producer registered pursuant to § 967.37(f) will have an allotment equal to 100 percent of his historical marketings. This regulation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

As required by § 967.37(d)(1) a reserve of six percent of the 1982–83 total Base Quantities is authorized for new producers and for increases by existing producers. Three applications for increases were recived, and the committee allocated the 259,537 crates available among those three producers.

Findings. On the basis of all considerations it is hereby determined that this regulation will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) adequate notice has been given of the requirements of this regulation through publicity in the production area and by publication in the July 13 **Federal Register**; (2) the regulation should become effective as early as possible in the marketing year which begins August 1, so producers and handlers will be afforded maximum time in which to plan their operations; and (3) compliance with this section, which is similar to those issued in previous seasons, requires no special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, generally in the latter part of October.

List of Subjects in 7 CFR Part 967

Marketing agreements and orders, Celery, Florida.

PART 967—[AMENDED]

§ 967.318 [Removed]

Section 967.318 (47 FR 38494, September 1, 1982) is removed and a new § 967.319 is added as follows:

§ 967.319 Handling Regulation; Marketable Quantity; and Uniform Percentage for the 1983–84 Season Ending July 31, 1984.

(a) The Marketable Quantity established under § 967.36(a), is 6,875,737 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b), no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(Approved by Office of Management and Budget under control number 0581–0082)

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 24, 1983, to become effective upon publication.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-23741 Filed 8-29-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Wardair Canada (1975) Ltd.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States by changing the name of Wardair Canada, Ltd. to Wardair Canada (1975) Ltd.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of the Immigration and Naturalization Service has entered into an agreement with Wardair Canada (1975) Ltd. to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationally Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilities processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely changes an air carrier's name on the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, Chapter I of Title 8 of Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4. is amended as follows:

1. Change "Wardair Canada, Ltd." to "Wardair Canada (1975) Ltd." under "At Montreal".

2. Change "Wardair Canada, Ltd." to "Wardair Canada (1975) Ltd." under "At Toronto".

3. Change "Wardair Canada, Ltd." to "Wardair Canada (1975) Ltd." under "At Winnipeg."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: August 25, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-23777 Filed 8-29-83; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0479]

Delegation of Authority to Reserve Banks To Approve Applications To Acquire Banks

AGENCY: Federal Reserve System.

ACTION: Technical Amendment.

SUMMARY: This is a technical amendment to § 265.2(f)(22) of the Rules Regarding Delegation of Authority to correct an error in a previous amendment that appeared in the **Federal Register** on July 27, 1983 (48 FR 34016).

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason Chaiffetz, Senior Counsel, Legal Division (202/452-3564).

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act analysis and Regulatory Impact analysis have not been included in this notice because the change effected by this amendment is technical in nature. These analysis are included in the **Federal Register** notice that accompanied the previous substantive amendments (48 FR 34016). The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with this amendment because it is a technical one.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies, Banks, banking, Federal Reserve System.

Pursuant to its authority under section 3(a), 4(c)(8) and 5(b) of the Bank Holding Company Act, and section 18(c) of the Federal Deposit Insurance Act (Bank Merger Act, 12 U.S.C. 1828(c)), the Board of Governors is amending its Rules Regarding Delegation of Authority (12 CFR 265). The regulations appearing in FR Doc. 83-20196 (48 FR 34016) are corrected by revising § 252.2(f)(22) (iv) and (v) and by adding paragraph (vi) as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(f) * * *

(22) * * *

(iv) the application raises a significant policy issue or legal question on which the Board has not established its position; or

(v) with respect to bank holding company formations, bank acquisitions or mergers, the proposed transaction involves two or more banking organizations:

(A) that rank among a State's ten largest banking organizations in terms of total domestic banking assets; or

(B) each of which has more than $100 million of total deposits in banking offices in the same local banking market that, after consummation of the proposal, would control over 10 percent of total deposits in banking offices in that local market; or

(vi) with respect to nonbank acquisitions:

(A) the nonbanking activities involved do not clearly fall within activities that the Board has designated as permissible for bank holding companies under § 225.4(a) of Regulation Y; or

(B) the proposal would involve the acquisition by a banking organization that has total domestic banking assets of $1 billion or more of a nonbanking organization that appears to have a significant presence in a permissible nonbanking activity.[2]

Board of Governors of the Federal Reserve System, August 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23545 Filed 8-29-83; 8:45 am]

BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6480; 34-20105; 35-23040; 39-846; IA-877; IC-13456]

Acceptance of Travel Reimbursement

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: Pub. L. 98-38 which became effective on June 6, 1983, grants to the Commission, subject to the adoption of rules to prevent conflicts of interest, the authority to accept from non-federal sponsors payment or reimbursement for expenses incurred by Commission members and staff in connection with participation at conferences and meetings. The Commission has adopted regulations to implement this authority.

EFFECTIVE DATE: August 30, 1983.

FOR FURTHER INFORMATION CONTACT: Myrna Siegel, Ethics Counsel, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, 202-272-2430.

SUPPLEMENTARY INFORMATION: Pub. L. 98-38, which became effective on June 6, 1983, grants to the Commission the authority to accept payment or reimbursement for expenses incurred by Commission members and staff in connection with participation at conferences and meetings. To implement this authority, the Commission has adopted regulations which establish a procedure for determining when and how the Commission will accept such payment or reimbursement. The regulations have a two-fold purpose: To eliminate real or apparent conflicts of interest in connection with the acceptance of payments or reimbursements and to create administrative procedures for determining when reimbursement will be accepted by the Commission and the mechanism for public disclosure of such acceptance.

Discussion

The Commission has generally deemed participation by its members and employees in continuing legal education programs, securities industry conferences, accounting profession meetings, and similar functions as important factors in fostering compliance with and understanding of the federal securities laws. While sponsoring organizations often have been willing to pay the actual expenses of Commission members and employees invited to participate in meetings and conferences of an educational nature, interpretations of federal statutes prohibited acceptance for travel by Commissioners from all sponsors, except those which are tax-exempt pursuant to 26 U.S.C. 501(c)(3). Additionally, the prohibitions imposed by the Foreign Gifts and Decorations Act, 5 U.S.C. 7342, have restricted members of the Commission from accepting reimbursement for assistance in various types of proceedings rendered at the behest of foreign governments.

These constraints on accepting such reimbursements, coupled with the restrictions on the size of the Commission's travel budget, have compelled members of the Commission to limit their participation in educational and similar programs. The authority recently granted to the Commission will permit Commissioners to continue to engage in educational functions, while placing the burden of the cost of such participation on the sponsors, rather than the federal government.

The rules which the Commission has adopted to implement its new authority have been carefully tailored to avoid any real or apparent conflicts of interest. The rules contemplate that all travel by Commission members and staff for participation in educational meetings will be pursuant to the procedures detailed in these regulations. The regulations continue the Commission's current policy of prohibiting acceptance of any payment or reimbursement from entities which are registered with the Commission or directly or indirectly regulated by the Commission. Indirect regulatees are affiliates, parents and subsidiaries of regulated entities. Moreover, no reimbursement will be accepted by the Commission in connection with a conference which is sponsored by a registered or regulated entity, whether or not that sponsor is

[2] While other situations may involve the issue of significant presence, the Board regards, as a general guideline, any company that ranks among the 20 largest independent firms in any industry as having a significant presence.

directly paying for expenses. The determination as to whether payment or reimbursement will be accepted by the Commission from an association predominantly composed of entities regulated by the Commission will be made by the Commission's Chairman.

Except with respect to programs sponsored by groups predominantly composed of entities regulated by the Commission, the decision as to whether the Commission will accept payment or reimbursement in connection with staff member participation at a particular meeting will be made by the Commission's Executive Director. Notice of all determinations with respect to acceptance of payment or reimbursement by the Commission will be placed in a public file in the Commission's Public Reference Room, Washington, D.C., and a compilation of payments or reimbursements accepted will be published quarterly in the *SEC Docket*.

Regulatory Flexibility Act

No regulatory flexibility analysis (or certification that one is not required) is necessary because the rules are procedural,and thus not within the definition of "rule" for purposes of Chapter 6, Title 54, U.S.C.

List of Subjects in Part 200

Administrative practice and procedure, Freedom of information, Privacy, Securities.

Text of Amendments

PART 200—ORGANIZATION, CONDUCT AND ETHICS, AND INFORMATION AND REQUESTS

In consideration of the foregoing, the Commission hereby amends Part 200 of Chapter II, Title 17, Code of Federal Regulations as follows:

1. Paragraph (b)(6) of § 200.735–4 is revised as follows:

§ 200.735–4. Outside employment and activities.

* * * * *

(b) * * *

(6)(i) Subject to the specific prohibition and requirements set forth below, the Commission may accept payment or reimbursement in cash or in kind, for travel and subsistence expenses actually incurred by Commission members and employees, while on official duty status, in connection with the participation of such members and employees in conferences, proceedings, meetings, seminars, and educational programs concerning the functions and responsibilities of the Commission and related topics.

(ii)(A) The Commission shall accept no payment or reimbursement for expenses described in paragraph (b)(6)(i) of this section from or in connection with a conference sponsored by:

(*1*) A person directly required to file reports or registration statements with the Commission, or

(*2*) A person directly or indirectly regulated by the Commission, or

(*3*) Any association or other group composed predominantly of persons regulated by the Commission, *Provided, however,* That the Chairman may authorize the Commission to accept payment or reimbursement from such a group. In determining whether to authorize such payment or reimbursement, the Chairman shall consider the benefits to the Commission and the public of participation in the particular program and the possibility of any appearance of impropriety.

(B) For purposes of this section, the phrase "person regulated by the Commission" means all persons whose activities are directly regulated by, or who are required to register with, the Commission, including but not limited to, such persons as brokers or dealers in securities, national securities exchanges, national securities associations, investment companies, investment advisers, public utility holding companies, and any self-regulatory organization, as that term is defined in Section 3 of the Securities Exchange Act of 1934, 15 U.S.C. 78(c).

(iii)(A) Subordinate members of the staff who are invited to participate in programs which offer payment or reimbursement meeting the criteria of paragraph (b)(6)(i) of this section must, prior to participation, obtain the written approval of their Division Director, Office Head, or Regional Administrator to participate in the program and the written approval of the Chairman, if paragraph (b)(6)(ii)(A)(*3*) of this section applies. If paragraph (b)(6)(ii)(A)(*3*) of this section does not apply, the Executive Director shall determine in writing whether the Commission will accept the payment or reimbursement.

(*1*) In acting on requests to participate, Division Directors, Office Heads, and Regional Administrators shall consider: (*i*) the benefit to the Commission and the public of participation; (*ii*) the expertise of the proposed participant; and (*iii*) the appropriate allocation of resources.

(*2*) In determining whether the Commission shall accept payment or reimbursement, the Executive Director shall consider the possibility of any appearance of impropriety.

(B) Division Directors, Office Heads, and Regional Administrators must, prior to participation, obtain the written approval of the Chairman, if paragraph (b)(6)(ii)(A)(*3*) of this section applies. If paragraph (b)(6)(ii)(A)(*3*) of this section does not apply, the Executive Director shall determine, in writing, considering the possibility of any appearance of impropriety, whether the Commission will accept the payment or reimbursement. Division Directors, Office Heads, and Regional Administrators shall make the determinations specified in paragraph (b)(6)(iii)(A)(*1*) of this section as to their own participation.

(C) Except if paragraph (b)(6)(ii)(A)(*3*) of this section applies, each Commissioner shall determine for himself or herself whether payment or reimbursement for his or her expenses incident to participation in programs meeting the criteria of paragraph (b)(6)(i) of this section should be accepted by the Commission. Notice of each decision shall be sent to the Executive Director.

(D) Whenever it is determined, pursuant to paragraphs (b)(6)(iii)(A), (B), or (C) of this section that the Commission will accept a particular payment or reimbursement, the Executive Director shall forward notice of that decision to the Public Reference Room, Washington, D.C., for insertion in a public file.

(iv) Payment or reimbursement shall not be accepted for expenses which are unreasonable or lavish.

(v) On a quarterly basis, the Commission shall publish in the *SEC Docket* a compilation of payments and reimbursements accepted.

(vi) The Commission's acceptance from any person of payment or reimbursement for the expenses of a spouse or traveling companion accompanying a member or employee is prohibited. If a staff member wishes to participate in a program which offers payment or reimbursement meeting the criteria of paragraph (b)(6)(i) of this section and acceptance would not be prohibited by paragraph (b)(6)(ii) of this section, but is denied approval in accordance with paragraphs (b)(6)(iii)(A) or (B) of this section, or wishes to accept reimbursement for the travel expenses of his or her spouse or traveling companion, the staff member may participate in the program and accept such reimbursement personally, *Provided,* That:

(A) No reimbursement for travel expenses may be accepted from a person who does, or is seeking to do, business with the Commission, is

regulated directly or indirectly by the Commission, is registered with the Commission, or has interests which may be substantially affected by the official's performance or non-performance of his or her official duties.

(B) No reimbursement may be accepted for the travel expenses of an employee's spouse or traveling companion unless the prior written approval of the General Counsel is obtained. Under appropriate circumstances, such as programs where participants are expected to engage in social activities, the General Counsel may approve acceptance upon written application.

(C) A copy of the General Counsel's approval and notice of the amount of payment or reimbursement accepted from the sponsor must be sent to the Executive Director for inclusion in the public file in accordance with paragraph (b)(6)(iii)(D) of this section.

(D) Such staff member's participation and travel occur only while on annual leave, approved in accord with regular leave procedures. *Note* 7 CFR 200.735–4(e)(2)(ii).

* * * * *

The Commission finds that the foregoing action relates solely to rules of agency procedure or practice and, accordingly, that notice and prior publication for comments under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, are unnecessary. *See* 5 U.S.C. 553(b).

By the Commission.

George A. Fitzsimmons,

Secretary.

August 23, 1983.

[FR Doc. 83-23833 Filed 8-29-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74, 81, and 82

[Docket No. 83C-0128]

Color Additives; D&C Yellow No. 10

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is "permanently" listing D&C Yellow No. 10 for use in drugs and cosmetics, except for use in the area of the eye. This action is in response to a petition filed by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc.), the Pharmaceutical Manufacturers Association, and the Certified Color Industry Committee (now the Certified Color Manufacturers Association). This rule will remove D&C Yellow No. 10 from the provisional list of color additives for use in drugs and cosmetics. Published elsewhere in this issue of the **Federal Register** is an order extending the closing date for the provisional listing of D&C Yellow No. 10 until November 1, 1983, to provide an opportunity for the filing of objections to this order.

DATES: Effective September 30, 1983, objections by September 29, 1983.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 20, 1968 (33 FR 17205), FDA announced that a petition (CAP 8C0062) for the permanent listing of D&C Yellow No. 10 as a color additive for use in drugs and cosmetics, except for use in the area of the eye, had been filed by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc.), the Pharmaceutical Manufacturers Association, and the Certified Color Industry Committee (now the Certified Color Manufacturers Association), c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046 (now 9200 Leesburg Turnpike, Vienna, VA 22180).

The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376). A later notice in the **Federal Register** of March 5, 1976 (41 FR 9584), amended the notice of filing of the petition to include the use of D&C Yellow No. 10 in cosmetics intended for use in the area of the eye.

I. Toxicological Testing of D&C Yellow No. 10

In the **Federal Register** of September 23, 1976 (41 FR 41860), FDA stated that it no longer considered existing toxicological studies to be adequate to support the continued provisional listing of several color additives, including D&C Yellow No. 10. The agency explained that the studies were deficient in the following respects (41 FR 41863):

1. Many of the studies were conducted using groups of animals, i.e., control and those fed the color additive, that were too small to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color additives tested. The small number of animals used does not, in and of itself, cause this result but when considered together with the other deficiencies in this listing, does do so. By and large, the studies used 25 animals in each group; today FDA recommends using at least 50 animals per group.

2. In a number of the studies, the number of animals surviving to a meaningful age was inadequate to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color additives tested.

3. In a number of the studies, an insufficient number of animals was reviewed histologically.

4. In a number of the studies, an insufficient number of tissues was examined in those animals selected for pathology.

5. In a number of the studies, lesions or tumors detected under gross examination were not examined microscopically.

The agency proposed that the continued provisional listing of these color additives, including D&C Yellow No. 10, for use in ingested drugs and cosmetics be conditioned upon at least one petitioner undertaking new chronic feeding studies for each of these color additives. The agency did not require any additional studies for the continued provisional listing of D&C Yellow No. 10 for use in externally applied drugs and cosmetics.

FDA intended that the new chronic studies on the use of D&C Yellow No. 10 in ingested drugs and cosmetics would provide important evidence upon which to determine whether to list this color additive. Additionally, the agency noted that these studies would serve to replace the generally antiquated and deficient studies that supported the provisional listing regulations then in effect for the color additive.

When the petitioners agreed to sponsor the required chronic toxicity studies of the color additive, FDA postponed the closing date for the provisional listing of D&C Yellow No. 10 to January 31, 1981, in a notice published in the **Federal Register** of February 4, 1977 (42 FR 6992).

In the **Federal Register** of August 21, 1979 (44 FR 48964), FDA established temporary tolerances for the use of D&C Yellow No. 10 in ingested drugs and cosmetics. These temporary tolerances were adopted to assure that use of the color additive would not exceed a safe level of exposure. They were based on usage information and data from chronic animal feeding studies, submitted by the petitioners, in which no adverse effects