(g) *Definitions.* For the purpose of this section:

(1) "GCR" means general commodity rate.

(2) "SCR" means specific commodity rate.

(3) "Container rate" means any rate specifically applicable to property tendered to the carrier in a unit load devise.

By the Civil Aeronautics Board.

**Phyllis T. Kaylor,**

*Secretary.*

[FR Doc. 83-2563 Filed 1-28-83; 8:45 am]

BILLING CODE 6320-01-M

## FEDERAL TRADE COMMISSION

### 16 CFR Parts 0 and 4

### Organization; Miscellaneous Rules

**AGENCY:** Federal Trade Commission.

**ACTION:** Change in delegation of authority.

**SUMMARY:** The Commission has reorganized the Office of the Secretary and the Office of the Executive Director. A Deputy Executive Director for Planning and Information will maintain the Commission's public records and, among other things, assumes the delegated authority formerly granted by the Commission to the Secretary to respond to initial requests for records under the Freedom of Information and Privacy Acts. These rules implement the new organization.

**DATE:** Effective on January 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Barry R. Rubin, Assistant General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202 523-3520.

**SUPPLEMENTARY INFORMATION:** The Commission's Office of the Executive Director has been reorganized to create a new Deputy Executive Director for Planning and Information. That person will assume responsibility for the Commission's data processing and information systems, library, and information analysis functions. The legal information and services divisions of the Office of the Secretary have been transferred to the Office of the Executive Director.

**List of Subjects**

*16 CFR Part 0*

Organization and functions (Government Agencies).

*16 CFR Part 4*

Administrative practice and procedure, Freedom of Information, Privacy.

Accordingly, the Commission amends 16 CFR Parts 0 and 4 as follows:

1. Paragraphs (a) and (b) are revised and paragraph (c) is added to § 0.10 to read as follows:

**§ 0.10 Office of the Executive Director.**

(a) The Executive Director, under the direction of the Chairman, is the chief operating official. He exercises executive and administrative supervision over all the offices, bureaus, and staff of the Commission and resolves problems concerning priorities in case handling. Immediately under his direction are the Deputy Executive Directors for Management and Planning and Information.

(b) The Deputy Executive Director for Management functions as staff advisor to the Executive Director in all aspects of administrative management; provides administrative policy guidance to agency management and provides general supervision to the programs of procurement and contracts, personnel, budget and finance, and administrative service activities; initiates and develops long-range plans to assure that the Commission acquires and effectively utilizes the manpower, financial resources, physical facilities and management tools necessary to accomplish its mission; and is responsible for publication of all Commission actions which must appear in the **Federal Register** and publication of the *Federal Trade Commission Decisions* and the *Court Decisions—Federal Trade Commission.*

(c) The Deputy Executive Director for Planning and Information provides general supervision to the programs of data processing and information systems, information analysis, and the library; responds to initial requests for Commission records under the Freedom of Information and Privacy Acts; maintains a current index of opinions, orders, statements of policy and interpretations, staff manuals and instructions that affect any member of the public, and other public records of the Commission; makes available for inspection and copying all public records of the Commission; and coordinates the Commission's information processing systems.

2. 16 CFR 0.12 is revised to read as follows:

**§ 0.12 Office of the Secretary.**

The Secretary is responsible for the minutes of Commission meetings and is the legal custodian of the Commission's seal, property, papers, and records, including legal and public records. The Secretary, or in his absence an Acting Secretary designated by the Commission, signs Commission orders and official correspondence.

3. Paragraphs (a)(1)(iv)(C) and (a)(2)(i)(A) of 16 CFR 4.11 are revised to read as follows:

**§ 4.11 Requests for disclosure of records.**

(a) *Freedom of Information Act requests*—(1) *Initial Requests.*—* * *

(iv) *Initial determination.*—* * *

(C) Records to which access has been granted will be made available to the requester and will remain available for inspection and copying for a period not to exceed thirty days from date of notification to the requester unless the requester asks for and receives the consent of the Deputy Executive Director for Planning and Information to a longer period. Records assembled pursuant to a request will remain available only during this time period and thereafter will be refiled. Appropriate fees may again be imposed for any new or renewed request for the same records.

* * * * *

(2) *Appeals to the General Counsel from initial denials.*—(i) *Form and contents; time of receipt.*—(A) If the Deputy Executive Director for Planning and Information denies an initial request for records in its entirety, the requester may, within 30 days of the date of the determination of the Deputy Executive Director for Planning and Information, Appeal such denial to the General Counsel. If the Deputy Executive Director for Planning and Information denies an initial request in part, the time for appeal shall not expire until 30 days after the date of the letter notifying the requester that all records to which access has been granted have been made available. The appeal shall be in writing and should include a copy of the initial request and a copy of the response of the Deputy Executive Director for Planning and Information, if any.

The appeal shall be addressed as follows:

Freedom of Information Act Appeal
Office of the General Counsel
Federal Trade Commission
6th Street and Pennsylvania Avenue, NW.
Washington, D.C. 20580

* * * * *

**§§ 4.8, 4.11, 4.13 [Amended]**

4. In addition to the amendments set forth above, 16 CFR Part 4 is amended by removing the words "the Secretary" or "the Secretary of the Commission" and inserting, in their place, the words "the Deputy Executive Director for

Planning and Information", in the following places:

A. 16 CFR 4.8(b)
B. 16 CFR 4.8(c)(1)
C. 16 CFR 4.11(a)(1)(i)(A)
D. 16 CFR 4.11(a)(1)(i)(B)
E. 16 CFR 4.11(a)(1)(i)(D)
F. 16 CFR 4.11(a)(1)(i)(E)
G. 16 CFR 4.11(a)(1)(iii)(A)
H. 16 CFR 4.11(a)(1)(iii)(B)
I. 16 CFR 4.11(a)(1)(iii)(C)
J. 16 CFR 4.11(a)(1)(iv)(A)
K. 16 CFR 4.11(a)(1)(iv)(B)
L. 16 CFR 4.11(a)(2)(ii)(B)
M. 16 CFR 4.13(c)
N. 16 CFR 4.13(d)
O. 16 CFR 4.13(e)
P. 16 CFR 4.13(f)
Q. 16 CFR 4.13(h)
R. 16 CFR 4.13(i)(1)
S. 16 CFR 4.13(i)(2)(i)
T. 16 CFR 4.13(j)
U. 16 CFR 4.13(k)

(Sec. 6(g), 38 Stat. 721 (15 U.S.C. § 46(g)); 80 Stat. 383, as amended, 81 Stat. 54 (5 U.S.C. § 552).

By direction of the Commission dated September 16, 1982.

**Carol M. Thomas,**

*Secretary.*

[FR Doc. 83-2525 Filed 1-28-83; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Social Security Administration

### 20 CFR Part 404

[Reg. No. 4]

### Federal Old-Age, Survivors, and Disability Insurance Benefits Annual Earnings Test

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Final regulations.

**SUMMARY:** These regulations reflect recent statutory amendments which delay for one year (from January 1982 until January 1983), for all except a very small number of individuals who file their tax returns on a fiscal year basis, full implementation of section 302, Pub. L. 95-216, the Social Security Amendments of 1977. Section 302 reduced from 72 to 70 the age at which Social Security beneficiaries are no longer subject to an earnings test.

**EFFECTIVE DATE:** These final regulations are effective January 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marval Cazer, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone (301) 594-7463.

**SUPPLEMENTARY INFORMATION:** These rules were published as a Notice of Proposed Rulemaking on May 26, 1982 (47 FR 22965). During the 60-day comment period, we received only two comments. A direct response was made to one commenter, who had misinterpreted the effective date of the age 70 provision. The second comment related to potential abuse of the earnings test by self-employed individuals. Although this comment is not directly related to these regulations, we would point out that at the the time a self-employed individual files an application for benefits a careful evaluation is made as to whether substantial services continue to be performed.

These final regulations conform existing regulations to section 2204 of Pub. L. 97-35, enacted August 13, 1981. This legislation exempts recipients of retirement and survivors benefits from an earnings test (including the 7-day foreign work test) for the months after December 1982 in which a beneficiary is age 70 or over. The January 1983 effective date is not tied to the beginning or ending date of any taxable year.

The Social Security Amendments of 1977 had made full benefits payable, with no deduction for earnings, for months in which a beneficiary was age 70 or over in a taxable year ending after December 31, 1981. This provision became effective in calendar year 1981 for a few beneficiaries (prior to the enactment of the 1981 Amendments) whose taxable year is not on a calendar year basis. In order to avoid adversely affecting those few beneficiaries, the delay under the 1981 Amendments in implementing the age 70 provision does not apply to them nor to those beneficiaries who attain age 70 after enactment in the taxable year beginning in 1981 and ending in 1982 if the fiscal taxable year was approved by the Internal Revenue Service prior to the 1981 legislation. For example, a beneficiary with a taxable year of November 1, 1981, through October 31, 1982, who attains age 70 on July 3, 1982, would not be subject to the earnings test for months after June 1982. However, if a beneficiary had an approved taxable year June 1, 1981 through May 31, 1982, but attained age 70 after May 31, 1982, he or she would be subject to the earnings test for all months prior to January 1983 because the beneficiary is not age 70 in the taxable year that begins in 1981 and ends in 1982.

**Regulatory Procedures**

*Executive Order 12291*—These regulations merely conform the existing rules to the changes legislated by Pub. L. 97-35. The law delayed for one year putting into effect the age 70 provision after which a beneficiary is no longer subject to the earnings test. The resulting impact is solely the result of legislation and is in place and effective regardless of regulatory action on our part. Therefore, these regulations do not "result in" a cost impact of $100 million or more or otherwise trigger the criteria for a major rule established in Executive Order 12291.

*Regulatory Flexibility Act*—We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because these rules only affect individual beneficiaries. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

*Paperwork Reduction Act*—These regulations impose no reporting/recordkeeping requirements requiring OMB clearance.

**List of Subjects in 20 CFR Part 404**

Administrative practice and procedure, Death benefits, Disabled, Old-Age, Survivors and Disability Insurance.

(Secs. 203 and 1102 of the Social Security Act, as amended, 49 Stat. 623 and 647 as amended, 42 U.S.C. 403 and 1302; and sec. 2204 of Pub. L. 97-35, 95 Stat. 357.)

(Catalog of Federal Domestic Assistance Program Nos. 13.803—Social Security Retirement Insurance; 13.805—Social Security Survivors Insurance.)

Dated: November 24, 1983.

**John A. Svahn,**

*Commissioner of Social Security.*

Approved: January 7, 1983.

**Richard S. Schweiker,**

*Secretary of Health and Human Services.*

## PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

Part 404, Subpart E, of Title 20, Code of Federal Regulations is amended as set forth below:

1. Section 404.415 is amended by revising paragraph (a) to read as follows:

**§ 404.415 Deductions because of excess earnings; annual earnings test.**

(a) *Deductions because of beneficiary's earnings.* Under the annual earnings test, deductions are made from monthly benefits (except disability insurance benefits, child's