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# Presidential Documents

Title 3—

The President

Proclamation 5198 of May 23, 1984

## Galway's Quincentennial Year, 1984

By the President of the United States of America

A Proclamation

Many Americans trace their heritage directly to Ireland. All Americans have benefitted greatly from the distinctive Irish cultural contribution, plus the creativity and enduring effort of Irish people from colonial days to the present.

Many Americans have a special affection for a city on Ireland's western shore, Galway, which this year celebrates its Quincentennial as a mayoral city. For many Americans, the song "Galway Bay" has a special place in their hearts. Even those not of Irish extraction are aware that this song encapsulates a bit of the history of Ireland and its proud culture, and serves as a reminder of what separation from a beloved land meant to many Irish emigrants in the United States.

The area of Galway has been inhabited since the thirteenth century. A Franciscan monastic centre was established in 1291 and served as a focus for scholarship and religious activities. The town grew in prominence, and its chief officer was granted the rank of Mayor in 1484. Historically, Galway's relative geographical isolation from the central seat of English power fostered a spirit of independence, which it has nurtured to this day. Galway's importance as an international trading center gave medieval Galway a cosmopolitan flavor, perhaps unique in Ireland. Tradition has it that Christopher Columbus and many other explorers visited Galway on one of their voyages.

Medieval Galway developed into a de facto city-state, ruled by a merchant oligarchy, the famous "tribes." Galway's history is a rich one involving trading and cultural contributions from many nations and the more direct impact of the Normans and the English. Pre-Cromwellian Galway became an imporant seat of learning, boasting the famous free school founded by the Lynch family. This was swept away in the havoc caused by Cromwell's forces in 1652 and marked the end of Galway's Golden Age.

The Williamite wars, brought to an end by the Treaty of Limerick in 1691, added further to the decline of the city. The greatest calamity of all to befall the city was the great famine of 1846–47, which seemed to mark the end and to relegate the city to the level of country town. The Seaport, which had once rung with the laughter of many tongues in better days, now echoed with the wails of country- and city-folk alike as they left the city for the last time on board the dreaded coffin ships headed for North America.

The darkness of the nineteenth century gave way to a century bright with prospects for the city of Galway. The new Irish state encouraged Galway's growth as a university city and industrial center, and once again the city began to expand and develop. Today, Galway is a modern and thriving city, a center of culture, learning and industry. The "city of the tribes," which has given so much to Irish culture and history, rightly enjoys the admiration of all who have a special affection for Ireland.

NOW, THERFORE, I, RONALD REAGAN, President of the United States of America, do hereby recognize Galway's Quincentennial Year, 1984. I call upon the people of the United States to join in celebrating and honoring Galway's Quincentennial with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 84-14286
Filed 5-23-84; 4:21 pm]
Billing code 3195-01-M

# Presidential Documents

Executive Order 12477 of May 23, 1984

## Adjustments of Certain Rates of Pay

By the authority vested in me as President by the Constitution and laws of the United States of America, and in accordance with section 202 of the Omnibus Budget Reconciliation Act of 1983, it is hereby ordered as follows:

**Section 1.** Executive Order No. 12456 of December 30, 1983, is amended by replacing the schedules attached thereto with the corresponding new schedules attached hereto.

**Sec. 2.** The adjustments of rates of pay made by section 1 of this Order are effective on the first day of the first applicable pay period beginning on or after January 1, 1984.

Ronald Reagan

THE WHITE HOUSE,
*May 23, 1984.*

Billing code 3195-01-M

Schedule 1 - THE GENERAL SCHEDULE

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|---|
| GS-1 | $9,023 | $9,324 | $9,624 | $9,924 | $10,224 | $10,400 | $10,697 | $10,995 | $11,008 | $11,283 |
| 2 | 10,146 | 10,386 | 10,722 | 11,008 | 11,129 | 11,456 | 11,783 | 12,110 | 12,437 | 12,764 |
| 3 | 11,070 | 11,439 | 11,808 | 12,177 | 12,546 | 12,915 | 13,284 | 13,653 | 14,022 | 14,391 |
| 4 | 12,427 | 12,841 | 13,255 | 13,669 | 14,083 | 14,497 | 14,911 | 15,325 | 15,739 | 16,153 |
| 5 | 13,903 | 14,366 | 14,829 | 15,292 | 15,755 | 16,218 | 16,681 | 17,144 | 17,607 | 18,070 |
| 6 | 15,497 | 16,014 | 16,531 | 17,048 | 17,565 | 18,082 | 18,599 | 19,116 | 19,633 | 20,150 |
| 7 | 17,221 | 17,795 | 18,369 | 18,943 | 19,517 | 20,091 | 20,665 | 21,239 | 21,813 | 22,387 |
| 8 | 19,073 | 19,709 | 20,345 | 20,981 | 21,617 | 22,253 | 22,889 | 23,525 | 24,161 | 24,797 |
| 9 | 21,066 | 21,768 | 22,470 | 23,172 | 23,874 | 24,576 | 25,278 | 25,980 | 26,682 | 27,384 |
| 10 | 23,199 | 23,972 | 24,745 | 25,518 | 26,291 | 27,064 | 27,837 | 28,610 | 29,383 | 30,156 |
| 11 | 25,489 | 26,339 | 27,189 | 28,039 | 28,889 | 29,739 | 30,589 | 31,439 | 32,289 | 33,139 |
| 12 | 30,549 | 31,567 | 32,585 | 33,603 | 34,621 | 35,639 | 36,657 | 37,675 | 38,693 | 39,711 |
| 13 | 36,327 | 37,538 | 38,749 | 39,960 | 41,171 | 42,382 | 43,593 | 44,804 | 46,015 | 47,226 |
| 14 | 42,928 | 44,359 | 45,790 | 47,221 | 48,652 | 50,083 | 51,514 | 52,945 | 54,376 | 55,807 |
| 15 | 50,495 | 52,178 | 53,861 | 55,544 | 57,227 | 58,910 | 60,593 | 62,276 | 63,959 | 65,642 |
| 16 | 59,223 | 61,197 | 63,171 | 65,145 | 67,119* | 69,093* | 71,067* | 73,041* | 75,015* | |
| 17 | 69,376* | 71,689* | 74,002* | 76,315* | 78,628* | | | | | |
| 18 | 81,311* | | | | | | | | | |

* The rate of basic pay payable to employees at these rates is limited to the rate payable for level V of the Executive Schedule, which is $66,400.

Schedule 2 - THE FOREIGN SERVICE SCHEDULE

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|
| Class 1 | $50,495 | $52,010 | $53,570 | $55,177 | $56,833 | $58,538 | $60,294 |
| 2 | 40,916 | 42,143 | 43,408 | 44,710 | 46,051 | 47,433 | 48,856 |
| 3 | 33,154 | 34,149 | 35,173 | 36,228 | 37,315 | 38,435 | 39,588 |
| 4 | 26,864 | 27,670 | 28,500 | 29,355 | 30,236 | 31,143 | 32,077 |
| 5 | 21,768 | 22,421 | 23,094 | 23,786 | 24,500 | 25,235 | 25,992 |
| 6 | 19,460 | 20,044 | 20,645 | 21,264 | 21,902 | 22,559 | 23,236 |
| 7 | 17,397 | 17,919 | 18,456 | 19,010 | 19,580 | 20,168 | 20,773 |
| 8 | 15,552 | 16,019 | 16,499 | 16,994 | 17,504 | 18,029 | 18,570 |
| 9 | 13,903 | 14,320 | 14,750 | 15,192 | 15,648 | 16,117 | 16,601 |

| | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|
| Class 1 | $62,102 | $63,966 | $65,642 | $65,642 | $65,642 | $65,642 | $65,642 |
| 2 | 50,322 | 51,831 | 53,386 | 54,988 | 56,637 | 58,336 | 60,087 |
| 3 | 40,775 | 41,998 | 43,258 | 44,556 | 45,893 | 47,270 | 48,688 |
| 4 | 33,039 | 34,031 | 35,051 | 36,103 | 37,186 | 38,302 | 39,451 |
| 5 | 26,772 | 27,575 | 28,402 | 29,254 | 30,132 | 31,036 | 31,967 |
| 6 | 23,933 | 24,651 | 25,391 | 26,153 | 26,937 | 27,745 | 28,578 |
| 7 | 21,396 | 22,038 | 22,699 | 23,380 | 24,082 | 24,804 | 25,548 |
| 8 | 19,127 | 19,701 | 20,292 | 20,901 | 21,528 | 22,173 | 22,839 |
| 9 | 17,099 | 17,612 | 18,140 | 18,684 | 19,245 | 19,822 | 20,417 |

Schedule 3 - DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS ADMINISTRATION

| | Minimum | Maximum |
|---|---|---|
| **Sec. 4103 Schedule:** | | |
| Chief Medical Director | (Single rate) | $91,183 1/ |
| Deputy Chief Medical Director | (Single rate) | 87,470 2/ |
| Associate Deputy Chief Medical Director | (Single rate) | 83,780 3/ |
| Assistant Chief Medical Director | (Single rate) | 81,311 3/ |
| Medical Director | $69,376 3/ | 78,628 3/ |
| Director of Nursing Service | 69,376 3/ | 78,628 3/ |
| Director of Podiatric Service | 59,223 | 75,015 3/ |
| Director of Chaplain Service | 59,223 | 75,015 3/ |
| Director of Pharmacy Service | 59,223 | 75,015 3/ |
| Director of Dietetic Service | 59,223 | 75,015 3/ |
| Director of Optometric Service | 59,223 | 75,015 3/ |
| **Physician and Dentist Schedule:** | | |
| Director grade | $59,223 | $75,015 3/ |
| Executive grade | 54,685 | 71,092 3/ |
| Chief grade | 50,495 | 65,642 |
| Senior grade | 42,928 | 55,807 |
| Intermediate grade | 36,327 | 47,226 |
| Full grade | 30,549 | 39,711 |
| Associate grade | 25,489 | 33,139 |

1/ Notwithstanding the rate shown, the maximum rate payable at this level may not exceed $71,100, which is the rate payable for level III of the Executive Schedule.

2/ Notwithstanding the rate shown, the maximum rate payable at this level may not exceed $69,900, which is the rate payable for level IV of the Executive Schedule.

3/ Notwithstanding the rates shown, the maximum rate payable at these levels may not exceed $66,400, which is the rate payable for level V of the Executive Schedule.

Schedule 3 - DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS ADMINISTRATION (continued)

| | Minimum | Maximum |
|---|---|---|
| Nurse Schedule: | | |
| Director grade | $50,495 | $65,642 |
| Assistant Director grade | 42,928 | 55,807 |
| Chief grade | 36,327 | 47,226 |
| Senior grade | 30,549 | 39,711 |
| Intermediate grade | 25,489 | 33,139 |
| Full grade | 21,066 | 27,384 |
| Associate grade | 18,129 | 23,565 |
| Junior grade | 15,497 | 20,150 |
| Clinical podiatrist and optometrist schedule: | | |
| Chief grade | $50,495 | $65,642 |
| Senior grade | 42,928 | 55,807 |
| Intermediate grade | 36,327 | 47,226 |
| Full grade | 30,549 | 39,711 |
| Associate grade | 25,489 | 33,139 |

Schedule 4 - SENIOR EXECUTIVE SERVICE SCHEDULE

| | |
|---|---|
| ES-1 | $59,223 |
| ES-2 | 61,615 |
| ES-3 | 64,008 |
| ES-4 | 66,400 |
| ES-5 | 68,150 |
| ES-6 | 69,900 |

Schedule 5 - PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
Part 1 - Monthly Basic Pay
(Years of service computed under 37 U.S.C. 205)

| Pay Grade | Commissioned Officers | | | | | | |
|---|---|---|---|---|---|---|---|
| | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 |
| 0-10 1/...... | $4874.40 | $5046.00 | $5046.00 | $5046.00 | $5046.00 | $5239.50 | $5239.50 |
| 0-9.......... | 4320.30 | 4433.40 | 4527.60 | 4527.60 | 4527.60 | 4642.80 | 4642.80 |
| 0-8.......... | 3912.90 | 4030.20 | 4125.90 | 4125.90 | 4125.90 | 4433.40 | 4433.40 |
| 0-7.......... | 3251.40 | 3472.50 | 3472.50 | 3472.50 | 3627.90 | 3627.90 | 3838.50 |
| 0-6.......... | 2409.90 | 2647.80 | 2821.20 | 2821.20 | 2821.20 | 2821.20 | 2821.20 |
| 0-5.......... | 1927.50 | 2263.50 | 2419.50 | 2419.50 | 2419.50 | 2419.50 | 2493.30 |
| 0-4.......... | 1624.50 | 1978.20 | 2110.50 | 2110.50 | 2149.20 | 2244.60 | 2397.30 |
| 0-3 2/....... | 1509.90 | 1687.80 | 1804.20 | 1996.50 | 2091.90 | 2167.50 | 2284.20 |
| 0-2 2/....... | 1316.40 | 1437.60 | 1727.10 | 1785.30 | 1822.80 | 1822.80 | 1822.80 |
| 0-1 2/....... | 1143.00 | 1189.80 | 1437.60 | 1437.60 | 1437.60 | 1437.60 | 1437.60 |

| Pay Grade | Commissioned Officers | | | | | | |
|---|---|---|---|---|---|---|---|
| | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| 0-10 1/...... | $5640.60* | $5640.60* | $6044.10* | $6044.10* | $6448.50* | $6448.50* | $6850.80* |
| 0-9.......... | 4836.00 | 4836.00 | 5239.50 | 5239.50 | 5640.60* | 5640.60* | 6044.10* |
| 0-8.......... | 4642.80 | 4642.80 | 4836.00 | 5046.00 | 5239.50 | 5449.50 | 5449.50 |
| 0-7.......... | 3838.50 | 4030.20 | 4433.40 | 4737.90 | 4737.90 | 4737.90 | 4737.90 |
| 0-6.......... | 2821.20 | 2916.90 | 3378.30 | 3551.10 | 3627.90 | 3838.50 | 4163.10 |
| 0-5.......... | 2627.10 | 2802.90 | 3012.60 | 3185.70 | 3282.00 | 3396.60 | 3396.60 |
| 0-4.......... | 2532.30 | 2647.80 | 2763.90 | 2840.40 | 2840.40 | 2840.40 | 2840.40 |
| 0-3 2/....... | 2397.30 | 2456.40 | 2456.40 | 2456.40 | 2456.40 | 2456.40 | 2456.40 |
| 0-2 2/....... | 1822.80 | 1822.80 | 1822.80 | 1822.80 | 1822.80 | 1822.80 | 1822.80 |
| 0-1 2/....... | 1437.60 | 1437.60 | 1437.60 | 1437.60 | 1437.60 | 1437.60 | 1437.60 |

* Basic pay is limited to the rate of basic pay payable for level V of the Executive Schedule, which is $5,533.20 per month.

1/ While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $7,558.80* regardless of cumulative years of service computed under sec. 205 of title 37 of the United States Code.

2/ Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members and/or as warrant officers.

(Years of service computed under 37 U.S.C. 205)

| Pay Grade | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | | |
|---|---|---|---|---|---|---|---|
| Commissioned officers who have been credited with over 4 years active duty as an enlisted member and/or as a warrant officer: | | | | | | | |
| O-3.......... | $1996.50 | $2091.90 | $2167.50 | $2284.20 | $2397.30 | | |
| O-2.......... | 1785.30 | 1822.80 | 1880.40 | 1978.20 | 2053.80 | | |
| O-1.......... | 1437.60 | 1535.70 | 1592.40 | 1650.00 | 1707.30 | | |
| | **Over 14** | **Over 16** | **Over 18** | **Over 20** | **Over 22** | **Over 26** | |
| O-3.......... | $2493.30 | $2493.30 | $2493.30 | $2493.30 | $2493.30 | $2493.30 | |
| O-2.......... | 2110.50 | 2110.50 | 2110.50 | 2110.50 | 2110.50 | 2110.50 | |
| O-1.......... | 1785.30 | 1785.30 | 1785.30 | 1785.30 | 1785.30 | 1785.30 | |
| | **2 or less** | **Over 2** | **Over 3** | **Over 4** | **Over 6** | **Over 8** | **Over 10** |
| Warrant Officers: | | | | | | | |
| W-4.......... | $1538.10 | $1650.00 | $1650.00 | $1687.80 | $1764.60 | $1842.30 | $1919.70 |
| W-3.......... | 1398.00 | 1516.50 | 1516.50 | 1535.70 | 1554.00 | 1667.70 | 1764.60 |
| W-2.......... | 1224.60 | 1324.50 | 1324.50 | 1363.20 | 1437.60 | 1516.50 | 1573.80 |
| W-1.......... | 1020.30 | 1169.70 | 1169.70 | 1267.20 | 1324.50 | 1381.50 | 1437.60 |
| | **Over 12** | **Over 14** | **Over 16** | **Over 18** | **Over 20** | **Over 22** | **Over 26** |
| W-4.......... | $2053.80 | $2149.20 | $2224.80 | $2284.20 | $2358.30 | $2437.20 | $2627.10 |
| W-3.......... | 1822.80 | 1880.40 | 1936.80 | 1996.50 | 2073.90 | 2149.20 | 2224.80 |
| W-2.......... | 1631.40 | 1687.80 | 1746.90 | 1804.20 | 1861.50 | 1936.80 | 1936.80 |
| W-1.......... | 1497.30 | 1554.00 | 1611.30 | 1667.70 | 1727.10 | 1727.10 | 1727.10 |

(Years of service computed under 3 U.S.C. 205)

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 |
|---|---|---|---|---|---|---|---|
| Enlisted members: | | | | | | | |
| E-9 1/....... | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $1788.90 |
| E-8.......... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1500.60 | 1543.20 |
| E-7.......... | 1047.60 | 1130.70 | 1173.00 | 1213.80 | 1255.50 | 1295.10 | 1336.80 |
| E-6.......... | 901.20 | 982.50 | 1023.60 | 1067.10 | 1106.40 | 1146.90 | 1188.90 |
| E-5.......... | 791.10 | 861.00 | 902.70 | 942.00 | 1003.80 | 1044.60 | 1086.30 |
| E-4.......... | 738.00 | 779.10 | 824.70 | 888.90 | 924.00 | 924.00 | 924.00 |
| E-3.......... | 695.10 | 732.90 | 762.60 | 792.90 | 792.90 | 792.90 | 792.90 |
| E-2.......... | 668.70 | 668.70 | 668.70 | 668.70 | 668.70 | 668.70 | 668.70 |
| E-1>4 2/..... | 596.40 | 596.40 | 596.40 | 596.40 | 596.40 | 596.40 | 596.40 |
| E-1<4 3/..... | 573.60 | 573.60 | 573.60 | 573.60 | 573.60 | 573.60 | 573.60 |

| | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
|---|---|---|---|---|---|---|---|
| E-9 1/....... | $1829.70 | 1871.10 | 1914.00 | 1956.60 | 1994.70 | 2099.70 | 2303.70 |
| E-8.......... | 1583.70 | 1625.10 | 1668.00 | 1706.40 | 1748.40 | 1851.00 | 2057.70 |
| E-7.......... | 1378.20 | 1440.60 | 1481.40 | 1523.10 | 1542.90 | 1646.40 | 1851.00 |
| E-6.......... | 1250.10 | 1289.40 | 1331.10 | 1351.20 | 1351.20 | 1351.20 | 1351.20 |
| E-5.......... | 1126.20 | 1146.90 | 1146.90 | 1146.90 | 1146.90 | 1146.90 | 1146.90 |
| E-4.......... | 924.00 | 924.00 | 924.00 | 924.00 | 924.00 | 924.00 | 924.00 |
| E-3.......... | 792.90 | 792.90 | 792.90 | 792.90 | 792.90 | 792.90 | 792.90 |
| E-2.......... | 668.70 | 668.70 | 668.70 | 668.70 | 668.70 | 668.70 | 668.70 |
| E-1>4 2/..... | 596.40 | 596.40 | 596.40 | 596.40 | 596.40 | 596.40 | 596.40 |
| E-1<4 3/..... | 573.60 | 573.60 | 573.60 | 573.60 | 573.60 | 573.60 | 573.60 |

1/ While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $2,800.20 regardless of cumulative years of service computed under Sec. 205 of title 37 of the United States Code.

2/ Applies to personnel who have served 4 months or more on active duty.

3/ Applies to personnel who have served less than 4 months on active duty.

Part II -- Basic Allowance for Subsistence Rates

| | | |
|---|---|---|
| Officers (per month)......................... | $102.10 | |
| Enlisted Members (per day): | | |
| | E-1 (less than 4 months) 1/ | All Other Enlisted |
| When on leave or authorized to mess separately:......................... | $4.68 | $4.87 |
| When rations in-kind are not available:................................. | $5.29 | $5.50 |
| When assigned to duty under emergency conditions where no messing facilities of the United States are available:.............................. | $7.00 | $7.28 |

1/ Applies to personnel who have served less than 4 months on active duty.

Part III - Monthly
Basic Allowance For Quarters Rates

| Pay grade | Without dependents: Full rate 1/ | Without dependents: Partial rate 2/ | With dependents |
|---|---|---|---|
| Commissioned officers: | | | |
| 0-10 | $528.90 | $50.70 | $661.80 |
| 0-9 | 528.90 | 50.70 | 661.80 |
| 0-8 | 528.90 | 50.70 | 661.80 |
| 0-7 | 528.90 | 50.70 | 661.80 |
| 0-6 | 474.90 | 39.60 | 579.00 |
| 0-5 | 437.70 | 33.00 | 527.10 |
| 0-4 | 389.70 | 26.70 | 470.10 |
| 0-3 | 342.60 | 22.20 | 422.70 |
| 0-2 | 297.60 | 17.70 | 376.20 |
| 0-1 | 232.50 | 13.20 | 302.40 |
| Warrant officers: | | | |
| W-4 | $375.30 | $25.20 | $453.30 |
| W-3 | 334.80 | 20.70 | 412.80 |
| W-2 | 291.00 | 15.90 | 370.80 |
| W-1 | 262.80 | 13.80 | 340.50 |
| Enlisted members: | | | |
| E-9 | $283.20 | $18.60 | $398.70 |
| E-8 | 261.00 | 15.30 | 368.10 |
| E-7 | 222.00 | 12.00 | 342.60 |
| E-6 | 201.90 | 9.90 | 315.30 |
| E-5 | 194.10 | 8.70 | 289.80 |
| E-4 | 171.00 | 8.10 | 254.70 |
| E-3 | 153.00 | 7.80 | 222.00 |
| E-2 | 135.00 | 7.20 | 222.00 |
| E-1>4 3/ | 127.50 | 6.90 | 222.00 |
| E-1<4 4/ | 122.70 | 6.90 | 213.60 |

1/ Payment of the full rate of basic allowance for quarters at these rates to members of the uniformed services without dependents is authorized by 37 U.S.C. and part IV of Executive Order 11157, as amended.

2/ Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(d) and part IV of Executive Order 11157, as amended.

3/ Applies to personnel who have served 4 months or more on active duty.

4/ Applies to personnel who have served less than 4 months on active duty.

## Schedule 6 - VICE PRESIDENT AND THE EXECUTIVE SCHEDULE

| | |
|---|---|
| Vice President | $94,600 |
| Level I | 83,300 |
| Level II | 72,600 |
| Level III | 71,100 |
| Level IV | 69,900 |
| Level V | 66,400 |

## Schedule 7 - CONGRESSIONAL SALARIES

| | |
|---|---|
| Senator | $72,600 |
| Member of the House of Representatives | 72,600 |
| Delegate to the House of Representatives | 72,600 |
| Resident Commissioner from Puerto Rico | 72,600 |
| President pro tempore of the Senate | 82,100 |
| Majority leader and minority leader of the Senate | 82,100 |
| Majority leader and minority leader of the House of Representatives | 82,100 |
| Speaker of the House of Representatives | 94,600 |

## Schedule 8 - JUDICIAL SALARIES

| | |
|---|---|
| Chief Justice of the United States | $100,700* |
| Associate Justices of the Supreme Court | 96,700* |
| Circuit Judges | 77,300* |
| District Judges | 73,100* |
| Judges of the Court of International Trade | 73,100* |
| Judges of the United States Claims Court | 67,800 |
| Referees in Bankruptcy (full-time) or Bankruptcy Judges | 66,100 |
| Referees in Bankruptcy (part-time) (maximum rate) | 33,100 |

*Under section 140 of Public Law 97-92 (95 Stat. 1200), salaries for Federal judges and Justices of the Supreme Court are not increased.

[FR Doc. 84-14287
Filed 5-23-84; 4:22 pm]
Billing code 6325-01-C

# Presidential Documents

Executive Order 12478 of May 23, 1984

## Transfer of Authority to the Secretary of State To Make Reimbursements for Protection of Foreign Missions to International Organizations

By authority vested in me as President by the Constitution and statutes of the United States of America, and in accordance with the provisions of the Act of December 31, 1975, Public Law 94–196 (89 Stat. 1109), codified as sections 202(7) and 208(a) of Title 3, United States Code, as amended, it is hereby ordered as follows:

**Section 1.** There is transferred to the Secretary of State authority to determine the need for and to approve terms and conditions of the provision of reimbursable extraordinary protective activities for foreign diplomatic missions pursuant to section 202(7), and the authority to make reimbursements to State and local governments for services, personnel, equipment, and facilities pursuant to section 208(a) of Title 3, United States Code;

**Sec. 2.** There are transferred to the Secretary of State such unexpended moneys as may have been appropriated to the Department of the Treasury for the purpose of permitting reimbursements to be made under the provisions of section 208(a) of Title 3, United States Code;

**Sec. 3.** The authority transferred pursuant to this Order shall be exercised in coordination with protective security programs administered by the Secretary of State under the Foreign Missions Act of 1982; authority available under that Act may also be applied to any foreign mission to which section 202(7) applies; and

**Sec. 4.** This Order shall be effective on October 1, 1984.

Ronald Reagan

THE WHITE HOUSE,
*May 23, 1984.*

[FR Doc. 84–14288
Filed 5–23–84; 4:23 pm]
Billing code 3195–01–M

# Rules and Regulations

Federal Register
Vol. 49, No. 103
Friday, May 25, 1984



## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

### 7 CFR Parts 271, 278, and 279

[Amdt. No. 236]

### Food Stamp Program; Authorizing House-to-House Trade Routes, and Tougher Penalties for Firms Which Break the Rules

**AGENCY:** Food Nutrition Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This Food Stamp Program rule makes final an interim rule which establishes stricter guidelines for the authorization of house-to-house trade routes for participation in the Food Stamp Program, and tougher penalties for authorized firms which are sanctioned for violating program regulations. This rule is based on provisions of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97–253), and is designed to help control program losses through changes in the treatment of program violators and a closer monitoring of firms authorized for participation. Interim authorization criteria for house-to-house trade routes, and criteria for tougher penalties were published interim and became effective on December 17, 1982. Comments were solicited on the interim procedures, and this final action addresses significant issues raised by the commenters.

**EFFECTIVE DATE:** a. The following paragraphs are effective June 25, 1984 in § 271.2, the definition for "House-to-house trade route"; in § 278.1, paragraph (h); in § 278.6, paragraph (a), introductory paragraphs of (e) and paragraphs (e)(1), (e)(1)(i), (e)(2)(iii), (e)(2)(iv), (e)(3)(ii), (e)(4), and (g)(3); in § 278.8, paragraph (a), (b) and (c); in § 279.5, paragraph (a) and introductory text of (c); in § 279.6, paragraph (b); and in § 279.7, paragraph (a).

b. All other paragraphs are effective retroactive to December 17, 1982, the effective date of the interim rules published on that date at 47 FR 56469.

**FOR FURTHER INFORMATION CONTACT:** Thomas O'Connor, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756–3461.

**SUPPLEMENTARY INFORMATION:**

### Classification

*Executive Order 12291.* The Department has reviewed this rule under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The rule will affect the economy by less than $100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has classified the rule as "not major".

*Regulatory Flexibility Act.* This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96–354. Robert E. Leard, Administrator of the Food and Nutrition Service (FNS), has certified that this action will not have a significant economic impact on a substantial number of small entities.

*Recordkeeping Requirements.* This rule contains no reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

### Amendments and Analysis

On December 17, 1982, the Department published in the **Federal Register** at 47 FR 56469 an interim rule specifying revised criteria for the authorization of house-to-house trade routes, and new penalties for violations by all authorized firms, both retail and wholesale. All comments received on the interim rule are being considered in the formulation of this final rule.

1. *House-to-house trade routes.* Section 165 of Pub. L. 97–253 requires the Department to limit the participation of house-to-house trade routes to those that are "reasonably necessary to provide adequate access to households" in those areas in which the Secretary, in consultation with the Inspector General, finds evidence that route operations damage the program's integrity.

The term "house-to-house trade route" includes milk routes, bread routes, and mobile markets or "rolling stores". All of these entities have the ability to move easily from place to place. As a result, their compliance with program requirements is hard to monitor. Therefore, the Department in the interim rules applied the restriction specified in the Act to all firms which fit the statutory definition of house-to-house trade route. Due to previous flagrant abuse of program regulations by some trade route operators, and the difficulty in monitoring compliance, the Department feels that strengthened authorization criteria and increased supervision of such firms are required. Trade route operations are to be visually checked for existence initially, and semi-annually checked to ensure that they continue to qualify. The authorization of trade routes is to be limited in those areas where their operation is determined to be damaging to the program's integrity to those routes needed by participating households to obtain food. Previous policy gave approximately the same consideration and attention to trade routes as given to stationary firms.

Three commenters voiced support for the limited participation of house-to-house trade routes, and agreed that the stricter authorization requirements, including vehicle inspection, should remain. Without any clarification, two commenters expressed concern that the amendment would cripple many small legitimate route businesses through added expense and requirements. However, our amended requirement will not create an undue burden nor impose an additional cost to those firms affected. The amendment has been reworded to improve clarity, but otherwise remains as stated in the interim rules. (278.1(h))

2. *Definitions.* The Department in the interim rules replaced the term "firm's policy" with "firm's practice". A finding of "firm's practice" allows imposition of

an enhanced sanction against a firm. At least one court has interpreted "policy" to mean written instructions from store management to violate program regulations. The term "firm's practice" will allow FNS to enhance a sanction if the stated criteria for a finding of "firm's practice" exist. The inference that it must be the expressed policy of the firm to violate the Act is removed. Commenters were concerned that the change to "firm's practice" would make management responsible for food stamp violations committed by any employee. Inclusion of the new term does not change the Department's use of this concept as a criterion for enhanced administrative sanction against a firm which violates the regulations in a particular manner; rather, the modification maintains a long-standing concept. The amendment remains as stated in the interim rules. (271.2)

The Department in the interim rules added a definition for "trafficking", to mean the buying or selling of food coupons or Authorization to Participate (ATP) cards for cash. One commenter felt that we should make a clear distinction between trafficking and discounting, having the former refer to the buying and selling of any items not normally found in a food store, such as automobiles and drugs, and establishing dollar figures and ratios for discounting; another commenter felt that there should be no difference between the terms, but that there should be specific dollar amounts and ratios established. To avoid unnecessary complexity and to aid in the Department's issuance of equitable sanctions against violators, the interim definition is retained. However, the Department is considering the possibility of expanding the definition of trafficking and may in the future propose a new definition for public comment. (271.2)

3. *Disqualification of retail food stores and wholesale food concerns and imposition of civil money penalties in lieu of disqualifications.* Section 175 of Pub. L. 97–253 prescribes minimum disqualification periods for firms which violate the Food Stamp Act or the regulations. It mandates that firms be disqualified for from 6 months to 5 years as a first sanction; for from 1 year to 10 years as a second sanction; and permanently as a third sanction, or as a sanction for trafficking in coupons or Authorization to Participate (ATP) cards. The interim regulations (§ 278.6(e)) list the new periods of disqualification and the criteria which will be used to determine which period of disqualification is to be imposed. The sliding scale of disqualification periods is designed to enhance the sanctions of those firms which commit very serious violations and which have been previously advised by FNS that violations were occurring, firms whose practice is to violate, and firms which have been sanctioned previously.

This provision of the proposed amendment drew the most comment. Of the 14 comments received, seven dealt primarily with this issue, and stated that the increased penalties, in both time and dollar amount, are excessive and will cause a hardship on small stores. Another commenter felt that the increased penalties will force some owners to "sell" to avoid disqualification, while another trade association expressed support for the Department's decision to not count a warning letter as a sanction. One trade association felt that permanent disqualification is too severe a penalty for trafficking. The Department is unable to alter the penalties since the law requires specific periods for certain violations.

One food trade association supported the increase in the maximum civil money penalty (CMP) per violation. Another food trade association felt that the increase in the multiplier from five percent to ten percent is arbitrary and unnecessary. The ten percent factor was chosen to more nearly equate the financial hardship of a CMP with that of a disqualification, and to come in line with the statutory increased CMP limit. The amendment remains as stated in the interim rule. (§ 278.6(g) (1) and (2))

4. *Withdrawing Authorization.* The action of authorization withdrawal is taken by FNS when a firm no longer meets the criteria for authorization but has not committed a violation. The action is not punitive, and the firm may have authorization restored whenever it again meets the criteria. The Department feels that the phrase "will not further the purposes of the program" as a reason for withdrawal, would be clearer and understood more readily if specific points are explained. Therefore, the meaning of the phrase is expanded to include the more specific criteria of failing to meet the authorization criteria contained in paragraphs (b), (c), (d) or (e) of § 278.1, or circumventing a sanction through a purported transfer of ownership. Neither the concept of authorization withdrawal nor its use by FNS has changed. (§ 278.1(k))

5. *Administrative Review.* Prior to December 17, 1982, any authorized firm receiving a sanction was granted an automatic stay if the firm requested administrative review. The interim rule published December 17 stated that a firm receiving a permanent disqualification must present evidence that shows a disqualification is probably not warranted, before a stay is granted.

In commenting on this provision, the agency's Administrative Review Division (ARD) took exception to the current provision that denies an automatic stay of implementation of a permanent disqualification. The ARD contended that such a requirement would violate the Administrative Procedures Act (APA). On reexamination, we find that any exception to the automatic stay might be inconsistent with the provisions of Section 14 of the Food Stamp Act. Therefore, we are eliminating the exception to the automatic stay in cases where the prescribed sanction is permanent disqualification. (§ 279.7(a))

6. Due to an internal reorganization within FNS, the Administrative Review Staff has been renamed the Administrative Review Division. Also, the address to be used by firms requesting administrative review has been revised to indicate the relocation of the Food and Nutrition Service. Therefore, we are making the necessary nomenclature and address changes with this action. (§ 278.8 (b) and (c), and § 279.5 (a) and (c)).

The following paragraphs have not changed from the interim rule published at 47 FR 56469 and are adopted as final. These unchanged provisions (except those that were simply redesignated by the interim rule) are being set out below along with those paragraphs which are being revised for the convenience of the reader.

Section 271.2 definitions of "Firm's practice" and "Trafficking", §§278.1 (i) through (o) which were redesignated from (h) through (n), 278.1(k), 278.6(e)(1)(ii), 278.6(e)(2) introductory text, 278.6(e)(2)(i), 278.6(e)(2)(ii), 278.6(e)(2)(v), 278.6(e)(3), 278.6(e)(3)(i), 278.6(e)(3)(iii), 278.6(e)(3)(iv), 278.6(e)(3)(v), 278.6(e)(5), 278.6(e)(6), 278.6(e)(7), 278.6(f), 278.6(g) introductory text, 278.6(g)(1), 278.6(g)(2) and 278.6 (f) through (j) which were redesignated from (g) through (k).

**List of Subjects**

*7 CFR Part 271*

Administrative practice and procedure, Food stamps, Grant programs—social programs.

*7 CFR Part 278*

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler, Penalties.

*7 CFR Part 279*

Administrative practice and procedure, Food stamps, Groceries—retail, Groceries, General line—wholesaler.

Accordingly, Parts 271, 278 and 279 are amended as follows:

## PART 271—GENERAL INFORMATION AND REGULATIONS

1. In § 271.2, definitions of "Firm's practice" and "Trafficking" are unchanged and adopted as final as set forth below. The definition of "House-to-house trade route" is revised to read as follows:

### § 271.2 Definitions.

* * * * *

"Firm's practice" means the usual manner in which personnel of a firm or store accept food coupons as shown by the actions of the personnel at the time of the investigation.

* * * * *

"House-to-house trade route" means any retail food business operated from a truck, bus, pushcart, or other mobile vehicle.

* * * * *

"Trafficking" means the buying or selling of coupons or ATP cards for cash.

* * * * *

## PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

2. In § 278.1, the redesignation of paragraphs (h) through (n) as (i) through (o) is adopted as final; paragraph (k) is unchanged and adopted as final, as set forth below. Paragraph (h) is revised to read as follows:

### § 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(h) *House-to-house trade routes.* FNS shall, in consultation with the Department's Office of Inspector General, determine those locations where the operation of trade routes damages the program's integrity. FNS may limit the authorization of house-to-house trade routes to those trade routes whose services are required by participating households in such areas in order to obtain food. The FNS Officer in Charge, in deciding whether households in such areas require a trade route's services, shall consider the volume of food business the trade route does and the availability of alternate sources of comparable food. An FNS official shall inspect any appliant trade route's vehicle to ensure that the trade route is a retail food store before authorizing it to accept coupons. An FNS official may require, as a condition of continuing authorization, that the trade route vehicle be reinspected semiannually to ensure that it continues to be a retail food store.

* * * * *

(k) *Withdrawing authorization.* FNS shall withdraw the authorization of any firm authorized to participate in the program if it determines that the firm's continued participation will not further the purposes of the program, or the firm fails to meet the specifications of paragraph (b), (c), (d), or (e) of this section, or that the firm has been found to be circumventing a periods of disqualification or a civil money penalty through a purported transfer or ownership. The FNS Officer in Charge shall issue a notice to the firm by certified mail or personal service to inform the firm of the determination and of the review procedure. FNS shall remove the firm from the program if the firm does not request review within the period specified in § 279.5.

* * * * *

3. a. In § 278.6, the redesignation of paragraphs (f) through (j) as (g) through (k) is adopted as final and paragraphs (e)(1)(ii), (e)(2) introductory text, (e)(2)(i), (e)(2)(ii), (e)(2)(v), (e)(3) introductory text, and paragraphs (e)(3)(i), (e)(3)(iiii), (e)(3)(iv), (e)(3)(v), (e)(5), (e)(6), (e)(7), (f), introductory paragraphs (g), (g)(1), and (g)(2) are unchanged and adopted as final as set forth below.

b. In § 278.6, paragraphs (a), introductory paragraphs of (e) and (e)(1), paragraphs (e)(1)(i), (e)(2)(iii), (e)(2)(iv), (e)(3)(ii), (e)(4), and (g)(3) are revised to read as follows:

### § 278.6 Disqualification of retail food stores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualifications.

(a) *Authority to disqualify or subject to a civil money penalty.* FNS may disqualify any authorized retail food store or authorized wholesale food concern from further participation in the program if the firm fails to comply with the Food Stamp Act or this part. Disqualification shall be for from 6 months to 5 years for the firm's first sanction; for from 12 months to 10 years for a firm's second sanction; and disqualification shall be permanent for a firm's third sanction or a disqualification based on trafficking in coupons or ATP cards. Any firm which has been disqualified and which wishes to be reinstated at the end of the period of disqualification or at any later time shall file a new application under Section 278.1 of this part so that FNS may determine whether reauthorization is appropriate.

The application may be filed no earlier than 10 days before the end of the period of disqualification. Except in the case of a permanent disqualification, FNS may, in lieu of a disqualification, subject the firm to a civil money penalty of up to $10,000 for each violation if FNS determines that a disqualification would cause hardship to participating households.

* * * * *

(e) *Penalties.* FNS shall take action as follows against any firm determined to have violated the Act or regulations. For the purposes of assigning a period of disqualification, a warning letter shall not be considered to be a sanction. A civil money penalty and a disqualification shall be considered sanctions for such purposes. The FNS regional office shall:

(1) Disqualify a firm permanently if:

(i) Personnel of the firm have trafficked in coupons or ATP cards; or

(ii) Violations such as, but not limited to, the sale of ineligible items occurred and the firm had twice before been sanctioned.

(2) Disqualify the firm for 5 years if it is to be the firm's first sanction, the firm had been previously advised of the possibility that violations were occurring and of possible consequences of violating the regulations, and the evidence shows that:

(i) It is the firm's practice to sell expensive or conspicuous nonfood items, cartons of cigarettes, or alcoholic beverages in exchange for food coupons; or

(ii) The firm's coupon redemptions for a specified period of time exceed its food sales for the same period of time; or

(iii) A wholesale food concern's redemptions of coupons for a specified period of time exceed the redemptions of all the specified authorized retail food stores, nonprofit cooperative food-purchasing ventures, group living arrangements, drug addict and alcoholic treatment programs, and shelters for battered women and children which the wholesale food concern was authorized to serve during that time; or

(iv) A wholesale food concern's stated redemptions of coupons for a particular retail food store, nonprofit cooperative food-purchasing venture, group living arrangement, drug addict and alcoholic treatment program, or shelters for battered women and children exceeded the actual amount of coupons which that firm or organization redeemed through the wholesaler; or

(v) Personnel of the firm knowingly accepted coupons from an unauthorized firm or an individual known not to be legally entitled to possess coupons.

(3) Disqualify the firm for 3 years if it is to be the first sanction for the firm and the evidence shows that:

(i) It is the firm's pactice to commit violations such as the sale of common nonfood items in amounts normally found in a shopping basket and the firm was previously advised of the possibility that violations were occurring and of the possible consequences of violating the regulations; or

(ii) Any of the situations described in paragraph (e)(2) of this section occurred and FNS had not previously advised the firm of the possibility that violations were occurring and of the possible consequences of violating the regulations; or

(iii) The firm is an authorized communal dining facility, drug addiction or alcoholic treatment and rehabilitation program, group living arrangement, meal delivery service, or shelter for battered women and children and it is the firm's practice to sell meals in exchange for food coupons to persons not eligible to purchase meals with food coupons and the firm has been previously advised of the possibility that violations were occurring and of the possible consequences of violating the regulations; or

(iv) A wholesale food concern accepted coupons from an authorized firm which it was not authorized to serve and the wholesale food concern had been previously advised of the possibility that violations were occurring and of possible consequences of violating the regulations; or

(v) The firm is an authorized retail food store and personnel of the firm have engaged in food coupon transactions with other authorized retail stores, not including treatment programs, group living arrangements or shelters for battered women and children, and the firm had been previously advised of the possibility that violations were occuring and of the possible consequences of violating the regulations.

(4) Disqualify the firm for 1 year if it is to be the first sanction for the firm and the ownership or management personnel of the firm have committed violations such as the sale of common nonfood items in amounts normally found in a shopping basket, and FNS had not previously advised the firm of the possibility that violations were occurring and of the possible consequences of violating the regulations.

(5) Disqualify the firm for 6 months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as but not limited to the sale of common nonfood items due to carelessness or poor supervision by the firm's ownership or management.

(6) Double the appropriate period of disqualification prescribed in paragraphs (e) (2) through (5) of this section as warranted by the evidence of violations if the same firm has once before been assigned a sanction.

(7) Send the firm a warning letter if violations are too limited to warrant a disqualification.

(f) *Criteria for civil money penalty.* FNS may impose a civil money penalty as a sanction in lieu of disqualification only when the firm subject to a disqualification is selling a substantial variety of staple food items, and the firm's disqualification would cause hardship to food stamp households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices. FNS may disqualify a store which meets the criteria for a civil money penalty if the store had previously been assigned a sanction. A civil money penalty may not be imposed in lieu of a permanent disqualification.

(g) *Amount of civil money penalty.* FNS shall determine the amount of the civil money penalty as follows:

(1) Determine the firm's average monthly redemptions of coupons for the 12-month period ending with the month immediately preceding that month during which the firm was charged with violations.

(2) Multiply the average monthly redemption figure by 10 percent.

(3) Multiply the product arrived at in paragraph (g)(2) by the number of months for which the firm would have been disqualified under paragraph (e) of this section. The civil money penalty may not exceed $10,000 for each violation.

* * * * *

4. Section 278.8, is revised to read as follows:

**§ 278.8 Administrative review—retail food stores and wholesale food concerns.**

(a) *Requesting review.* A food retailer or wholesaler aggrieved by administrative action under §§ 278.1, 278.6 or 278.7 may, within the period stated in § 279.5, file a written request for review of the administrative action with the review officer. On receipt of the request for review, the questioned administrative action shall be stayed pending disposition of the request for review by the review officer. A disqualification for failure to pay a civil money penalty shall not be subject to an administrative review.

(b) *Addressing the request.* The request for review shall be filed with the Director, Administrative Review Division, U.S. Department of Agriculture, Food and Nutrition Service, Room 304, 3101 Park Center Drive, Alexandria, Virginia 22302.

(c) *Review procedure.* The procedure for food stamp reviews in published in Part 279 and is available upon request from the Director, Administrative Review Division.

## PART 279—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS AND FOOD WHOLESALERS

5. In § 279.5, paragraph (a) and the introductory sentence of paragraph (c) are revised to read as follows:

**§ 279.5 Manner of filing requests for review.**

(a) *Addressing requests for review.* Requests for review submitted by firms shall be mailed to or filed with Director, Administrative Review Division, U.S. Department of Agriculture, Food and Nutrition Service, Room 304, 3101 Park Center Drive, Alexandria, Virginia 22302.

* * * * *

(c) *Time limit for requesting review.* A request for review shall be filed with the Director, Administrative Review Division, within 10 days of the date of delivery of the notice of the action for which review is requested. For purposes of determining whether a filing date is timely:

* * * * *

6. In § 279.6, paragraph (b) is revised to read as follows:

**§ 279.6 Content of request for review.**

* * * * *

(b) *Supporting the request.* The request shall include information in support of the request showing the grounds on which review is being sought, or shall state that supporting information will be filed in writing at a later date. In the latter case, the review officer shall notify the firm of the date by which the information must be filed. The firm requesting review may ask for an opportunity to appear before the review officer in person. However, any information submitted in person shall, if directed by the review officer, be put in writing by the firm and filed with the review officer within a period which the review officer shall specify.

7. In 279.7, paragraph (a) is revised to read as follows:

**§ 279.7 Action upon receipt of a request for review.**

(a) *Holding action.* Upon receipt of a request for review of administrative action, the review officer shall notify the appropriate FNS regional office, in writing, of the action under review, and shall direct that the administrative action be held in abeyance until the review officer has made a determination. If the questioned administrative action involves a denial of authorization to participate in the program or a denial of a claim, the review officer shall direct that the firm not be approved for participation or paid any part of the disputed claim until the review officer has made a determination. In any case, notice to the appropriate FNS regional office shall be accompanied by a copy of the request filed by the firm.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: May 15, 1984.

Robert E. Leard,

*Administrator.*

[FR Doc. 84-13830 Filed 5-24-84; 8:45 am]

BILLING CODE 3410-30-M

## Federal Grain Inspection Service

## 7 CFR Part 810

## Revision of the United States Standards for Rye

**AGENCY:** Federal Grain Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** According to the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed the U.S. Standards for Rye, and is revising certain sections. The changes include (1) revising the format of the standards to conform to other grain standards, (2) deleting the special grade "Tough" and the Sample grade requirement for high-moisture rye, (3) updating the definition of certain terms, (4) adding a section for temporary modification of equipment and procedures, (5) updating the section on percentages to clarify its scope, (6) updating the Sample grade requirements and (7) other miscellaneous changes including revisions referencing FGIS handbooks. The revisions are made for the sake of clarity and uniformity, to promote a better understanding of the standards, and to facilitate the marketing of rye.

**EFFECTIVE DATE:** May 25, 1985.

**FOR FURTHER INFORMATION CONTACT:** Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–1738.

**SUPPLEMENTARY INFORMATION:**

### Executive Order 12291

This final rule has been issued in conformance to Executive Order 12291 and Departmental Regulation 1512–1. The action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

### Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities because those persons who apply the standards and most users of rye inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Further, the standards are applied equally to all entities by FGIS employees or licensed persons.

### Final Action

The review of the standards included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; and a review of the changes in technology and economic conditions in the area affected by the standards and their application through the incorporation of grading factors or tests which better indicate grain quality. The objective was to assure that the standards continued to serve the needs of the market to the greatest possible extent.

A request for public comment on the U.S. Standards for Rye was published in the March 17, 1983 **Federal Register** (48 FR 11276). Of the 6 comments received in response to the request, all agreed that the format of the standards needed to be updated, and 5 agreed that the special grade "Tough" and the Sample grade requirement for high-moisture rye should be deleted. One commenter stated that the special grade "Tough" should be retained. Also, one commenter suggested a modification of the procedure for determining dockage when wild buckwheat was present in a sample of rye.

A proposal to revise the standards for rye was published in the January 30, 1984 **Federal Register** (49 FR 3663). Within the 60-day comment period, no comments were received.

Pursuant to section 4(b) of the U.S. Grain Standards Act, no standards established or amendments or revocations of standards under this Act are to become effective less than one calendar year after promulgation thereof, unless in the judgment of the Administrator, the public health, interest, or safety require that they become effective sooner.

A review of available information indicates that certain revisions in the standards would increase the clarity and effectiveness of the standards and reflect current marketing practices. As a result of the review, FGIS is revising the U.S. Standards for Rye as follows:

1. To enhance clarity and uniformity between standards, the U.S. Standards for Rye are revised by dividing the standards into 4 parts, and into sections such as currently exist in the U.S. Standards for Wheat. Specifically, in addition to the changes discussed below, Part I, *Terms Defined* consists of a new § 810.401, *Definition of Rye* and a new § 810.402, *Definition of other terms.* Part II, *Principles Governing Application of Standards* consists of a new § 810.403, *Basis of determination*, a new § 810.404, *Temporary modifications in equipment and procedures,* and a new § 810.405, *Percentages.* Part III, *Grades, Grade Requirements, and Grade Designations* consists of a new § 810.406, *Grades and grade requirements* and a new § 810.407, *Grade designations.* Part IV, *Special Grades, Special Grade Requirements, and Special Grade Designations* consists of a new § 810.408, *Special grades and special grade requirements* and a new § 810.409, *Special grade designations.* Incidental to this revision, paragraph (a), *Grades and grade requirements for Rye* of the current § 810.402, *Grades, grade requirements, and grade designations* is included in the new § 810.406, *Grades and grade requirements for rye,* and paragraphs (b), *Grade designations for rye* and (c), *Optional grade designations* are included in the new § 810.407, *Grade designations;* the current § 810.403, *Dockage* is included in the new § 810.402, *Definition of other terms;* the current § 810.403a, *Special grade; Plump rye,* § 810.405, *Special grade; Smutty rye, § 810.406, Special grade; Garlicky rye, § 810.407, Special grade; Weevily rye,* and § 810.408, *Special grade; Ergoty*

*rye*, are included in the new § 810.408, *Special grades and special grade requirements* and the new § 810.409, *Special grade designations;* the current § 810.404, *Special grade; Tough rye* is deleted, and in the current § 810.409, *Grade factors; definitions*, paragraph (a), *Basis of determination* is clarified and included in the new § 810.403, *Basis of Determination*, paragraph (b), *Percentages* is clarified and included in the new § 810.405, *Percentages*, and paragraphs (c), *Percentage of moisture*, (d), *Test weight per bushel*, (e), *Foreign material*, (f), *Other grains*, (g) *Damaged kernels*, and (h), *Heat-damaged kernels* are clarified and included in the new § 810.402, *Definition of other terms*, as are definitions for 4 new terms, *Distinctly low quality, Sieve, 0.064 x 3/8 oblong hole, Stones*, which are similar to those terms which appear in other standards so as to specify its definition, and *Thin rye*.

2. The special grade "Tough" is not indicative of grain quality and is only utilized when the moisture content is more than 14.0 percent, but not more than 16.0 percent.

Moisture content is an indicator of storability. However, storability is also affected by many other factors such as temperature, aeration, and cleanliness of the rye. Moisture content is required by regulations (7 CFR 162(a)) to be shown on official certificates when an official grade determination is made, and knowledge of the actual moisture content of a lot of rye is useful to the buyer. Discounts for moisture in most markets are based on the percentage of moisture. While it is true that the presence of excess moisture in grain may support the growth of undesirable organisms and the development of odors, moisture content is not deleterious to the quality of grain, and should not be a criterion in designating grain Sample grade.

3. The current definitions in the rye standards for moisture and test weight per bushel contain obsolete references including former organizational and handbook references. The standards include revised definitions for these and the terms rye, damaged kernels, dockage, foreign material, heat-damaged kernels, and other grains in order to promote clarity.

4. The equipment and procedures referred to in the rye standards are applicable to grain produced and harvested under normal environmental conditions. The revision provides that, when adverse growing or harvesting conditions make impractical the use of routine procedures, minor temporary modifications in the equipment or procedures may be required to obtain results expected under normal conditions. Accordingly, a new § 810.404 on temporary modifications in equipment and procedures is added. Adjustments in interpretations (i.e., identity, quality, and condition) shall not be made. This section is similar to sections which apply in other grain standards.

5. In the interest of promoting clarity and uniformity among the various grain standards, a new § 810.405, *Percentages* is added to clarify and specify the application of current rounding and recording procedures for all percentage determinations.

6. FGIS has added the limit of two crotalaria seeds in a 1000-gram sample to the new § 810.406 to more clearly define U.S. Sample grade rye. This limit currently is included in § 810.901 which considers grain exceeding this limit as distinctly low quality. 7 CFR 810.901 still is applicable to certain other grains but no longer will apply to rye.

7. FGIS has amended § 810.901 since the provision is included in the Sample grade definition; and the section is not referenced in the rye standards.

8. FGIS has included in the definition of Sample grade, the limits for stones, pieces of glass, castor beans, and particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s). The limits of 8 or more stones, 2 or more pieces of glass, 2 or more castor beans, and 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s) are specified in the Grain Inspection Handbook and have been followed in the inspection process for many years and do not constitute new limits. The limits are added to the definition of U.S. Sample grade for clarity and to conform to other updated grain standards.

9. Other changes to the rye standards which result from the revision in format and updated definitions include: (a) Smut balls, in addition to being considered in determining the special grades "Smutty" or "Light smutty", also are considered foreign material; additionally, the presence of a quantity of smut so great that one or more grade requirements cannot be accurately determined is no longer a factor for grading rye U.S. Sample grade; (b) ergot is stated in hundredth percent; (c) the maximum limit for heat-damaged kernels in grade U.S. No. 1 is 0.2 percent; (d) the maximum number of rodent or bird pellets or other animal filth permitted in the numerical grades is reduced to 1 from 2.

Smut balls are foreign to grain and should be considered as foreign material. Smut balls are light and weigh very little and therefore will not make a significant impact on the calculated percentage of foreign material; however, for uniformity with other standards, they will be considered foreign material. The requirement that grain be graded U.S. Sample grade beause the presence of smut is so great that one or more of the grade factors cannot be accurately determined has not been applied for many years due to seed treatment and other improvements.

The requirement is therefore deleted. Moreover, the special grades "Light smutty" and "Smutty" are retained. Also, for uniformity between standards, ergot is certificated in terms of a hundredth percent instead of the current tenth percent. Heat-damaged limits in the wheat standards for grades U.S. No. 1 and 2 are 0.2 percent for both grades. The previous limit of 0.1 percent in grade U.S. No. 1 was found to be too restrictive for practical application under current sampling and inspection procedures. In wheat, the allowable limits of rodent or bird pellets or other animal filth in the numerical grades were reduced to 1 from 2 to more closely agree with limits applied under the Food, Drug, and Cosmetic Act (21 U.S.C. 342 *et seq.*).

The above changes are made for the purpose of uniformity to conform to the wheat standards because of similarities in the use of the grains.

10. Incorporated also into the standards are nonsubstantive changes to update references to handbooks and FGIS's organizational structure.

**List of Subjects in 7 CFR Part 810**

Export, Grain.

## PART 810—OFFICIAL U.S. STANDARDS FOR GRAIN

Accordingly, the United States Standards for Rye (7 CFR 810.401–810.409 and 810.901) are revised to read as follows:

**Authority:** Secs. 5 and 18, Pub. L. 94–582, 90 Stat. 2869 and 2884 (7 U.S.C. 76 and 87(e)).

**United States Standards for Rye**

*Terms Defined*

*Grades, Grade Requirements, and Grade Designations*

810.406 Grades and grade requirements for rye.
810.407 Grade designations.

*Special Grades, Special Grade Requirements, and Special Grade Designations*

810.408 Special grades and special grade requirements.
810.409 Special grade designations.

**United States Standards for Rye** [1]

*Terms Defined*

**§ 810.401 Definition of rye.**

The grain of common rye (*Secale cereale* L.) which, before the removal of dockage, consists of 50 percent or more of rye and not more than 10 percent of other grains for which standards have been established under the United States Grain Standards Act and which, after the removal of the dockage, contains 50 percent or more of whole kernels of rye.

**§ 810.402 Definition of other terms.**

For the purpose of these standards, the following terms shall have the meanings stated below.

(a) *Damaged kernels.* Kernels, pieces of rye kernels, and other grains that are badly ground-damaged, badly weather-damaged, diseased, frost-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged which remain in the sample after the removal of dockage.

(b) *Distinctly low quality.* Rye which is obviously of inferior quality because it contains foreign substances or because it is in an unusual state or condition, and which cannot be properly graded by use of the other grading factors provided in the standards. Distinctly low quality shall include the presence of any objects too large to enter the sampling devices; i.e., large stones, wreckage, etc.

(c) *Dockage.* All matter other than rye which can be readily removed from a portion of the original sample by use of an approved device in accordance with procedures prescribed in the Grain Inspection Handbook.[2] Also, underdeveloped, shriveled, and small pieces of rye kernels removed in separating the material other than rye and which cannot be recovered by properly rescreening or recleaning. (See also § 810.405 and § 810.407.) For the purpose of this paragraph, "approved device" shall include the Carter Dockage Tester and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(d) *Foreign material.* All matter other than rye which remains in the sample after the removal of dockage.

(e) *Heat-damaged kernels.* Kernels, pieces of rye kernels, and other grains that are materially discolored and damaged by heat which remain in the sample after the removal of dockage.

(f) *Moisture.* Water content in rye as determined by an approved device in accordance with procedures prescribed in the Grain Inspection Handbook[2] and Equipment Handbook.[2] For the purpose of this paragraph, "approved device" shall include the Motomco Mositure Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(g) *Other grains.* Barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, guar, hull-less barley, nongrain sorghum, oats, Polish wheat, popcorn, poulard wheat, rice, safflower, sorghum, soybeans, spelt, sunflower, sweet corn, triticale, wheat, and wild oats.

(h) *Sieve, 0.064 x ⅜ oblong-hole.* A metal sieve 0.032 inch thick with oblong perforations 0.064 inch by 0.375 inch.

(i) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not readily disintegrate in water.

(j) *Test weight per bushel.* The weight per Winchester bushel (2, 150.42 cubic-inch capacity) as determined on a dockage-free portion of the original sample using an approved device in accordance with instructions in the Grain Inspection Handbook.[2] Test weight per bushel shall be expressed to the nearest tenth of a pound. For the purpose of this paragraph, "approved device" shall include the Faribanks-Morse of Ohaus Test Weight Per Bushel Apparatus and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(k) *Thin rye.* Rye and other matter that will readily pass through a 0.064 x ⅜ inch oblong-hole sieve.

**Principles Governing Application of Standards**

**§ 810.403 Basis of determination.**

(a) *Distinctly low quality.* The determination of distinctly low quality shall be made on the basis of the lot as a whole at the time of sampling when a condition exists that may not appear in the representative sample and/or the sample as a whole.

(b) *Certain quality determinations.* Each determination of rodent pellets, bird droppings, other animal filth, broken glass, castor beans, crotalaria seeds, dockage, garlic, live weevils or other insects injurious to stored grain, moisture, temperature, and unknown foreign substance(s), and a commonly recognized harmful or toxic substance(s) shall be upon the basis of the sample as a whole.

(c) *All other determinations.* All other determinations shall be upon the basis of the grain when free from dockage, except the determination of odor shall be upon either the basis of the grain as a whole or the grain when free from dockage.

**§ 810.404 Temporary modifications in equipment and procedures.**

The equipment and procedures referred to in the rye standards are applicable to rye produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of rye may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, proper notification will be made in a timely manner. Adjustments in interpretations (i.e., identity, quality, and condition) are excluded and shall not be made.

**§ 810.405 Percentages.**

(a) Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(1) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., state .046 as 0.5.

(2) When the figure to be rounded is followed by a figure less than 5, retain the figure; e.g., state 0.54 as 0.5.

(3) When the figure to be rounded is even and is followed by the figure 5, retain the even figure. When the figure to be rounded is odd and is followed by the figure 5, round the figure to the next higher number, e.g., state 0.45 as 0.4; state 0.55 as 0.6.

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[1] Compliance with the provisions of the standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250.

(a) Equipment Handbook, U.S. Department of Agriculture, Federal Grain Inspection Service.

(b) Grain Inspection Handbook, U.S. Department of Agriculture, Federal Grain Inspection Service.

[3] Requests for information on approved devices and procedures, criteria for approved devices, and requests for approval of devices should be directed to the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250.

(b) Percentages shall be stated in whole and tenth percent to the nearest tenth percent, except when determining the identity of rye and the percentage of dockage and ergot. The percentage when determining the identity of rye shall be stated to the nearest whole percent. The percentage of dockage when equal to one percent or more shall be stated in terms of whole percent, and when less than one percent shall be stated. A fraction of a percent shall not be disregarded. The percentage of ergot shall be stated to the nearest hundredth percent.

*Grades, Grade Requirements, and Grade Designations*

**§ 810.406 Grades and grade requirements for rye (See also § 810.408)**

| Grade | Minimum test weight per bushel (pounds) | Maximum limits of— | | | |
|---|---|---|---|---|---|
| | | Damaged kernels | | Foreign material | |
| | | Total (percent) | Heat damaged (percent) | Total (percent) | Foreign matter other than wheat (percent) |
| U.S. No. 1 [1] | 56.0 | 2.0 | 0.2 | 3.0 | 1.0 |
| U.S. No. 2 [1] | 54.0 | 4.0 | 0.2 | 6.0 | 2.0 |
| U.S. No. 3 [1] | 52.0 | 7.0 | 0.5 | 10.0 | 4.0 |
| U.S. No. 4 | 49.0 | 15.0 | 3.0 | 10.0 | 6.0 |

[1] Rye in grade U.S. No. 1 may contain not more than 10.0 percent, in grade U.S. No. 2 not more than 15.0 percent, and in grade U.S. No. 3 not more than 25.0 percent of thin rye.

Note.—U.S. Sample grade: U.S. Sample grade shall be rye which:

(1) Does not meet the requirements for the grades U.S. Nos. 1, 2, 3, or 4; or

(2) Contains 8 or more stones, 2 or more pieces of glass, 3 or more crotalaria seeds (*Crotalaria* spp.), 2 or more castor beans (*Ricinus communis*), 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic subtance(s), or 2 or more rodent pellets, bird droppings, or an equivalent quantity of other animal filth per 1,000 grams of rye; or

(3) Has a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor); or

(4) Is heating or otherwise of distinctly low quality.

**§ 810.407 Grade designations.**

(a) *Grade designations for rye.* The grade designations for rye shall include in the following order: (1) the letters "U.S."; (2) the number of the grade or the words "Sample grade"; (3) the special grade "Plump", if applicable (see also § 810.409); (4) the word "Rye"; (5) each applicable special grade except "Plump" (see also § 810.409) and, when applicable, the word "dockage" together with the percentage thereof.

(b) *Optional grade designations.* Rye may be certificated (under certain conditions),[4] when supported by official analysis, as "U.S. No. 2 or better Rye," "U.S. No. 3 or better Rye," etc. The special grade designation and dockage, when applicable, also shall be included (under certain conditions) [4] in the certification.

*Special Grades, Special Grade Requirements, and Special Grade Designations*

**§ 810.408 Special grades and special grade requirements.**

A special grade, when applicable, is supplemental to the grade assigned under § 801.406. Such special grades are established and determined as follows:

(a) *Plump rye.* Rye which contains not more than 5.0 percent of rye and other matter that will pass through a 0.064 x ⅜ oblong-hole sieve.

(b) *Ergoty rye.* Rye which contains more than 0.30 percent of ergot.

(c) *Light garlicky rye.* Rye which contains in a 1,000-gram portion two or more, but not more than six, green garlic bulblets or an equivalent quantity of dry or partly dry bulblets.

(d) *Garlicky rye.* Rye which contains in a 1,000-gram portion more than six green garlic bulblets or an equivalent quantity of dry or partly dry bulblets.

(e) *Light smutty rye.* Rye which has an unmistakable odor of smut, or which contains in a 250-gram portion smut balls, portions of smut balls, or spores of smut in excess of a quantity equal to 14 smut balls, but not in excess of a quantity equal to 30 smut balls of average size.

(f) *Smutty rye.* Rye which contains in a 250-gram portion smut balls, portions of smut balls, or spores of smut in excess of a quantity equal to 30 smut balls of average size.

(g) *Weevily rye.* Rye which is infested with live weevils or other insects injurious to stored grain, as set forth in the Grain Inspection Handbook. [2]

**§ 810.409 Special grade designations.**

Special grade designations shall be made in addition to all other information prescribed in § 810.407. The grade designation for plump rye shall include, preceding the word "Rye", the word "Plump", as warranted, and all other information prescribed in § 810.407. The grade designation for ergoty, light garlicky, garlicky, light smutty, smutty, and weevily rye shall include, following the word "Rye", the word(s) "Ergoty", "Light garlicky", "Garlicky", "Light smutty", "Smutty", or "Weevily", as warranted, and all other information prescribed in § 810.407.

* * * * *

*Interpretations*

**§ 810.901 Interpretation with respect to the term distinctly low quality.**

The term *distinctly low quality*, when used in the United States Standards for Soybeans and Flaxseed, shall be construed to include grain which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain.

Dated: May 10, 1984.

**Kenneth A. Gilles,**

*Administrator.*

[FR Doc. 84-14034 Filed 5-24-84; 8:45 am]

BILLING CODE 3410-EN-M

[4] The conditions are listed in the Grain Inspection Handbook. Copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, S.W., Washington, DC 20250.

## Agricultural Marketing Service

## 7 CFR Part 910

**[Lemon Regulation 465]**

## Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period May 27–June 2, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

**EFFECTIVE DATE:** May 27, 1984.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona.