the FAA's position that the incorporation of any such alternate program would be acceptable only when the specific alternative has been reviewed and approved by the cognizant FAA personnel. This option has been provided for by Paragraph D.

Finally, one comment concerned the requirement that cracked structure be repaired before further flight. It was suggested that only those cracks which exceed the limitations specified in FAA-approved data should be repaired prior to further flight. This is unacceptable. The manufacturer's analysis has shown that it is essential to safety of flight that all cracks in those ares which are structurally signficant as identified in the SSID either be repaired prior to further flight or be reviewed on a case-by-case basis.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2120-0056.

Approximately 281 airplanes of U.S registry and 37 U.S. operators will initially be affected by this AD. It is estimated that the implementation of the SSID program for a typical operator will take approximately 1000 manhours. It is also estimated that the average labor cost will be $35 per manhour. Based on these figures, the cost to implement the SSID program is estimated to not exceed $1,300,000.

The recurring inspection impact on the affected operators is estimated to be 500 manhours per airplane at an average labor cost of $35 per manhour. Based on these figures, the annual recurring cost of this AD is estimated to not exceed $5,000,000.

Based on the above figures, the total cost impact of this AD is estimated to not exceed $6,300,000 for the first year, and $5,000,000 for each year thereafter.

For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291, or a significant rule under DOT Regulatory Policies and Procedures. Few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including all of the comments received, the FAA has determined that air safety and the public interest require the adoption of the proposed rule, with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes, certificated in all categories, listed in Section 3.0 of Boeing Document No. D6-48040-1, "Supplemental Structural Inspection Document" (SSID), Revision E. Compliance is required as indicated in the body of the AD.

To ensure the continuing structural integrity of the Model 727 fleet, accomplish the following, unless already accomplished:

A. Within one year after the effective date of the AD, incorporate a revision into the FAA approved maintenance inspection program which provides no less than the required damage tolerance rating (DTR) for each Structural Significant Item (SSI) listed in Boeing Document D6-48040-1, Revision E, or later FAA approved revisions. The required DTR value for each SSI is listed in the document. The revision to the maintenance program shall include and be implemented in accordance with the procedures in Sections 5.0 and 6.0 of the SSID.

B. Cracked structure shall be repaired before further flight in accordance with an FAA approved method.

C. Aircraft may be ferried in accordance with FAR 21.197 and 21.199 to a maintenance base for repair.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Operators who have acceptably incorporated Boeing Document No. D6-48040-1, Revision E, or later FAA approved revisions, into their approved maintenance program are exempt from the provisions of this AD.

Note.—Acceptable incorporation is considered to include the reporting requirements of Section 6.0 of the SSID.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This AD becomes effective November 1, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 727 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on September 7, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-26012 Filed 10-1-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 24258; Amdt. No. 91-184]

Flight Limitations in the Proximity of Space Flight Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule clarifies the applicability of the regulation which allows the Administrator to prohibit the operation of aircraft in a space flight recovery area. The amendment eliminates the reference to "recovery" to clarify that the regulation applies to space launch as well as recovery operations. The notice makes no substantive changes to existing law.

DATES: *Effective date:* September 27, 1984. Comments concerning provisions of this regulation must be submitted by November 1, 1984.

ADDRESS: Send comments on the rule in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 24258, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Office of Air Traffic Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this regulatory action by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions. Communications should identify the regulatory docket number and be submitted in duplicate to the above specified address. All communications received on or before the closing date for comments will be considered by the Administrator. Commenters who wish the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is written: "Comments to Docket No. 24258." The postcard will be date/time stamped and returned to the commenter. The provisions in this rule may be changed in the light of comments received. All comments submitted will be available, both before and after closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of Document

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number.

Background

On March 18, 1965, the Administrator issued Special Federal Aviation Regulation (SFAR) No. 16 (31 FR 3706), that prohibited the flight of nonparticipating aircraft in recovery areas of the Gemini series of operations. With the completion of the Gemini flights, and after the National Aeronautics and Space Administration (NASA) stated that future space operations would require the same protection as had been provided for the Gemini project, the FAA issued Amendment No. 91–45 (32 FR 14312) on October 11, 1967. That amendment codified the provisions of SFAR No. 16 as Section 91.102 of the Federal Aviation Regulations (14 CFR 91).

Need for Amendment

Existing Section 91.102 prohibits the operation of aircraft, with certain exceptions, within areas designated by a Notice to Airmen (NOTAM) for "space flight recovery operations." It is the FAA's interpretation of the quoted provision that the term "recovery" applies not only to end-of-flight recovery, but also to the area designated for emergency recovery during the launch phase of the flight. In the preamble to Amendment No. 91–45, the FAA stated that flight prohibitions may remain in effect during the entire space flight so that the recovery area would be available in the event of an emergency. Emergency recovery operations are an integral part of any space launch operation. For example, if an emergency occurs immediately after a space flight launch from Kennedy Space Center, the space vehicle may have to be recovered offshore in international waters. An emergency recovery at the NASA Shuttle Landing Facility Airport becomes possible after the vehicle reaches a height that would allow it to glide to a landing. Both eventualities require that airspace around the launch site be protected from intruding aircraft during the launch phase. However, the existing reference in Section 91.102 to "recovery operations" may not constitute adequate notice to pilots that the Section 91.102 airspace restrictions apply during the launch phase of the flight. Since space shuttle operations began, there have been several aircraft incursions into the recovery area. During the space shuttle launch in September 1984, aircraft approached within 5 miles of the launch site, resulting in a launch delay or more than 6 minutes. Similar incidents in the future which might occur due to a misunderstanding of the applicability of Section 91.102 to the launch phases of space flights, could result in costly delays of shuttle operations and in potentially hazardous situations for pilots and space flight crews. Accordingly, the purpose of this action is to remove the potential for misinterpretation by eliminating the reference to "recovery" or any other particular phase of the space flight operation.

Need for Immediate Adoption

Because this regulation involves no substantive change from the FAA interpretation of the existing provisions of Section 91.102, and because the amendment will serve to prevent disruption of future space shuttle operations scheduled within the next 2 months, I find that notice and public procedure hereon are not in the public interest and that good cause exists for making the regulation effective immediately.

Because this amendment clarifies the scope of the existing rule, this document involves a rulemaking action which is not a major rule under Executive Order 12291 and is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Further, for these reasons, I certify that, under the criteria of the Regulatory Flexibility Act, the amendment will not have a significant impact on a substantial number of small entities. In addition, the FAA has determined that the expected impact of this amendment is so minimal that it does not require an evaluation.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Aviation safety.

The Amendment

PART 91—[AMENDED]

Accordingly, Part 91 of the Federal Aviation Regulations (14 CFR 91) is amended by revising § 91.102 to read as follows:

§ 91.102 Flight limitation in the proximity of space flight operations.

No person may operate any aircraft of U.S. registry, or pilot any aircraft under the authority of an airman certificate issued by the Federal Aviation Administration within areas designated in a Notice to Airmen (NOTAM) for space flight operations except when authorized by ATC, or operated under the control of the Department of Defense Manager for Manned Space Flight Support Operations.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.45)

Issued in Washington, D.C., on September 25, 1984.

Donald D. Engen,

Administrator.

[FR Doc. 84–26081 Filed 9–27–84; 3:35 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 389

[Docket Nos. RM83–72–000 and RM82–16–000]

Production Under Section 2(21) of the Natural Gas Policy Act of 1978; Information Collection Requirements Approved by OMB

September 25, 1984.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; notice of OMB Control Number.

SUMMARY: On August 22, 1984, the Federal Energy Regulatory Commission issued a final rule (Order No. 391) in Docket Nos. RM83-72-000 and RM82-16-000, 49 FR 33,849 (August 27, 1984), amending its regulations governing first sales of pipeline production and first sales by pipeline affiliates. 18 CFR 260.3 governs the filing of FERC Form No. 11, Natural Gas Pipeline Company monthly statement. The Commission in Order No. 391 adopted certain minor changes to the filing requirements of Form No. 11 which require OMB approval under the Paperwork Reduction Act before becoming effective.

EFFECTIVE DATE: September 26, 1984.

FOR FURTHER INFORMATION CONTACT: Richard Mattingly, Producer Regulation Section, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St. NE., Washington, D.C. 20426, (202) 357-9123.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OBM) regulations, 5 CFR Part 1320 (1983), require that OMB approve certain information collection requirements imposed by agency rule. OMB has approved the information collection requirements of 18 CFR 260.3 (Form No. 11) and issued Control Number 1902-0032 for that section. The rule promulgated by Order No. 391 becomes effective on September 26, 1984. However, the changes to Form No. 11 will become effective with the filing due on March 12, 1985, reporting data for January 1985.

PART 389—[AMENDED]

Accordingly, Part 389, Chapter I, Title 18, Code of Federal Regulations is amended as set forth below.

1. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982).

§ 389.101 [Amended]

2. The table of OMB control numbers in § 389.101(b) is amended by inserting "260.3" in numerical order in the "section" column, and "0032" in the corresponding position in the "OMB control number" column.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25990 Filed 10-1-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regs. No. 4 and 16]

Federal Old-Age, Survivors, and Disability Insurance Benefits; Supplemental Security Income for the Aged, Blind, and Disabled; Reentitlement to Disability Benefits; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects amendatory language in the final regulations implementing section 303 of Pub. L. 96-265, published May 29, 1984 (49 FR 22268) concerning trial work and extended eligibility for disabled claimants under the social security or supplemental security income programs. This action is necessary to correct erroneous paragraph references in the amendatory statement describing changes to § 404.902. Only the amendatory statement was incorrect, the paragraphs were correctly identified in the regulatory text as (r), (s), and (t).

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7337.

In a **Federal Register** document, 84-14232, appearing in the **Federal Register** of May 29, 1984, pages 22268-75, amendatory item number 10 on page 22272, column one, is corrected to read as follows:

"10. Section 404.902 is amended by revising paragraphs (r) and (s) and adding a new paragraph (t) to read as follows. The introductory text of the section and paragraph (q) are reprinted for the convenience of the reader."

Dated: September 25, 1984.

Wallace O. Keene,
Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-26006 Filed 10-1-84; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N/0366]

Provisional Listing of FD&C Red No. 3 and of FD&C Yellow No. 5 in Cosmetics and Externally Applied Drugs and of Their Lakes in Food and Ingested Drugs; Provisional Listing of FD&C Yellow No. 6 For Use in Food, Drugs, and Cosmetics; Provisional Listing of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, and D&C Red No. 36 in Drugs and Cosmetics; Postponement of Closing Dates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing dates for the provisional listing of FD&C Red No. 3 and of FD&C Yellow No. 5 for use in coloring cosmetics and externally applied drugs and of the lakes of these color additives for use in coloring food and ingested drugs; of FD&C Yellow No. 6 for use in food, drugs, and cosmetics; and of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, and D&C Red No. 36 for use in drugs and cosmetics. The new closing date for the provisional listing of all of these color additives will be December 3, 1984. This postponement will provide additional time for the determination of the applicability of the statutory standard for the listing of color additives to the results of the scientific investigations of FD&C Red No. 3 FD&C Yellow No. 5 FD&C Yellow No.6, D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, and D&C Red No. 36.

DATES: Effective September 30, 1984, the new closing date for FD&C Red No. 3 and its lakes, FD&C Yellow No. 5 and its lakes, FD&C Yellow No. 6, D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, and D&C Red No. 36 will be December 3, 1984 .

FOR FURTHER INFORMATION CONTACT: Gerad McCowin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Adminstration, 200 C St. SW., Washington, DC 20204, 202-472-5676.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of October 2, 1984, for the provisional listing of FD&C Red No. 3 and of FD&C Yellow No. 5 for use in cosmetics and in externally applied drugs and for the provisional listing of the use of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5 in food and ingested drugs by a rule published in the **Federal Register** of August 2, 1984 (49 FR 30926).

Additionally, the agency established the current closing date of October 2, 1984, for the provisional listing of FD&C Yellow No. 6 for use in foods, drugs, and cosmetics and of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33 for use in drugs and cosmetics in that same **Federal Register** document. The agency had previously extended the closing dates for these color additives on several occasions. For a full procedural history of the provisional listing of these color additives, see 48 FR 45237 for FD&C Red No. 3, 48 FR 45760 for FD&C Yellow No. 5, 49 FR 13344 for FD&C Yellow No. 6, 48 FR 42807 for D&C Red No. 8, and D&C Red No. 9, and 48 FR 44773 for D&C Red No. 33.

FDA established the current closing date of September 30, 1984, for the provisional listing of the use of D&C Red No. 36 in drugs and cosmetics by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954).

FDA extended the closing dates for the provisional listing of each of these color additives and of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5 to permit the consideration of the scientific and legal aspects of the data concerning the safety of their provisionally listed uses. FDA expected that these closing dates would provide time for the preparation and publication of appropriate regulations in the **Federal Register** regarding the final decison on the petitions for the permanent listing of the aforementioned uses of these color additives and of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5.

The review of the data relevant to the provisionally listed uses of FD&C Red No. 3 and of FD&C Yellow No. 5 and their lakes, FD&C Yellow No. 6, D&C Red No. 8, D&C Red No. 9, D&C Red No. 33 has required more time than anticipated, however. Additional time is still needed to determine the applicability of the statutory standard for listing color additives to D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, and FD&C Yellow No. 6 as well as to FD&C Red No. 3 and FD&C Yellow No. 5 and their lakes.

Because D&C Red No. 36 presents similar issues, FDA also finds that administrative effeciency will be served if the closing date of D&C Red No. 36 is made to coincide with that of the other six color additives. Therefore, the regulations set forth below will postpone the September 30, 1984 closing date for D&C Red No. 36 and the October 2, 1984 closing date for the provisionally listed uses of the other color additives until December 3, 1984.

This postponement will provide additional time for the preparation and publication of the appropriate **Federal Register** documents setting forth the decision on the petitions for the permanent listing of FD&C Red No. 3 and FD&C Yellow No. 5 for use in coloring cosmetics and externally applied drugs and of the lakes of FD&C Red No. 3 and FD&C Yellow No. 5 for use in coloring food and ingested drugs; for the permanent listing of FD&C Yellow No. 6 for use in food, drugs, and cosmetics; and for the permanent listing of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, and D&C Red No. 36 for use in coloring drugs and cosmetics. The continued use of these color additives for the short time needed for a fully coordinated review of the data and for the preparation of the **Federal Register** documents will not pose a hazard to the public health.

Because of the short time until the September 30 and October 2, 1984 closing dates, FDA concludes that notice and public procedure on these amendments are impracticable, and that good cause exists for issuing this postponement as a final rule. This final rule will permit the uninterrupted use of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, D&C Red No. 36, and FD&C Yellow No. 6, as well as FD&C Red No. 3, and FD&C Yellow No. 5 and their lakes until December 3, 1984. To prevent any interruption in the provisional listing of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, D&C Red No. 36, and FD&C Yellow No. 6, as well as FD&C Red No. 3 and FD&C Yellow No. 5 and their lakes and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on September 30, 1984.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Food, Comestic, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives,* by revising the closing dates for "FD&C Yellow No. 5," "FD&C Yellow No. 6," and "FD&C Red No. 3" in paragraph (a) to read "December 3, 1984" and by revising the closing dates for "D&C Red No. 8," "D&C Red No. 9," "D&C Red No. 33," and "D&C Red No. 36" in paragraph (b) to read "December 3, 1984."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing,* by revising the closing dates for "FD&C Yellow No. 5," "FD&C Yellow No. 6," "FD&C Red No. 3," "D&C Red No. 8," "D&C Red No. 9," "D&C Red No. 33," and "D&C Red No. 36" in paragraph (d) to read "December 3, 1984" and by revising the closing dates for "FD&C Red No. 3" and "D&C Red No. 33" in paragraph (e) to read "December 3, 1984."

Effective date. This final rule is effective September 30, 1984.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note))

Dated: September 13, 1984.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-26184 Filed 9-28-84; 3:51 pm]

BILLING CODE 4160-01-M

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 for Use in Externally Applied Drugs and Cosmetics; Postponement of Closing Dates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 for use as color additives in externally applied drugs and cosmetics. The new closing date will be December 3, 1984. This postponement will provide additional time for determining the applicability of the statutory standard for the listing of noningested color additives to the results of the scientific investigations of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37.

DATES: Effective October 2, 1984, the new closing date for D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 will be December 3, 1984.

FOR FURTHER INFORMATION CONTACT: Gerad McCowin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5676.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of October 2, 1984, for the provisional listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 for use in externally applied drugs and cosmetics by a final rule published in the **Federal Register** of August 2, 1984 (49 FR 30925). The agency had previously extended the closing dates for these color additives on several occasions. For a full procedural history of the provisional listing of these color additives, see 48 FR 38814 for D&C Red No. 19, and D&C Red No. 37 and 48 FR 44774 for D&C Orange No 17.

FDA extended the closing date for the provisional listing of these color additives on these occasions to permit consideration of the scientific and legal aspects of the submissions of the petitioner, the Cosmetic, Toiletry and Fragrance Association, Inc., in support of the safety of the external uses of these color additives. Although D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 have been shown to be animal carcinogens upon ingestion, somewhat different questions are raised by the request to list these color additives for noningested use. It has taken more time to review the data involved in resolving these questions than the agency anticipated. Additional time is still needed to determine the applicability of the statutory standard for the listing of color additives for noningested use to D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37. The regulations set forth below will postpone the October 2, 1984 closing date for the provisionally listed use of these color additives until December 3, 1984. This postponement will also provide additional time for the preparation and the publication of **Federal Register** documents setting forth the final decision on the petitions for the permanent listing of these color additives for external use. The continued use of these color additives in externally applied products for the short time needed for the adequate review of the data and for the preparation of **Federal Register** documents that will announce the decision on these color additives will not pose a hazard to the public health.

Because of the short time until the October 2, 1984 closing date, FDA concludes that notice and public procedure on these amendments are impracticable, and that good cause exists for issuing the postponement as a final rule. This final rule will permit the uninterrupted use of these color additives until December 3, 1984. To prevent any interruption in the provisional listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 and in accordance with 5 U.S.C. 553(d) (1) and (3), this final rule is being made effective October 2, 1984.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives*, by revising the closing date for "D&C Orange No. 17," "D&C Red No. 19," and "D&C Red No. 37" in paragraph (b) to read "December 3, 1984."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing*, by revising the closing date for "D&C Orange No. 17," "D&C Red No. 19," and "D&C Red No. 37" in paragraph (d) to read "December 3, 1984."

Effective date. This final rule shall be effective October 2, 1984.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note))

Dated: September 13, 1984.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-26185 Filed 9-28-84; 3:51 pm]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Colloidal Ferric Oxide Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by Philips Roxane, Inc. The NADA provides for use of colloidal ferric oxide injection in baby pigs for preventing or treating iron deficiency anemia.

EFFECTIVE DATE: October 2, 1984.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, is sponsor of NADA 39-281 which provides for intramuscular use of an iron dextrin complex in baby pigs for preventing or treating iron deficiency anemia. The drug was approved by letter dated January 10, 1969.

Approvals at that time were not codified by publication in the **Federal Register.** This action codifies the previously approved NADA but does not change the approved use of the drug. Because the application was approved before July 1, 1975, the sponsor is not required to submit a summary of the safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii). However, a summary of the basis for approval is available upon request in accordance with 21 CFR 514.11(e)(2)(i).

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.940 by revising paragraphs (b) and (c) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.940 Colloidal ferric oxide injection.

* * * * *

(b)(1) *Sponsor.* See Nos. 010042 and 012481 in § 510.600(c) of this chapter.

(2) *Conditions of use.* It is used in baby pigs as follows:

(i) For the prevention of anemia due to iron deficiency, administer an initial intramuscular injection of 1 milliliter of the drug to each animal at any time between 2 to 5 days of age. Dosage may be repeated at 2 weeks of age.

(ii) For the treatment of anemia due to iron deficiency, administer an intramuscular injection of from 1 to 2 milliliters of the drug to each animal at any time between 5 to 28 days of age.

(c)(1) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(2) *Conditions of use.* It is used in baby pigs as follows:

(i) For prevention of iron deficiency anemia, administer an initial intramuscular injection of 1 milliliter of the drug per pig at 2 to 4 days of age. Dosage may be repeated at 14 to 21 days of age.

(ii) For treatment of iron deficiency anemia, administer an intramuscular injection of from 1 to 2 milliliters of the drug per pig.

Effective date: October 2, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 25, 1984.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 84-26018 Filed 10-1-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Iron Dextran Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Medico Industries, Inc., providing for safe and effective use of an iron dextran injection for prevention or treatment of baby pig anemia due to iron deficiency.

EFFECTIVE DATE: October 2, 1984.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Medico Industries, Inc., Elkan Estates, P.O. Box 338, Elwood, KS 66024, filed NADA 134-708 which provides for intramuscular use of an iron dextran injection for prevention or treatment of baby pig anemia due to iron deficiency. Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval. In addition, the regulation is revised editorially to reflect current format.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 522 is amended by revising § 522.1182 to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1182 Iron dextran complex injection.

(a)(1) *Specifications.* Each milliliter of sterile solution contains ferric hydroxide dextran complex equivalent to 100 milligrams of elemental iron. It contains 0.5 percent phenol as a preservative.

(2)(i) *Sponsor.* See No. 010271 in § 510.600(c) of this chapter.

(ii) *Conditions of use.* It is used in baby pigs as follows:

(*a*) For the prevention of anemia due to iron deficiency, administer an initial intramuscular injection of 75 to 150 milligrams of elemental iron to each animal at 2 to 4 days of age. Dosage may be repeated in 14 to 21 days.

(*b*) For the treatment of anemia due to iron deficiency, administer an intramuscular injection of 100 to 200 milligrams of elemental iron.

(3)(i) *Sponsor.* See No. 000856 in § 510.600(c) of this chapter.

(ii) *Conditions of use.* It is used in baby pigs as follows:

(*a*) For the prevention of anemia due to iron deficiency, administer an initial intramuscular injection of 100 milligrams of elemental iron to each animal at 2 to 4 days of age. Dosage may be repeated in 14 to 21 days.

(*b*) For the treatment of anemia due to iron deficiency, administer and intramuscular injection of 200 milligrams of elemental iron.

(4)(i) *Sponsor.* See Nos. 000845 and 012525 in § 510.600(c) of this chapter.

(ii) *Conditions of use.* It is used in baby pigs as follows:

(*a*) For the prevention of iron deficiency anemia, administer intramuscularly an amount of drug containing 100 to 150 milligrams of elemental iron to animals from 1 to 3 days of age.

(*b*) For the treatment of iron deficiency anemia, administer intramuscularly an amount of drug containing 100 to 200 milligrams of elemental iron per animal. Dosage may be repeated in 10 days to 2 weeks.

(b)(1) *Specifications.* Each milliliter of sterile solution contains ferric hydroxide in complex with dextran equivalent to 200 milligrams of elemental iron. It contains 0.5 percent phenol as a preservative.

(2)(i) *Sponsor.* See No. 015562 in § 510.600(c) of this chapter.

(ii) *Conditions of use.* It is used in baby pigs as follows:

(*a*) For prevention of baby pig anemia due to iron deficiency, intramuscularly inject 200 milligrams of elemental iron (1 milliliter) at 1 to 3 days of age.

(*b*) For treatment of baby pig anemia due to iron deficiency, intramuscularly inject 200 milligrams of elemental iron at the first sign of anemia.

Effective date. October 2, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 25, 1984.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 84-26019 Filed 10-1-84; 8:45 am]

BILLING CODE 4160-01-M

PEACE CORPS

22 CFR Part 305

Eligibility and Standards for Peace Corps Volunteer Service

AGENCY: Peace Corps.

ACTION: Final rule.

SUMMARY: The Peace Corps is adopting this final rule to restate and update the requirements for eligibility for Peace Corps Volunteer service, and the factors considered in the assessment and selection of eligible applicants for training and service. A notice of proposed rulemaking was issued in the Federal Register in Volume 49, Number 134 on July 11, 1984 beginning at page 28255. No comments were received from the public.

EFFECTIVE DATE: November 1, 1984.

FOR FURTHER INFORMATION CONTACT: Alexander B. Cook, General Counsel, Telephone: (202) 254–3114 (voice). TTY: Telephone (202) 254–3290. Long Distance—(800) 424–8580, Extension 242 (Voice Extension to TTY) or dial above TTY local number with area code.

SUPPLEMENTARY INFORMATION: This rule revises and updates rules concerning eligibility for Peace Corps Volunteer service which were last published in the Federal Register on March 28, 1969 and currently appear at 22 CFR Part 305.

Statement of Effects

The Peace Corps has determined that this document is not a major rule under Executive Order 12291, and certifies that this document will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

List of Subjects in 22 CFR Part 305

Aged, Citizenship and naturalization, Civil rights, Nondiscrimination, Equal employment opportunity, Foreign aid, Handicapped, Political affiliation, Discrimination, Volunteers.

Subchapter III of Title 22 of the Code of Federal Regulations is amended as follows:

Part 305 is revised to read as follows:

PART 305—ELIGIBILITY AND STANDARDS FOR PEACE CORPS VOLUNTEER SERVICE

Authority: Sec. 4(b), 5(a) and 22, 75 Stat 612, 22 USC 2504; E.O. 12137, May 16, 1979, Sec. 601 of the International Security and Development Cooperation Act of 1981, 95 Stat 1519 at 1540, Sec. 417(c)(1) of the Domestic Volunteer Service Act (42 U.S.C. 5057(c)(1)).

§ 305.1 Purpose and general guideline.

This subpart states the requirements for eligibility for Peace Corps Volunteer service and the factors considered in the assessment and selection of eligible applicants for training and service. In selecting individuals for Peace Corps Volunteer service under this subpart, as required by Section 5(a) of the Peace Corps Act, as amended, "no political test shall be required to be taken into consideration, nor shall there be any discrimination against any person on account of race, sex, creed, or color." Further, in accordance with Section 417(c)(1) of the Domestic Volunteer Service Act, as amended (42 U.S.C. 5057 (c)(1)) the nondiscrimination policies and authorities set forth in Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16), Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), are also applicable to the selection, placement, service and termination of Peace Corps Volunteers.

§ 305.2 Eligibility.

In addition to those skills, personal attributes and aptitudes required for available Volunteer assignments, the following are the basic requirements that an applicant must satisfy in order to receive an invitation to train for Peace Corps Volunteer service.

(a) *Citizenship.* The applicant must be a citizen of the United States or have made arrangements satisfactory to the Office of Marketing, Recruitment, Placement and Staging (MRPS) and the Office of General Counsel (D/GC) to be naturalized prior to taking the oath prescribed for enrollment as a Peace Corps Volunteer. (See Section 5[a] of the Peace Corps Act, as amended).

(b) *Age.* The applicant must be at least 18 years old.

(c) *Medical Status.* The applicant must, with reasonable accommodation, have the physical and mental capacity required of a Volunteer to perform the essential functions of the Peace Corps Volunteer assignment for which he or she is otherwise eligible, and be able to complete an agreed upon tour of service, ordinarily two years, without unreasonable disruption due to health problems. In determining what is a reasonable accommodation, the Peace Corps may take into account the adequacy of local medical facilities. In determining whether an accommodation would impose an undue hardship on the operation of the Peace Corps, factors to be considered include: (1) The overall size of the Peace Corps program with respect to the number of employees and/or Volunteers, size of budget, and size and composition of staff at post of assignment, (2) the nature and cost of the accommodation, and (3) the capacity of the host country agency to which the applicant would be assigned to provide any special accommodation necessary for the applicant to carry out the assignment.

(d) *Legal Status.* The applicant must not be on parole or probation to any court or have any court established or acknowledged financial or other legal obligation which, in the opinion of D/GC and MRPS, cannot be satisfied or postponed during the period of Peace Corps service.

(e) *Intelligence Background.* In accordance with longstanding Peace Corps policy, prior employment by any agency of the United States Government, civilian or military, or division of such an agency, whose exclusive or principle function is the performance of intelligence activities; or engaging in intelligence activities or related work may disqualify a person from eligibility for Peace Corps service. See Section 611 of the Peace Corps Manual.

(f) *Marital Status.* (1) Ordinarily, if an applicant is married or intends to marry prior to Peace Corps service, both husband and wife must apply and qualify for assignment at the same location. Exceptions to this rule will be considered by the Office of Volunteer Placement (MRPS/P) under the following conditions:

(2)(i) *Unaccompanied Married Applicant.* In order to qualify for consideration for Peace Corps service, a married applicant whose spouse does not wish to accompany him/her overseas must provide the Office of Placement (MRPS/P) with a notarized letter from the spouse acknowledging that he or she is aware of the applicant spouse's intention to serve as a Peace Corps Volunteer for two years or more and that any financial and legal obligations of the applicant to his or her spouse can be met during the period of Peace Corps service. In determining eligibility in such cases, MRPS/P will also consider whether the service of one spouse without the accompaniment of the other can reasonably be anticipated to disrupt the applicant spouse's service overseas.

(ii) In addition to satisfying the above requirements, a married applicant who is legally, or in fact, separated from his or her spouse, must provide MRPS/P with copies of any agreements or other documentation setting forth any legal and financial responsibilities which the parties have to one another during any period of separation.

(3) *Divorced Applicants.* Applicants who have been divorced must provide MRPS/P with copies of all legal documents related to the divorce.

(g) *Dependents.* Peace Corps has authority to provide benefits and allowances for the dependent children of Peace Corps Volunteers who are under the age of 18. However, applicants with dependent children under the age of 18 will not be considered eligible for Peace Corps service unless MRPS/P determines that the skills of the applicants are essential to meet the requirements of a Volunteer project, and that qualified applicants without minor dependents are not available to fill the assignment.

(1) *Procedures for Placing Volunteers with Children.* The placement of any couple with dependent children must have the concurrence of the appropriate Country and Regional Director.

(2) If the applicant has any dependents who will not accompany him or her overseas, the applicant must satisfy MRPS/P and the General Counsel that adequate arrangements have been made for the care and support of the dependent during any period of training and Peace Corps service; that such service will not adversely affect the relationship between the applicant and dependent in such a way as to disrupt his or her service; and that he or she is not using Peace Corps service to escape responsibility for the welfare of any dependents under the age of 18.

(3) Married couples with more than two children or with children who are below two years of age are not eligible for Peace Corps service except in extraordinary circumstances as approved by the Director of the Peace Corps or designee.

(h) *Military Service.* Applicants with military or national guard obligation must provide MRPS/P with a written statement from their commanding officer that their presence will not be required by their military unit for the duration of their Peace Corps service, except in case of national emergency.

(i) *Failure to Disclose Requested Information.* Failure to disclose, and/or the misrepresentation of material information requested by the Peace Corps regarding any of the above described standards of eligibility may be grounds for disqualification or separation from Peace Corps Volunteer service. (See Section 284 of the Peace Corps Manual.)

§ 305.3 Background investigations.

Section 22 of the Peace Corps Act states that to ensure enrollment of a Volunteer is consistent with the national interest, no applicant is eligible for Peace Corps Volunteer service without a background investigation. The Peace Corps requires that all applicants accepted for training have as a minimum a National Agency Check. Information revealed by the investigation may be grounds for disqualification from Peace Corps service.

§ 305.4 Selection standards.

To qualify for selection for overseas service as a Peace Corps Volunteer, applicants must demonstrate that they possess the following personal attributes:

(a) *Motivation.* A sincere desire to carry out the goals of Peace Corps service, and a commitment to serve a full term as a Volunteer.

(b) *Productive Competence.* The intelligence and educational background to meet the needs of the individual's assignment.

(c) *Emotional Maturity/Adaptability.* The maturity, flexibility, and self-sufficiency to adapt successfully to life in another culture, and to interact and communicate with other people regardless of cultural, social, and economic differences.

(d) *Skills.* By the end of training, in addition to the attributes mentioned above, a Trainee must demonstrate competence in the following areas:

(1) *Language.* The ability to communicate in the language of the country of service with the fluency required to meet the needs of the overseas assignment.

(2) *Technical competence.* Proficiency in the technical skills needed to carry out the assignment.

(3) *Knowledge.* Adequate knowledge of the culture and history of the country of assignment to ensure a successful adjustment to, and acceptance by, the host country society. The Trainee must also have an awareness of the history and government of the United States which qualifies the individual to represent the United States abroad.

(e) *Failure to Meet Standards.* Failure to meet any of the selection standards by the completion of training may be grounds for deselection and disqualification from Peace Corps service.

§ 305.5 Procedures.

Procedures for filing, investigating, and determining allegations of discrimination on the basis of race, color, national origin, religion, age, sex, handicap or political affiliation in the application of any provision of this Part are contained in MS 293 (45 CFR Part 1225).

Signed at Washington, D.C. on September 25, 1984.

Loret Miller Ruppe,

Director, Peace Corps.

[FR Doc. 84-25927 Filed 10-1-84; 8:45 am]

BILLING CODE 6051-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 625

[FHWA Docket Nos. 79-31, 79-37, and 83-26]

National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; Amendments to the Manual on Uniform Traffic Control Devices.

SUMMARY: This document contains notice of amendments to the Manual on Uniform Traffic Control Devices (MUTCD) which are being adopted by the Federal Highway Administrator for inclusion therein. The MUTCD is incorporated by reference in the design standards for Federal-aid highways in 23 CFR Part 625. It is also recognized in Part 655 as the national standard for traffic control devices on all public roads. The amendments affect various parts of the MUTCD and are intended to expedite traffic, improve safety and provide a more uniform application of highway signs, signals, and markings.

DATES: Effective December 31, 1984. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 1, 1984, and the amendments are approved as of December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Philip O. Russell, Office of Traffic Operations, (202) 426-0411, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0754, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($30.00).

This document contains the dispositions of proposals for changes in the MUTCD which were received or originated by the FHWA and published as a notice of proposed amendments on January 10, 1984, under FHWA Docket No. 83–26 (49 FR 1213). The FHWA had previously reviewed the proposed amendments and provided recommendations for their disposition in the notices. One item was published in a notice of proposed amendments, Docket No. 79–37, Notice 2 (47 FR 5238, February 4, 1982). One item was published in a notice of proposed amendments, Docket No. 79–31, Notice 2 (45 FR 68663, October 16, 1980).

Advance copies of the actual text of the changes to the MUTCD for all of these requests will be distributed to everyone currently appearing on the FHWA mailing list for MUTCD matters. Those wishing to be added to the mailing list and receive copies of the text changes should write to the Federal Highway Administration, Office of Traffic Operations, 400 Seventh Street, SW., Washington, D.C. 20590. Subscribers to the MUTCD will receive looseleaf text changes automatically from the Government Printing Office as part of the subscription service.

Discussion of Requests

These amendments are being processed in accordance with the rulemaking procedure of the Administrative Procedure Act (5 U.S.C. 553) and the Department of Transportation's regulatory policies and procedures.

Each request is assigned an identification number which indicates by Roman numeral, the primary organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received.

There were 285 responses to FHWA Docket No. 83–26. One proposal concerning a symbol sign for locating libraries received an unusually large number of supporting comments from libraries and library associations. Except for that proposal, which is being deferred pending further study, most of the remaining comments were from 2 technical associations, 22 State highway agencies, and 8 other Government entities.

After review of the comments received in response to the notices and other information relating to the MUTCD and these proposals, the FHWA is amending the MUTCD by adopting the following requests for changes:

Adopted From FHWA Interpretation

(1) Request I–2 (Intr.)—Definition of the Term Roadway

Adopted From Notice of Proposed Amendments FHWA Docket 79–37, Notice 2

(2) II–55 Request (Chng.)—Symbolic PUSH BUTTON FOR WALK SIGNAL Sign

Adopted From Notice of Proposed Amendments FHWA Docket 83–26

(3) Request (3)II–75 (Chng.)—Sign Requirements for Two-Way Left Turn Only Lanes
(4) Request IV–20 (Chng.)—Peak Hour Delay and Volume Warrant
(5) Request IV–42 (Chng.)—Traffic Signal Design Configuration
(6) Request IV–43 (Chng.)—Four Hour Warrant for Traffic Signals
(7) Request IV–20 (Chng.)—Delete Use of Hand Signaling Flags
(8) Request IV–23 (Chng.)—Color of Barricade Supports
(9) Request IV–25 (Chng.)—Use of 28-inch Cones
(10) Request IV–26 (Intr.)—Detour Signing
(11) Request IV–28 (Chng.)—Identification of Channelizing Devices.

Adopted From Final Rule FHWA Docket 79–31, Notice 4

(12) Request IV–30 (Chng.)—Two-Lane, Two-Way Operation on One Roadway of a Normally Divided Highway

The following summarizes each approved request and the comments received with respect thereto:

(1) Request I–2 (Intr.)—Definition of the Term Roadway

This addition to Section 1A–9 incorporates the Uniform Vehicle Code definition of "roadway" which was in the 1971 MUTCD.

This addition will impose no additional costs.

Adopted Amendment From Notice of Proposed Amendments FWHA Docket 79–37, Notice 2

(2) Request II–55 (Chng.)—Symbolic PUSH BUTTON FOR WALK SYMBOL Sign

This amendment to Section 2B–37 adopts a symbol sign to be used as an alternate to the standard MUTCD word message regulatory sign R10–4, PUSH BUTTON FOR WALK SIGNAL.

Of the 23 commenters 20 favored adoption of symbol sign, however, several suggested that the symbol initially proposed was not ideal. The National Committee on Uniform Traffic Control Devices (NCUTCD) Symbol Task Force has now selected a design from among those considered.

This change will not impose any additional cost on or mandate any direct action by highway agencies.

Adopted Amendments From Notice of Proposed Amendments FHWA Docket 83–26

(3) Request II–75 (Chng.)—Sign Requirements for Two Way Left Turn Only Lanes

This amendment revises Section 2B–19 and 3B–12 to relax the present mandatory requirements while maintaining adequate means to inform the public of two way left turn lane operations.

Of the 21 commenters only two opposed the change. The proposed change will allow all States to comply including those which prefer to place only the number of signs determined by an engineering study and those who wish to require signing in excess of the guide.

Some have expressed concern that the proposed text only addressed the possibility of snow accumulations as obscuring the pavement marking whereas other elements might just as well obscure the markings.

To mitigate the concerns relative to obscured pavement markings the approved text has been revised to be more general.

This proposed change would relax the present requirement of the MUTCD while maintaining adequate means to inform the public of two way left turn lanes.

(4) Request IV–20 (Chng.)—Peak Hour Delay and Volume Warrants

The MUTCD will be amended by adding the NCUTCD's recommended Peak Hour Delay and Peak Hour Volume Warrants. These new warrants would be referred to as Warrant 10 and Warrant 11, respectively.

There were 28 comments, 17 of which were in favor of the request. One of the 17 included the NCUTCD, a highly representative body. Seven commenters were opposed to the request. However, of these seven, four agreed in principle with Peak Hour Delay and Volume Warrants but raised various questions concerning various parameters of the warrant, and in one case, its placement in the MUTCD.

This amendment provides greater latitude in evaluating the need for a signal installation, but does not impose any additional costs.

(5) Request IV–42 (Chng.)—Traffic Signal Design Configurations

Sections 4B–8, 4B–10, 4B–11, and 4B–12 are being amended to reflect the research results of National Cooperative Highway Research Program (NCHRP) Project 3–23, Guidelines for Uniformity in Traffic Control Design Configurations. These amendments provide minor changes in applications of 8-inch and 12-inch lenses, visibility and shielding of signal faces, number of signal faces and location of signal faces. The amendments are designed to provide greater uniformity and improve the performance of traffic signals.

These changes will impose some additional costs on State and local transportation agencies. To minimize these costs the FHWA is providing a 10-year implementation period.

A number of commenters did have individual comments, but there were not any predominate comments that would indicate a need for a change except (a) the Milwaukee, Wisconsin comment that requested a time period of 10 years rather than the proposed five years for implementing the required changes and (b) the Arizona Department of Transportation comment relating to proposed Section 4B–8, paragraph 2, subparagraph 3(c). The subparagraph would require 12-inch lenses for special problem approaches, such as those with conflicting or competing backgrounds, unless back plates are used. Arizona indicates that the proposed subparagraph is vague, could be applied to any intersection and duplicates subparagraph 4. FHWA also concurs with the Arizona recommendation and is therefore deleting subparagraph 3(c).

The proposed rule provided for dimming of traffic signals and no adverse comments were received. However, FHWA is delaying finalization of this provision pending its completion of dimming research and the subsequent establishment of standards (by others) that will define under what conditions signals can safely be dimmed.

(6) Request IV–43 (Chng.)—Four Hour Warrant for Traffic Signals

This amendment to the MUTCD will incorporate the NCUTCD's recommended Four Hour Warrant. This Warrant will be labeled Warrant 9 and added to Section 4C–10.1 of the MUTCD. The warrant reflects the results of several research and operational studies with input from a number of represented practitioners on the NCUTCD.

There were 25 commenters of which 16, including the NCUTCD, were in favor of the request. Seven commenters were opposed to the request. However, of these seven, four agreed in principle with a four hour warrant, but raised various questions concerning various parameters of the proposed warrant, or in one case, its placement in the MUTCD.

FHWA is therefore amending the MUTCD to provide greater latitude in evaluating the need for a signal installation. The revision does not impose any additional costs.

(7) Request VI–20 (Chng.)—Delete Use of Hand Signaling Flags

The amendment to Sections 6F–2 and 6F–4 adopts the sign paddle as the primary hand signaling device to control traffic through work areas except in unusual situations. The use of hand signaling flags is limited to emergency and single flagger situations only.

Of the 25 commenters 20 were in favor of adopting sign paddles as the primary hand signaling device. Most of those opposed, agreed with the preference for sign paddle throughout the MUTCD, but believe the hand flag should be allowed as an acceptable alternate. Overall, 22 of the 25 commenters concluded that paddles were equal to or better than flags. One responder stated that flags should be allowed whenever traffic can be controlled by one person. The text has been revised to recognize the special problem presented by one person traffic control and editorial changes will be made to other sections of the MUTCD affected by VI–20.

This proposed change will impose some additional cost, but will provide motorists with more positive guidance at work sites. The implementation period of 3 years will reduce the impact on highway agencies, contractors, and utility companies.

(8) Request VI–23 (Chng.)—Color of Barricade Supports

The amendment to Section 6C–8 deletes the color requirements for barricade supports (the components other than the rails).

Only 2 of 23 commenters were opposed to this change. They felt that the white colored member did in fact increase target value. The MUTCD minimum area for barricade rails is based on completed research of which support members were not a factor.

The amendment will reduce the cost of some barricades without significantly reducing their visibility.

(9) Request VI–25 (Chng.)—Use of 28-Inch Cones

This amendment to Section 6C–3 adopts a minimum height of 28 inches for cones used on freeways and other high speed roadways, whenever more conspicuous guidance is needed and for all facilities during hours of darkness.

Only 4 of the 24 commenters opposed this change. Several commenters on both sides felt that the change should have defined the term "high speed."

This amendment encourages engineering discretion in determining when to use 28-inch cones and will not impose additional costs.

(10) Request VI–26 (Chng.)—Detour Signing

This amendment of Sections 6B–8 and 6B–9 adopts more flexibility in determining the types of projects and types of roadways where detour signing should be used.

Nineteen of the 22 responders favored this change. Those who opposed the change felt that the motorist is always entitled to information concerning how to drive around road closures.

This change allows more engineering discretion in determining those situations that need detour signing. This amendment will reduce highway agency costs.

(11) Request VI–28 (Chng.)—Identification of Channelizing Devices

Section 6C–8 is amended to allow owner identification on the face of nonreflectorized barricade members.

There were 23 responders to this request. Two of the 21 who favored the change and one of the persons who opposed the change were concerned that the identification could be used as advertising. One commenter strongly favored the change as a way to deter theft.

This proposed change would not impose any additional costs.

Adopted From Final Rule FHWA Docket 79–31, Notice 4

(12) Request VI–30 (Chng.)—Two-Lane, Two-Way Operation on One Roadway of a Normally Divided Highway

The final rule which became effective on July 1, 1982 (47 FR 21778, May 20, 1982) amended the regulation on the traffic control design requirements for two-lane, two-way traffic on one roadway of a normally divided highway in highway and street work zones. The regulation does not stipulate further traffic control design requirements in this situation, but recommends that two-way traffic in the detour area be physically separated by traffic control devices under normal conditions. The regulation placed the primary responsibility for determining the appropriate traffic control details for each project on the State and local highway agencies.

This amendment illustrates the amended provision in Figure 6-8 Typical the Manual on Uniform Traffic Control Devices as amended herein. Application—4-lane divided highway where one roadway is closed. Section 6C-1 is being revised to direct attention to this and other typical applications of channelizing devices.

This amendment imposes no additional costs.

Deferred Actions

Action on the following requests proposed in Docket No. 83-26 are being deferred pending availability of additional research or study data:

(1) Request II-1 (Chng.)—Specific Service Signs
(2) Request II-60 (Chng.)—Preferential Lane Signing and Marking
(3) Request II-65 (Chng.)—Service Signing for Liquefied Petroleum Gas
(4) Request II-67 (Chng.)—Delete/ Modify LIMITED SIGHT DISTANCE Sign
(5) Request II-76 (Chng.)—Supplemental Guide Signs for Traffic Generators Adjacent to Freeways
(6) Request II-77 (Chng.)—Guidelines for Selection of Control Cities
(7) Request II-78 (Chng.)—Library Symbol Sign
(8) Request II-83 (Chng.)—Memorial Signing for Highways
(9) Request II-84 (Chng.)—Trail Markers on Interstates
(10) Request II-85 (Chng.)—Delete Word Message Alternates to Symbols
(11) Request III-2 (Chng.)—Delineators on Tangent Freeways Not Required
(12) Request III-28 (Chng.)—Chevron Marker
(13) Request VI-24 (Chng.)—Minimum Lamp Candlepower of Arrow Panels

Denial Actions

Based on comments received from FHWA Docket 83-26, the FHWA has determined to deny the following request:

Request VI-21 (Chng.)—Minimum Mounting Height of Barricade Warning Lights

This proposal would have permitted the mounting of barricade lights in the top rail of barricades.

Information made available during rulemaking indicates that this proposal is not needed because manufacturers no longer produce barricades with lights in the rail. The FHWA is withdrawing further consideration of this request.

In consideration of the foregoing and under the authority of 23 U.S.C. 109(d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b), the Federal Highway Administration hereby adopts

The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant rule under the regulatory policies and procedures of the Department of Transportation. As stated herein the economic impact of these amendments is so minimal as not to require preparation of a full regulatory evaluation. For the same reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 23 CFR Part 625

Design standards, Grant programs—transportation, Highway and roads, Signs, Traffic regulations, Incorporations by reference.

PART 625—DESIGN STANDARDS FOR HIGHWAYS

The FHWA revises § 625.3(c)(1) to read as follows:

§ 625.3 Standards, specifications, policies, guides, and references.

* * * * *

(c) *Traffic Control.* (1) Manual on Uniform Traffic Control Devices for Streets and Highways, FHWA, 1978, as amended, 1985.[5]

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(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 and former OMB Circular A-95 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued: September 26, 1984.

L.P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 84-26021 Filed 10-1-84; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 251

[Docket No. R-84-1138; FR-1198]

Coinsurance for the Construction or Substantial Rehabilitation of Multifamily Housing Projects; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published in the **Federal Register** on Thursday, August 9, 1984 (49 FR 32016) which adds a new Part 251 to the Code of Federal Regulations. This action is necessary to correct an inadvertent minor error.

FOR FURTHER INFORMATION CONTACT: Ben McKeever, Regulations Division, Office of General Counsel, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-7055. (This is not a toll-free telephone number.)

Accordingly, the Department is correcting 24 CFR Part 251, as published at 49 FR 32016, as follows:

§ 251.703 [Corrected]

On page 32034, column two, § 251.703, paragraph (a), "(a) For any units receiving section 8 assistance, until rents and charges for facilities and services must" is corrected to read "(a) To the extent that units in a project are occupied by assisted tenants and are subject to a section 8 Housing Assistance Payments Contract under Part 880, Part 881, Part 883, or Part 886, the unit rents and charges for facilities and services shall".

Dated: September 27, 1984.

Donald A. Franck,

Acting Assistant General Counsel for Regulations.

[FR Doc. 84-26037 Filed 10-1-84; 8:45 am]

BILLING CODE 4210-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 30

[OA-FRL-2677-7]

General Regulation for Assistance Programs; Corrections

AGENCY: Environmental Protection Agency.

ACTION: Final Rule; corrections.