Department-wide compliance with related laws, Executive Orders, regulations, and policies, and formal complaints of discrimination.

* * * * *

3. In § 1.26(a), paragraphs (6) and (7) are redesignated and republished as (7) and (8), and a new paragraph (6) is added, to read as follows:

§ 1.26 Secretarial succession.

(a) The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability ceases, or, in case of a vacancy, until a successor is appointed:

* * * * *

(6) Assistant Secretary for Public Affairs.

(7) Assistant Secretary for Administration.

(8) Saint Lawrence Seaway Development Corporation Administrator.

4. § 1.63, the section heading and the introductory text are revised to read as follows:

§ 1.63 Delegations to Assistant Secretary for Public Affairs.

The Assistant Secretary for Public Affairs is delegated authority to:

* * * * *

Authority: 49 U.S.C. 322.

Issued in Washington, D.C., on September 21, 1983.

Elizabeth Hanford Dole,

Secretary for Transportation.

[FR Doc. 83-26264 Filed 9-26-83; 8:45 am]

BILLING CODE 4910-62-M

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49 CFR Part 1

[OST Docket No. 1; Amdt. 1-185]

Organization and Delegation of Powers and Duties; Delegations to the Coast Guard

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

ACTION: Final rule.

SUMMARY: This amendment:

(1) Delegates to the Commandant of the Coast Guard the authority vested in the Secretary by the Coast Guard Authorization Act of 1982 to require alteration or removal of bridges, other than those covered by the Bridge Act of 1906 and the Truman-Hobbs Act (for which the Coast Guard already has this authority), which unreasonably obstruct navigation;

(2) Delegates to the Commandant the functions assigned to the Secretary by Executive Order 12418 which transfers to DOT from the Federal Maritime Commission (FMC) authority to establish minimum levels of financial responsibility of vessels for pollution liability, thereby supplementing existing Coast Guard authority;

(3) Delegates to the Commandant the authority vested in the Secretary by the Fisheries Amendments of 1982 to cooperate with the Secretary of Commerce in implementation of the Convention for the Conservation of Salmon in the North Atlantic Ocean, and to document and certify the inspection of certain vessels. These are all normal activities of the Coast Guard;

(4) Delegates to the Commandant the functions assigned to the Secretary by Executive Order 12419, which directs the Secretary to carry out the obligations of the United States under the International Convention on Tonnage Measurement of Ships, 1969, and the functions vested in the Secretary by the Tonnage Measurement Simplification Act; these are all normal activities of the Coast Guard; and

(5) Removes from the delegation to the Commandant the requirement—as it applies to domestic vessels only—that the Commandant not delegate his authority to seize a vessel under the Magnuson Fishery Conservation and Management Act and that he consult with the Department of State before making any such seizure. After years of experience under this statute, DOT no longer believes these restrictions are necessary.

DATE: The effective date of this amendment is January 11, 1982 as it relates to the Tonnage Measurement Simplification Act, 49 CFR 1.46(d), and (publication date) as it relates to the other authorities.

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.**

Coast Guard Authorization Act of 1982—In 1967, general authority to regulate bridges across the navigable waters of the United States was transferred from the Secretary of the Army to the Secretary of Transportation with the founding of DOT (Pub. L. 89-670). This did not include the authority to require the alteration or removal of bridges other than under the Bridge Act of 1906 (which applies only to bridges approved under that act) or the Truman-Hobbs Act (which applies only to railroad and highway bridges and provides for the United States to assume a portion of the costs of alteration). Under the Coast Guard Authorization Act of 1982 (Pub. L. 97-322), the authority to require the alteration or removal of bridges permitted under the General Bridge Act of 1946 was finally transferred to DOT from the Army; included also are a prohibition on endangering or obstructing navigation by failing to keep a bridge or accessory works in proper repair, and the authority to assess civil penalties for enforcement. Since the rest of the General Bridge Act athority is already carried out by the Coast Guard, this additional authority is also delegated to the Commandant.

Executive Order 12418—Under various laws, vessels must demonstrate financial responsibility for pollution. The establishment of the proper levels of financial responsibility under some of these laws was the responsibility of the FMC; Executive order 12418 of May 5, 1983 (48 FR 20891; May 10, 1983) transfers this responsibility to the department in which the Coast Guard is operating (currently, DOT). In turn, the responsibility is being delegated to the Coast Guard.

Specifically involved are the following authorities:

1. Under the Federal Water Pollution Control Act (FWPCA), as assigned by subsections 2 (6) and (7) of Executive Order 11735 (August 3, 1973), as amended by Executive Order 12418, the authority under Section 311(p)(1) relating to the issuance of regulations governing evidence of financial responsiblity to meet liability to the United States, and the authority under Section 311(p)(2) relating to administration of subsection (p).

2. Under the Outer Continental Shelf Lands Act Amendments of 1978, as assigned by Section 1-2 of Executive Order 12123 (February 26, 1979), the authority under Section 305(a)(1), relating to financial responsibility levels for vessels; under Section 305(b), relating to financial responsibility levels for offshore facilities; and under Section 312(a)(2), relating to assessment and compromise of penalties concerning vessels.

3. Under the Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"), as assigned by Section 5(b) of Executive Order 12316 (August 14, 1981), the authority under Section 108(a)(1), relating to evidence of financial responsibility for vessels, and

the responsibility under Section 109, relating to civil penalties.

4. Under Section 204(c)(3) of the Trans-Alaska Pipeline Authorization Act of 1973, the authority incorporated by reference from Section 311(p) (1)-(2) of FWPCA, as amended relating to demonstration of financial responsibility for vessels carrying oil loaded from the Trans-Alaska pipeline.

Fisheries Amendments of 1982—The Fisheries Amendments of 1982 vest authority in the Secretary of Transportation in two capacities: as Secretary of Transportation and as Secretary of the department in which the Coast Guard is operating. As Secretary of Transportation, the Secretary's sole responsibility is to certify in writing satisfactory inspection of vessels for at-sea incineration of hazardous waste; as Secretary of the department in which the Coast Guard is operating, the Secretary's responsibilities are to cooperate with the Secretary of Commerce on implementation and enforcement of the Convention for the Conservation of Salmon in the North Atlantic Ocean and to document as vessels of the United States certain vessels named in the statute. Since these responsibilities relate to traditional activities of the Coast Guard, they are delegated to the Commandant of the Coast Guard.

Tonnage Measurement of Ships—The International Convention on Tonnage Measurement of Ships, 1969 (TIAS No. 10490) establishes a standard system of vessel admeasurement for certain vessels that engage on international voyages and an International Tonnage Certificate. Executive Order 12419 of May 5, 1983 directed the Secretary of the department in which the Coast Guard is operating (currently, DOT) to perform the obligations of the United States under the Convention and authorized the Secretary to permit United States corporations or associations to admeasure vessels and issue certificates. In turn, this responsibility is being delegated to the Coast Guard.

The Tonnage Measurement Simplification Act (Pub. L. 96-594) establishes a simplified method for vessel admeasurement. On January 11, 1982 (47 FR 1122), the Secretary delegated the powers and duties of the Vessel Documentation Act, which is another title of Pub. L. 96-594. The 1982 delegation was intended to delegate the functions in both acts, but reference to the Tonnage Measurement Simplification Act was inadvertently omitted. This amendment corrects that error by including reference to the Tonnage Measurement Simplification Act in Section 1.46(d). To clarify that it was the intention to give the authority to Coast Guard, the effective date of the delegation regarding this statute is the same as the 1982 delegation.

Magnuson Fishery Conservation and Management Act—Under the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), the Secretary of Transportation, as Secretary of the department in which the Coast Guard is operating, is authorized to seize foreign and domestic vessels which violate the Act. When this authority was first delegated to the Coast Guard by the Secretary, its potential impact upon foreign relations was such that the Commandant was required not to delegate the authority to seize a vessel and to consult with the Department of State before ordering any seizure. It is no longer deemed appropriate to limit the Commandant's authority in these respects with regard to domestic vessels, and to that extent only the requirements are removed.

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, § 1.46 of Part 1 of Title 49, Code of Federal Regulations, is amended by revising paragraph (5) of paragraph (c), revising paragraphs (d), (m), (v), (z), and (ff), and inserting at the end of § 1.46 new paragraphs (kk) and (ll), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

* * * * *

(c) Carry out the following laws relating generally to water vessel anchorages, drawbridge operating regulations, obstructive bridges, pollution of the sea by oil, and the locations and clearances of bridges and causeways over the navigable waters of the United States:

* * * * *

(5) Sections 9 and 18 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401, 502);

* * * * *

(d) Carry out the functions vested in the Secretary by the Vessel Documentation Act (94 Stat. 3453, 46 U.S.C. 65a et seq.) and the Tonnage Measurement Simplification Act (94 Stat. 3461, 46 U.S.C. 71 et seq.), and the functions assigned to the Secretary by Executive Order 12419 relating to admeasurement of Ships; and carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.

* * * * *

(m) Carry out the functions assigned to the Secretary by Sections 2, 5, and 6 of Executive Order 11735, as amended by Executive Order 12418, assigning functions under the Federal Water Pollution Control Act, as amended (82 Stat. 862).

* * * * *

(v) Carry out the functions vested in the Secretary by the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended; 16 U.S.C. 1801 et seq.) except that the authority to approve seizure of a foreign vessel may not be redelegated and shall be exercised in each instance only after consultation with the Department of State.

* * * * *

(z) Carry out the functions vested in the Secretary by the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), as amended, Titles III and VI of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372), and Executive Order 12123, as amended by Executive Order 12418, except as reserved by § 1.44(p) and delegated by § 1.53(a)(6).

* * * * *

(ff) Carry out the functions vested in the Secretary by Section 108(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(a)(3), and by section 5(b) of Executive Order 12316, as amended by section 3 of Executive Order 12418 (delegating section 108(a)(1) and assigning responsibility for section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980), relating to vessel financial responsibility determinations.

* * * * *

(kk) Carry out the functions vested in the Secretary by the Fisheries Amendments of 1982 (Pub. L. 97-389; 96 Stat. 1949) relating to implementation of the Convention for the Conservation of Salmon in the North Atlantic Ocean and to documentation and certification of inspection of certain vessels.

(ll) Carry out the functions assigned to the Secretary by section 4 of Executive Order 12418 of May 3, 1983 (48 FR 20891; May 10, 1983), relating to demonstration of financial responsiblity for vessels carrying oil loaded from the Trans-Alaska pipeline.

Authority: 49 U.S.C. 322.

Issued in Washington, DC, on September 22, 1983.

Elizabeth Hanford Dole,
Secretary of Transportation.

[FR Doc. 83-26260 Filed 9-26-83; 8:45 am]
BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Parts 511, 520, 551, 553, 555, 556, 572, 573, 574, and 575

Adjudicative Procedures; Procedures for Considering Environmental Impacts; Procedural Rules; Rulemaking Procedures; Temporary Exemption From Motor Vehicle Safety Standards; Exemption for Inconsequential Defect or Noncompliance; Anthropomorphic Test Dummies; Defect and Noncompliance Reports; Tire Identification and Recordkeeping; Consumer Information Regulations

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Final rule.

SUMMARY: This notice amends various NHTSA regulations to correct certain outdated references to the agency's zip code, docket room number, organizational structure, and motor vehicle safety standards which are currently incorrect in the Code of Federal Regulations.

EFFECTIVE DATE: September 27, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Taylor Vincent (202) 426-9511.

SUPPLEMENTARY INFORMATION: A recent review of NHTSA regulations revealed numerous instances in which references to the agency's zip code, docket room number, organizational structure, and safety standards had not been amended to reflect changes occurring since the regulations were adopted. The agency's zip code is "20590" but three regulations (49 CFR Parts 551, 553, and 574) give it as "20591". The agency's docket room number is now "5109" but in six instances (49 CFR Parts 556, 511, 520, 572.5, 572.15, 573) it appears as "5108" and in another (Part 555) as "5221". The "Office of Crashworthiness" referenced in 49 CFR Part 572 has become a part of the "Office of Vehicle Safety Standards" in an internal reorganization. Finally, the Federal Motor Vehicle Safety Standards appear at 49 CFR Part 571, not "371" as stated in Part 575.

The purpose of the amendments is to improve communications between the public and the agency. Since the amendments relate to organizational and procedural matters, prior notice and comment are not required. Because they impose no burden upon any person, they are effective upon publication in the **Federal Register**.

In consideration of the foregoing, the following changes are made in Chapter V of Title 49 of the Code of Federal Regulations:

1. Paragraph (b) of § 551.45, *Procedural Rules; Service of Process; Agents;* paragraph (a) of § 553.5, *Rulemaking Procedures;* and introductory text of § 574.6, *Tire Identification and Recordkeeping,* are amended by changing "20591" to "20590".

2. Paragraph (a) of § 511.48, *Adjudicative Procedures;* paragraph (c) of § 520.30, *Procedures for Considering Environmental Impacts;* § 556.9, *Exemption for Inconsequential Defect or Noncompliance;* paragraph (a) of § 572.5 and paragraph (a)(1) of § 572.15, *Anthropomorphic Test Dummies;* and paragraph (c)(8) of § 573.5, *Defect and Noncompliance Reports,* are amended by changing "5108" to "5109".

3. Paragraph (a) of § 555.10, *Temporary Exemption From Motor Vehicle Safety Standards,* is amended by changing "5221" to "5109".

4. Paragraph (c) of § 572.5, *Anthropomorphic Test Dummies,* is amended by changing "Office of Crashworthiness" to "Office of Vehicle Safety Standards".

5. Paragraph (b) of § 575.2, *Consumer Information* Regulations, is amended by changing "371" to "571".

Authorities

Part 511:

(Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 911 (15 U.S.C. 2008))

Part 520:

(Secs. 102(2)(A), 102(2)(C), Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 2(b), 4(f), Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1651(b), 1653(f)); Executive Order 11514, 35 FR 4247; 40 CFR Part 1500; DOT Order 5610.1B, 39 FR 35234; Delegations of authority at 49 CFR 1.45, 1.50 and 501.7)

Part 555:

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410))

Part 553:

(Secs. 102, 201, 408, 501, Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1912, 1941, 1988, 2001)

Part 551:

(Secs. 110(e), 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1399e, 1407))

Part 574:

(Secs. 103, 108, 112, 119, 201, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1407, 1421); Secs. 102, 103, 104, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1397, 1401, 1408, 1411-1420))

Part 556:

(Sec. 104, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417))

Part 572:

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407))

Part 573:

(Secs. 108, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1397, 1401, 1407); Secs. 102, 103, 104, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1397, 1401, 1408, 1411-1420))

Part 575:

(Secs. 103, 112, 119, 201, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421))

Issued on: September 20, 1983.

Diane K. Steed,
Deputy Administrator

[FR Doc. 83-26225 Filed 9-26-83; 8:45 am]
BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 48, No. 188
Tuesday, September 27, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Ch. III

Improvements in the Administration of the Government in the Sunshine Act

AGENCY: Administrative Conference of the United States.

ACTION: Request for public comments.

SUMMARY: The Administrative Conference's Committee on Adjudication has under consideration a proposed recommendation respecting agency experience under the Government in the Sunshine Act. The proposed recommendation is intended to effect improvements in the administration of the Government in the Sunshine Act. Interested persons are invited to comment on the proposed recommendation.

DATE: Comment deadline: October 24, 1983.

ADDRESS: Send comments to: Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Richard K. Berg, General Counsel, 202–254–7020.

SUPPLEMENTARY INFORMATION: The Administrative Conference has received a report from its consultant, Professor David Welborn of the University of Tennessee, on agency experience under the Government in the Sunshine Act. The report, which is based on data obtained from questionnaires and interviews, as well as study of available agency materials and judicial decisions, concludes that the degree of agency compliance with the Act's requirements is high, although there is an apparent tendency to close meetings wherever this is legally permissible, that implementation of the Act is not especially costly or burdensome, and that the Act has had a positive effect on the openness with which gencies conduct their affairs. The report concludes, however, that one effect of the Act has been to diminish the collegial character of agency processes by inhibiting candid discussion of certain matters.

The report concludes with two proposals for improved administration of the Act, one to be directed to the agencies, the other to Congress. These have been stated below in the form of proposed recommendations for consideration by the Administrative Conference. The Committee on Adjudication invites comments on these proposed recommendations and requests that they be submitted no later than Monday, October 24, 1983. Comments should be sent to Richard K. Berg at the address given above. The Committee will meet in early November to consider the recommendations in the light of the comments received. Comments received after October 24 will be considered to the extent that the Committee's schedule permits.

Single copies of the report will be furnished on request.

Proposed Recommendation: Improvements in the Administration of the Government in the Sunshine Act

A. The three most common criticisms of the manner in which agencies have implemented the Government in the Sunshine Act are that meetings are often closed on technical legal grounds when there is no substantive reason to do so, that sometimes there is not enough discussion in open meetings to allow those in attendance to understand the proceedings, and that frequently the public does not have sufficient access to explanatory materials and underlying documents to enable it to follow the discussion.

Recommendation

Agencies should review their Sunshine Act policies and practices in light of experience and the spirit of the law for the purpose of enlarging public access to meaningful information, by adjustments such as: (a) Scrutinizing more carefully the need for closing meetings which involve the discussion of exempt subject matter; and (b) making open meetings more comprehensible to observers through clearer and fuller discussion of agenda items and provision of background material and documentation pertaining to the issues under consideration.

B. One of the clearest and most significant results of the Government in the Sunshine Act is to diminish the collegial character of agency processes. Members are impeded in the collective assertion of their prerogatives. Because of the open meeting requirement, discussion of certain matters may be avoided, and discussions held may not contribute to forging a result. There are indications that the position of the collegium is further weakened by alterations in the role of staff and an increase in the responsibilities and influence of the chairman, both of which are attributable to the Act.

There is a conflict between the values of openness and governmental effectiveness. Some impairment of collegiality in the interest of open government may be justifiable. But an examination of experience suggests that the law may have tilted the balance too far in the direction of openness and that a modest adjustment will serve the basic purpose of the Act to a greater degree than holding to the status quo. One approach is to exempt from the open meeting requirement certain discussions which have the following characteristics: they involve important issues of agency policy and direction; the public interest calls for full and frank exchanges among the agency members; the sensitivity of the subject matter is such that such discussions will not be held or would be inhibited in open meetings; and there is a high probability that the subject matter will ultimately be considered in an open forum either within the agency or in Congress. To allow discussion of such matters in closed meetings would not materially reduce public access to information because of the present inclination simply not to have them if they must be in the open. Yet it would make possible true collegial processes in regard to fundamental problems and issues where their benefits seem to be greatest.

The Government in the Sunshine Act should be amended to allow agencies to consider in closed meetings subject matter concerning budget formulation and execution, legislative programs and positions, and prospective rulemaking initiatives.

List of Subjects in 1 CFR Chapter III

Sunshine Act.

(5 U.S.C. 574)

Dated: September 21, 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 83-26253 Filed 9-26-83; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 68 and 75

Inspection and Certification of Quality of Agricultural and Vegetable Seeds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: The Agricultural Marketing Service is extending the time for comment by 60 days for the proposal published on August 4, 1983, in the Federal Register Vol. 48, No. 151, pp. 35411–35416. This will allow governmental agencies, industry, and the public additional time to consider the proposal and prepare comments.

DATE: Comments must be received by December 2, 1983.

ADDRESS: Send comments to Donald W. Ator, Chief, Seed Branch, Livestock, Meat, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250. Comments will be available for public inspection at this location during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Donald W. Ator, Chief, Seed Branch, Livestock, Meat, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250; (202) 447–9340.

SUPPLEMENTARY INFORMATION: A proposed rule was published on August 4, 1983, (48 FR 35411) requesting comments by October 3, 1983, regarding proposed revisions to the regulations for inspection and certification of quality of agricultural and vegetable seeds under the Agricultural Marketing Act of 1946. The time for comment has been extended to December 2, 1983, as a result of initial comments from the industry requesting additional time to review the proposal and prepare comments.

Done at Washington, D.C., September 22, 1983.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 83-26306 Filed 9-26-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket No. 83-41]

Rules, Policies and Procedures for Corporate Activities

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (Office) is proposing to simplify its approval process for banks seeking to exercise fiduciary powers. The proposal would eliminate the requirements that a bank file a formal application and publish notice in a newspaper. A notification procedure would be substituted for the application. The proposed revision would benefit national banks and the Office by removing burdensome and costly regulatory requirements, while maintaining the Office's ability to render decisions on the permissibility of the bank exercising fiduciary powers and the qualifications of proposed trust management.

DATE: Written comments must be submitted on or before October 27, 1983.

ADDRESS: Comments should be directed to: Docket No. 83-41, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219, Attention: C. Christine Jones. Comments will be available for public inspection and photocopying at the same location.

The collection of information requirements contained in 12 CFR 5.26(e) of the proposed amendments have been submitted to the Office of Management and Budget (OMB) for review under 44 U.S.C. 3504(h). Comments specifically addressing those information collection requirements should be directed to this Office at the above address and should also be submitted to: Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20500, Attention: Desk Officer for Comptroller of the Currency.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Manager, Policy, or Joseph W. Malott, National Bank Examiner/Policy Analyst, Bank Organization and Structure, Office of the Comptroller of the Currency, (202) 447–1184.

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this proposal is to minimize costs and burdens on national banks and the Office by simplifying and streamlining the procedure a national bank must employ before exercising fiduciary powers.

Background

This proposal is part of the Office's Corporate Activities Review and Evaluation (CARE) Program. That program is described in 45 FR 68586, dated October 15, 1980, and involves a comprehensive review of the Office's rules, policies, procedures, and forms governing filings for corporate expansion and structural changes for national banks. The goals of the CARE Program are to minimize the costs and burdens on applicants, the agency and the public; to provide a better understanding of policies; to modify or eliminate rules, policies, procedures, and forms which are unnecessary or lead to inefficiencies; and to remove barriers to competition.

Proposal

The Office is proposing to revise 12 CFR 5.26, which prescribes the application process a national bank must use to obtain approval to exercise fiduciary powers. The procedure set forth in § 5.26 would be simplified by reducing the amount of information submitted to the Office and by substituting a notification procedure for the application. Appropriate modifications would also be made to the Office's general rules of applicability, 12 CFR 5.2 and 5.13.

Discussion

Consistent with the goals of the CARE Program, the Office is proposing to amend 12 CFR 5.26 in order to simplify the process by which national banks apply for OCC approval to exercise fiduciary powers. Currently, § 5.26 requires the applicant to demonstrate the legality of the proposed activities and the adequacy of proposed trust management. In addition, the applicant is required to provide a projected operating plan to support the establishment of a fiduciary operation, i.e., demonstrate the need for such services, analyze market competition, and project income, expense, and profitability.

The Office believes that establishment of trust operations by a bank operating in a satisfactory manner is a management decision. Therefore, the Office believes that it can fulfill its regulatory responsibility by eliminating the requirement for an operating plan