applicable specification, the carrier shall remove the metal certification plate or make it illegible * * *. The details of the conditions