CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on June 5, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.767 is added as follows:

§ 910.767 Lemon Regulation 467.

The quantity of lemons grown in California and Arizona which may be handled during the period June 10, 1984, through June 16, 1984, is established at 325,000 cartons.

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

Dated: June 6, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84–15609 Filed 6–7–84; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1421

Grains and Similarly Handled Commodities; 1982 Through 1985 Crops Peanut Farm-Stored Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The interim rule published in the **Federal Register** on December 2, 1982 (47 FR 54281), is adopted as a final rule with minor corrections. The interim rule set forth the terms and conditions under which the Commodity Credit Corporation (CCC) will make: (1) Farm-stored peanut loans to and purchases from eligible producers on eligible 1982 through 1985 crop farmers stock quota peanuts; and (2) farm-stored loans to eligible producers on eligible 1982 through 1985 crop farmers stock additional peanuts.

EFFECTIVE DATE: June 8, 1984.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, (202) 447–7987. The Final Regulatory Impact Analysis is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic reigons; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loans and Purchases, 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

On December 2, 1982, an interim rule was published in the **Federal Register** (47 FR 54281) revising the regulations at 7 CFR Part 1421 which are applicable to farm-stored price support loans and price support purchase agreements for peanuts. The public was afforded 30 days to comment on the interim rule. One comment was received during the comment period. The commenter represented an association and supported the provisions of the interim rule which set forth the terms and conditions governing the peanut price support program for the 1982 through 1985 crops.

Accordingly, it has been determined that the interim rule should be adopted as a final rule without change except for two technical corrections as set forth below.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs—agriculture, Oilseeds, Peanuts, Price support programs, Soybeans, Security bonds, Tobacco warehouses.

Final Rule

The interim rule published on December 2, 1982 (47 FR 54281) is hereby adopted as a final rule with the following corrections:

1. The list of statutory authorities which immediately follows the table of contents in that subpart of 7 CFR Part 1421 entitled "Subpart—1982 through 1985 Crops Peanut Farm-Stored Loan and Purchase Program" is revised by changing the reference to "7 U.S.C. 1445C–1" to read "7 U.S.C. 1445c–1".

2. The first sentence of 7 CFR 1421.280 is corrected to add quotation marks immediately before the fifth word within the first set of parentheses.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 108A, 401, 403, 405, 63 Stat. 1051, as amended, 95 Stat. 1254 (7 U.S.C. 1445c–1, 1421, 1423, and 1425))

Signed at Washington, D.C., on June 1, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84–15399 Filed 6–7–84; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Technical Amendments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule makes minor technical and editorial amendments to 8 CFR 204.1(d) without changing the substance of the affected provision. This amendment deletes the requirement that a visa petition be made under oath to be consistant with the instructions on the Form I–140, and corrects the reference to a Department of Labor form required to be submitted with Form I–140.

EFFECTIVE DATE: June 8, 1984.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

For Specific Information: Ronald R. Lindquist, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3240.

SUPPLEMENTARY INFORMATION: Pub. L. 94–550, effective October 18, 1976, allowed agencies of the government to replace oaths with unsworn declarations under penalty of perjury. The Service decided to adopt this change and has eliminated the oath requirement from a number of Service forms including Form I–140, Petition to Classify Preference Status of Alien on Basis of Profession or Occupation. This notice amends the existing regulation to delete the oath requirement, thus making the regulation consistent with the instructions on the Form I–140 visa petition.

The use of self-certification of truthfulness and accuracy of petitioner furnished information does not diminish the ability of the Service to prosecute persons for making false statements, because petitioners remain subject to criminal penalties for perjury under 18 U.S.C. 1621. The penalty for perjury is imprisonment for not more than five years and a fine of not more than $2,000, or both.

This amendment also updates the reference to the Department of Labor Form ETA 750, Application for Alien Employment Certification, to include Part A, Offer of Employment, and Part B, Statement of Qualifications of Alien. This form is required to be filed with the Immigration and Naturalization Service when a third or sixth preference immigrant visa classification is sought.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this amendment is merely editorial and technical in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Petition.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended to read as follows:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. In § 204.1, paragraph (d)(1) is revised to read as follows:

§ 204.1 Petition.

* * * * *

(d) * * *

(1) *General.* A petition to classify the status of an alien under section 203(a)(3) or (6) of the Act shall be filed on Form I–140. For each beneficiary a separate Form I–140 must be submitted, accompanied by the fee required under § 103.7(b) of this chapter. Before the petition may be accepted and considered properly filed, the petitioner or authorized representative shall sign the visa petition (under penalty of perjury) in the block provided on the form. The petition must be accompanied by a completed Labor Department Form ETA 750, Application for Alien Employment Certification, including Part A, Offer of Employment, and Part B, Statement of Qualifications of Alien. The certification under section 212(a)(14) of the Act must be affixed to Part A of this form by the Secretary of Labor or the Secretary's designated representative, except that such certification may be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in the Department of Labor's Schedule A (20 CFR Part 656). The petition shall be filed in the office of the Service having jurisdiction over the place of intended employment, except that when accompanied by an application for adjustment of status, a petition may be filed and a decision thereon made in the Service office having jurisdiction over the place where the beneficiary is residing.

* * * * *

(Sec. 204 of the Immigration and Nationality Act, as amended, 8 U.S.C. 1154)

Dated: June 4, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations Immigration and Naturalization Service

[FR Doc. 84-15401 Filed 6-7-84; 8:45 am]

BILLING CODE 4410-10-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-21013; File No. S7-983A]

Obligations of Self-Regulatory Organizations

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its rules to permit self-regulatory organizations to submit to the Commission plans for abbreviated reporting of minor disciplinary infractions. The amendment is specifically designed to replace the requirements that SROs report individual minor rule violations as they are adjudicated. The Commission has determined that the proposed amendments will ensure satisfactory Commission oversight, while alleviating reporting burdens on the SROs and their members.

EFFECTIVE DATE: June 8, 1984.

FOR FURTHER INFORMATION CONTACT: Judith L. Levy, Esq., 272–7345, Division of Market Regulation, Securities and Exchange Commission, Room 5017, 450 5th Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

On July 14, 1983, the Commission issued a release proposing for comment an amendment to subsection (c) of Rule 19d–1 under the Securities Exchange Act of 1934 ("Act").[1] Rule 19d–1, which was adopted in 1977 pursuant to section 19(d)(1) of the Act,[2] requires self-regulatory organizations ("SROs") to report to the Commission notice of final disciplinary actions and prescribes the content of such notices. Subsection (c) of Rule 19d–1 requires any SRO that takes "any final disciplinary action" with respect to any person to file promptly a notice of the action with the Commission. The Commission is

[1] Securities Exchange Act Release No. 19969 (July 14, 1983); 48 FR 33314 (July 21, 1983).

[2] Securities Exchange Act Release No. 13726 (July 8, 1977); 42 FR 36410 (July 14, 1977). Section 19(d) was enacted as part of the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975).

amending paragraph (c) of Rule 19d–1 to allow SROs to submit plans for Commission approval specifying minor rule violations (with sanctions not exceeding $2500)[3] that would either be exempt from the reporting requirement or subject to periodic reporting.[4] In permitting abbreviated periodic reporting of minor rule violations, the amendment is specifically designed to replace the requirement that SROs report individual minor rule violations as they are adjudicated. The Commission has determined that the proposed amendments will ensure satisfactory Commission oversight, while alleviating reporting burdens on the SROs and their members.

II. Comment Letters

The Commission received comment letters from three national securities exchanges.[5] As discussed below, the commentators generally supported the trust of the amendments. Two of the commentators, however, urged a more expansive reduction of reporting requirements under Rule 19d–1 than was proposed by the Commission.

The Amex strongly supported the proposed amendment, stating that the rule change would provide a more efficient procedure for obtaining exemptive relief and would significantly reduce the reporting burden of the SROs.[6] Amex also noted that the proposal by which each exchange would submit its own minor rule reporting exemption plan would enable an exchange to tailor subsequent additional proposed exemptions to its individual needs by amending its own plan (with Commission approval). In addition, the Amex endorsed the proposed increase, from $500 to $1000, in the maximum fine for floor decorum violations exempted from reporting under the rule, as well as the application of the $1000 limit to sanctions for minor rule violations included in an SRO's plan.[7]

Both the NYSE and the CBOE supported the Commission's proposed simplification of SRO reporting requirements but suggested broader relief from Section 19(d) reporting requirements than that proposed by the Commission. The NYSE urged the Commission to reconsider the need for even periodic reporting of uncontested minor rule violations and to give these minor rule violations a total exemption from the reporting requirement. The NYSE stated that periodic reporting would do little to alleviate the administrative burden on either the NYSE or the Commission, while providing less timely information than provided by case-by-case reporting under the present rule. According to the NYSE, Commission oversight responsibilities could be discharged by means of the recordkeeping requirement of Rule 17a–1(b),[8] coupled with periodic Commission inspections. In addition, the NYSE suggested that minor infractions exempted from the reporting requirement should include those involving the imposition of a $2500 rather than the proposed $1000 fine.

The CBOE comment letter questioned the need for existing requirements for the reporting of any disciplinary sanctions, not just minor infractions. The CBOE, therefore, urged the Commission to modify all reporting requirements for SRO disciplinary actions under Rule 19d–1 to conform with the Commission's proposed reporting requirements for minor uncontested disciplinary violations. Specifically, the CBOE recommended that the class of minor disciplinary infractions included in a plan submitted under Rule 19d–1(c) be expanded to include infractions subject to a $10,000 fine, and non-monetary sanctions except permanent bars or suspensions in excess of one month.[9] According to the CBOE, the reporting process could be streamlined in this manner because Commission oversight of disciplinary sanctions can be discharged by other means available to the Commission that would not involve the administrative burdens imposed by either the current or proposed system of reporting under section 19(d)(1). Such means include the Commission's comprehensive inspections, member or customer complaints to the Commission, and review of formal appeals from an exchange's disciplinary sanctions.

III. Discussion

The Commission has determined to amend Rule 19d–1 in the form proposed in its July 14, 1983 release, with the exception that it would raise the ceiling on fines for minor disciplinary

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[3] The Commission originally proposed that only minor rule violations with sanctions not exceeding $1000 were to be included in a plan. *See* discussion *infra*.

[4] The amendment also includes: (1) Proposed paragraph (c)(2), which would permit an SRO to submit to the Commission an appropriate plan for its approval; (2) revisions to the floor decorum violations exemption in Rule 19d–1(c), including (a) an increase from $500 to $1000 as the maximum fine that would not be required to be reported, and (b) deletion of the word "summarily"; and (3) technical renumbering and cross-referencing amendments to paragraphs (c) and (d) of Rule 19d–1. The Commission believes that an increase in the maximum fine that would not be reportable under the minor floor decorum violation exemption of the rule is appropriate to take account of inflation and to provide for future increases in SRO fines for minor floor decorum violations.

[5] *See* letter from Richard O. Scribner, Executive Vice President, American Stock Exchange ("Amex"), to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, dated September 19, 1983; letter from William J. Young, Senior Vice President, Chicago Board Options Exchange ("CBOE"), to George A. Fitzsimmons, dated September 19, 1983; letter from James E. Buck, Secretary, New York Stock Exchange ("NYSE"), to George A. Fitzsimmons, dated October 13, 1983.

[6] By letter dated August 7, Amex requested that an exemption from the notice requirement of Rule 19d–1 be granted for uncontested minor rule violations covered by its existing minor disciplinary infraction system and by its fee system for certain reporting requirements. *See* letter from Richard O. Scribner, Executive Vice President, Amex, to Michael A. Cline, Branch Chief, Division of Market Regulation, dated August 7, 1981. In its letter, the Amex suggested that both of these systems, like that applicable to floor decorum, give the Amex a simple, straightforward and effective method of achieving compliance with rules that are essentially administrative in nature, without resorting to formal disciplinary proceedings.

The Amex currently utilizes an "automatic fine" system under its summary disciplinary procedure for the disposition of certain minor rule violations. Minor rule violations under this procedure fall under two categories: (1) Any act or omission tending to disrupt the orderly conduct of business on the Amex trading floor or which causes serious interference with the personal comfort or safety of other persons on the floor ("floor decorum violations"), and (2) any failure of a member or member organization to comply with any on-floor or off-floor operational procedure established by the Exchange ("operational violations").

A typical on-floor oprational violation would be a specialist's failure to be properly represented at the trading post at scheduled times to answer inquiries regarding the status of orders and to resolve equity DK contested trade notices. Off-floor operational violations include the failure to submit options trade data to the Amex by specified deadlines, the failure to be represented in the Amex's options reconciliation room at scheduled times to resolve rejected options trades, the failure to provide the required options audit trail information on trade comparison input, or a specialist's failure to respond to inquiries regarding unreported PER/AMOS automated order routing market orders.

Other exchanges have similar minor disciplinary infraction systems. For example, the NYSE has implemented "Guidelines for Floor Conduct and Safety". Under the NYSE's procedures, officials are authorized to impose on-the-spot penalties against any member or floor clerical employee of a member or member organization found in violation of the Guidelines in accordance with the schedule of penalties specified in the Guidelines.

[7] Amex disagreed with the Commission's suggestion in the proposing release that the SROs engage in a joint effort to submit to the Commission a single, uniform minor rule violation plan. Amex contended that implementation of a uniform plan would limit the flexibility of an exchange to propose subsequent exemptions to the plan since any amendment would require the approval of the other participating SROs. The suggestion in the proposing release was not intended as a requirement, and as such was not incorporated into the text of the proposed amendment. While the Commission still favors the uniform approach as a matter of regulatory economy, it does not insist that the SROs devise a uniform plan.

[8] Rule 17a–1(b) requires SROs to keep records of all disciplinary actions for a period of 5 years.

[9] The CBOE's view is based on its perception that sanctions for infractions of up to $10,000 often do not involve matters of "high regulatory concern, but rather reflect application of established precedent to relatively routine violations."

infractions to $2500. Based upon the Commission's experience over the past six years in administering Rule 19d–1, the Commission believes that the amendments would not compromise the oversight responsibilities that Rule 19d–1 was intended to further. The Commission has found that separate, detailed reports of uncontested minor disciplinary violations are of limited value for purposes of Commission oversight of the enforcement and disciplinary activities of SROs, yet impose some administrative burdens on both the SRO and the Commission.

The amendments provide that SROs may file the Commission plans that would designate certain rule violations as minor and not subject to current reporting to the Commission under Rule 19d–1 (although the SRO involved would be required by other Commission rules to maintain internal records with respect to such violations for inspection purposes). After appropriate notice and opportunity for comment, the amendments provide that the Commission may, by order, declare such plans effective if it finds that such plans are consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act. The amendment expressly exempts only those categories of violations designated as minor rule violations in the plans submitted by the SROs, and only under such terms and conditions and for such time period, as the Commission deems appropriate.[10] While the amended rule gives the SROs and the Commission considerable flexibility in devising and reviewing plans, the Commission contemplates that plans filed pursuant to Rule 19d–1(c) and approved by the Commission will provide for simplified periodic reporting of minor rule violations (e.g., quarterly or on a tabular basis).[11]

The Commission does not believe that minor disciplinary violations under Rule 19d–1(c) should be automatically exempt from reporting, as suggested by the NYSE, or, as suggested by the CBOE, that all reporting requirements for SRO disciplinary actions should be modified by the Commission to conform to reporting requirements for minor disciplinary violations under Rule 19d–1(c). When the Commission adopted Rule 19d–1, it expressly considered SRO comments that reporting minor disciplinary sanctions would be of limited value for purposes of Commission review or oversight, would not serve any significant regulatory purpose, and would entail excessive costs to the SROs in light of the *de minimis* nature of the violations and sanctions. The Commission determined that the Act required SROs to give the Commission certain minimum information regarding each matter covered by Rule 19d–1 in order to permit the Commission to be adequately informed of a particular matter to determine whether the case should be called up for review on the Commission's own motion, as well as to enable the Commission to ascertain, in general, whether an SRO were adequately carrying out its responsibilities under the Act.[12]

As originally adopted, Rule 19d–1 attempted to balance the informational needs of the Commission against the reporting burdens of the SROs by imposing reduced reporting requirements for minor disciplinary sanctions. For minor infractions (including violations of rules regarding order and decorum), the rule provides that such notices need not include more than "appropriate" detail, and thus affords SROs considerable latitude for keeping reporting burdens to a minimum. In this regard, the Commission concluded that Rule 19d–1 reporting requirements were proportionate to their regulatory value to the Commission.[13]

In 1980, the Commission carved out a narrow exception to Rule 19d–1 [14] in exempting from the rule's reporting requirements uncontested disciplinary actions in which an exchange summarily imposes a fine not exceeding $500 or suspends floor privileges of a clerical employee for not more than five days for violation of regulations governing personal decorum on the floor.[15] The most important factor underlying the Commission's determination to adopt this exemption was that floor decorum violations represented the least important aspect of exchange administration and did not involve any aspect of trading, financial responsibility or other matters that the Commission regarded as vital for the protection of investors.

In adopting an additional exception to the comprehensive reporting scheme of Rule 19d–1, the Commission notes that, unlike personal decorum infractions, which are now subject to a complete exemption (for uncontested sanctions not exceeding $500), many minor rule violations that an SRO may choose to include under a Rule 19d–1(c) plan may impact upon aspects of trading, market making and other SRO activities that are necessary in fulfilling each SRO's regulatory responsibilities.[16] Therefore, the Commission believes that some reporting requirement is necessary to meet the policy and literal language of Section 19(d)(1). At the same time, the Commission is sensitive to the need to limit the reporting burdens for the SROs to the extent possible consistent with the Act. For this reason, the amendments provide the SROs and the Commission maximum flexibility to fashion reporting requirements in the SRO plan which would result in the Commission receiving the necessary information in the least burdensome way possible.

The Commission is also persuaded that some flexibility should be given the SROs in setting fines at meaningful levels for uncontested minor infractions without triggering case-by-case reporting of those sanctions. In originally proposing the $1000 ceiling, the Division was of the view that that level would be sufficient to encompass the kinds of minor violations included in minor disciplinary infraction fine systems currently implemented by the SROs, and which we anticipated would be included in SRO plans submitted under the rule. On further consideration, particularly in response to the NYSE comment letter, we are persuaded that a $2500 ceiling would better accomplish these objectives.

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[10] The Commission believes that it is neither feasible nor desirable for the Commission to draft an all-inclusive rule listing all categories of minor infractions that might be exempted from the full reporting requirement. The Commission believes that the amendment provides both the SROs and the Commission the flexibility necessary to tailor the coverage of any relief as appropriate. Any approval of a plan under Rule 19d–1(c)(2) would be conditional on the Commission's retaining the authority to revoke the plan if, for example, it appeared that serious deficiencies in SRO disciplinary procedures warranted that an SRO not be relieved of current reporting requirements under Rule 19d–1(c).

[11] Although the amendment does not specifically require tabular reporting, the Commission expects that this type of reporting is likely to be most useful.

[12] *See* Securities Exchange Act Release No. 13726, 42 FR at 36411.

13 *Id.* at 36412.

[14] Securities Exchange Act Release No. 17085 (August 22, 1980), 45 FR 57707, (August 29, 1980).

[15] Trading floor decorum violations include, among other things, running on the trading floor, using abusive language, consuming food and liquids on the floor, smoking in unauthorized areas and failing to wear an ID badge.

[16] The Commission notes that SROs are still required by Rule 17a–1(b) to keep a record of disciplinary actions for a period of five years which could be reviewed in the course of Commission oversight. The Commission believes that this recordkeeping, in conjunction with the formal reporting of contested cases and any periodic reporting resulting from the plans filed by the SROs, should afford the Commission sufficient information to adequately perform its oversight of the SROs with respect to uncontested sanctions for violations of its minor disciplinary rules.

The Commission is aware that an SRO may seek to prosecute more serious rule infractions under the abbreviated reporting structure contemplated by the amendment. We are confident, however, that this potential can be avoided by carefully screening the categories of violations included in SRO plans under the amended rule.[17]

In conclusion, the Commission believes that providing the SROs the option to submit plans detailing those minor rule violations that would be subject to abbreviated reporting requirements under Rule 19d–1(c) preserves the regulatory benefits intended by the Act, while minimizing the administrative burdens on the SROs and the Commission. The Commission, however, expressly retains the authority to restrict the categories of violations to be designated as minor rule violations and to impose any other terms or conditions on the submitted plan before approval is given. Finally, the Commission believes that it is appropriate to continue to require SROs to file notices of minor rule violations, notwithstanding their inclusion in an approved plan, in two situations: first, when a member contests a summarily imposed sanction by seeking an adjudication or otherwise exhausting his administrative remedies with the SRO, and second, when a sanction is imposed in the context of a hearing or adjudication, whether formal or otherwise.[18] Reporting under these circumstances is consistent with the purposes of Section 19(d) and will provide the Commission with information necessary to perform its oversight of the fairness of SRO enforcement and disciplinary activities.

IV. Regulatory Flexibility Act Considerations

The Chairman of the Commission has certified that the proposed amendments to Rule 19d–1(c), if adopted, would not have a significant impact on a substantial number of small entities.

[17] The Commission does not believe that the CBOE's recommended ceiling of $10,000 should be adopted. In our view, sanctions at that level rarely would involve matters of minimal regulatory concern. Instead, they either involve isolated infractions of significant rules or repeated violations of less significant rules which warrant a stringent sanction. The Division believes it is important that the Commission be informed on a timely basis of infractions in either situation.

[18] The exemption would not affect the requirement of subsection (i) of the rule that summary suspensions of memberships or summary limitations of access to services, for whatever reason, be reported to the Commission within 24 hours of the effectiveness of those sanctions. 17 CFR 240.19–d(i).

V. Effects on Competition

Section 23(a)(2) of the Act requires the Commission, in adopting rules under the Act, to consider the anti-competitive effect of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has considered the amendments to Rule 19d–1(c) in light of the standards cited in section 23(a)(2), and believes that adoption of the amendments will not impose any burden on competition not necessary or appropriate in furtherance of the Act.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Text of Proposed Amendment

On the basis of the above discussion and analysis, the Commission is amending Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by revising paragraph (c) and the introductory text of paragraph (d) of § 240.19d–1 as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.19d–1 Notices by self-regulatory organizations of final disciplinary actions, denials, bars, or limitations respecting membership, association, participation, or access to services, and summary suspensions.

* * * * *

(c)(1) Any self-regulatory organization for which the Commission is the appropriate regulatory agency that takes any final disciplinary action with respect to any person shall promptly file a notice thereof with the Commission in accordance with paragraph (d) of this section. For the purposes of this rule, a "final disciplinary action" shall mean the imposition of any final disciplinary sanction pursuant to Section 6(b)(6), 15A(b)(7), or 17A(b)(3)(G) of the Act or other action of a self-regulatory organization which, after notice and opportunity for hearing, results in any final disposition of charges of:

(i) One or more violations of—

(A) The rules of such organization;

(B) The provisions of the Act or rules thereunder; or

(C) In the case of a municipal securities broker or dealer, the rules of the Municipal Securities Rulemaking Board;

(ii) Acts or practices constituting a statutory disqualification of a type defined in subparagraph (D) or (E) (except prior convictions) of Section 3(a)(39) of the Act; or

(iii) In the case of a proceeding by a national securities exhange or registered securities association based on Section 6(c)(3)(A)(ii), 6(c)(3)(B)(ii), 15A(g)(3)(A)(ii), or 15A(g)(3)(B)(ii) of the Act, acts or practices inconsistent with just and equitable principles of trade.

Provided, however, That in the case of a disciplinary action in which a national securities exchange imposes a fine not exceeding $1000 or suspends floor privileges of a clerical employee for not more than five days for violation of any of its regulations concerning personal decorum on a trading floor, the disposition shall not be considered "final" for purposes of this paragraph if the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies at the exchange with respect to the matter. Provided further, that this exemption from the notice requirement of this paragraph shall not be available where a decorum sanction is imposed at, or results from, a hearing on the matter.

(2) Any disciplinary action, other than a decorum sanction not deemed "final" under paragraph (c)(1) of this section, taken by a self-regulatory organization for which the Commission is the appropriate regulatory agency against any person for violation of a rule of the self-regulatory organization which has been designated as a minor rule violation pursuant to a plan or any amendment thereto filed with and declared effective by the Commission under this paragraph, shall not be considered "final" for purposes of paragraph (c)(1) of this section if the sanction imposed consists of a fine not exceeding $2500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies at the self-regulatory organization with resepect to the matter After appropriate notice of the terms of substance of the filing or a description of the subjects and issues involved and opportunity for interested persons to submit written comment, the Commission may, by order, declare such plan or amendment effective if it finds that such plan or amendment is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act. The Commission in its order may restrict the categories of violations to be designated as minor rule violations and may impose any other terms or conditions to the plan (including abbreviated reporting of selected minor rule violations) and to the period of its effectiveness which it deems necessary or appropriate in the public interest, for the protection of investors or otherwise

in furtherance of the purposes of the Act.

(d) *Contents of notice required by paragraph (c)(1).* Any notice filed pursuant to paragraph (c)(1) of this section, shall consist of the following, as appropriate:

* * * * *

VI. Statutory Basis

The proposed amendments to Rule 19d-1 are adopted under the Securities Exchange Act of 1934, 15 U.S.C. 78f, 78k-1, 78*o*, 78*o*-3, 78q, 78q-1, 78s and 78w.

Dated: June 1, 1984.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15461 Filed 6-7-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 84-39]

Customs Regulations Amendment Relating to the Customs Field Organization—Bridgeport, Connecticut

AGENCY: Customs Service, Treasury.

ACTION: Final rule; Suspension of Effective Date.

SUMMARY: This document suspends until September 30, 1984, the effective date of a document which amended the Customs Regulations relating to the field organization of the Customs Service. In order to complete administrative adjustments, it has been determined necessary to suspend the effective date of changing the status of the Bridgeport, Connecticut, Customs district by placing it under the Boston, Massachusetts, Customs district. The document was published in the **Federal Register** on Friday, February 10, 1984 (49 FR 5092; FR Doc. 84-3707).

EFFECTIVE DATE: June 8, 1984.

FOR FURTHER INFORMATION CONTACT: Renee De Atley, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-8157).

The amendments to 19 CFR Part 101 published in the **Federal Register** on Friday, February 10, 1984 (49 FR 5092; FR Doc. 84-3707) are suspended until September 30, 1984.

Dated: June 4, 1984.

Robert P. Schaffer,

Assistant Commissioner (Commercial Operations).

[FR Doc. 84-15306 Filed 6-7-84; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 73, 74, 103, 105, 131, 133, 135, 136, 137, 139, 145, 146, 150, 155, 160, 161, 163, 164, 166, 168, and 169

[Docket No. 84N-0025]

Incorporation by Reference; Updating of Text; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of the final rule that updated the incorporations by reference found in various sections of FDA's regulations. That action was taken to meet the requirements for incorporation by reference set forth in Title 1 of the Code of Federal Regulations (1 CFR Part 51).

DATE: Effective date confirmed: April 19, 1984.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 30, 1984 (49 FR 3804), FDA published a proposal to amend certain of its regulations to update existing incorporations by reference to meet the requirements for incorporation by reference set forth in 1 CFR Part 51. That provision requires the filing and updating of material that has been incorporated by reference in the Code of Federal Regulations. The purpose of this requirement is to ensure the public availability and accuracy of material that has been incorporated from other sources. The agency received two comments in response to the January 30, 1984 proposal and published a final rule in the **Federal Register** of March 19, 1984 (49 FR 10087).

Any person adversely affected by the regulations was given an opportunity to file written objections to the final regulations and to request a hearing on those objections on or before April 18, 1984. No objections or requests for a hearing were received.

List of Subjects

21 CFR Part 73

Color additives, Cosmetics, Drugs, Incorporation by reference, Medical devices.

21 CFR Part 74

Color additives, Cosmetics, Drugs, Incorporation by reference; Medical devices.

21 CFR Part 103

Incorporation by reference, Quality standards.

21 CFR Part 105

Dietary foods, Food labeling, Incorporation by reference, Infant foods, Nutrition, Vitamins and minerals.

21 CFR Part 131

Cream, Food standards, Incorporation by reference, Milk, Yogurt.

21 CFR Part 133

Cheese, Food standards, Incorporation by reference.

21 CFR Part 135

Food standards, Frozen desserts, Ice cream, Incorporation by reference.

21 CFR Part 136

Bakery products, Bread, Food standards, Incorporation by reference.

21 CFR Part 137

Cereals, Flour, Food standards, Incorporation by reference.

21 CFR Part 139

Food standards, Incorporation by reference, Macaroni, Noodles.

21 CFR Part 145

Canned fruit, Food standards, Fruit, Incorporation by reference.

21 CFR Part 146

Canned fruit juice, Food standards, Fruit juices, Incorporation by reference.

21 CFR Part 150

Food standards, Fruit butter, Incorporation by reference, Jam, Jelly.

21 CFR Part 155

Canned vegetables, Food standards, Incorporation by reference, Vegetables.

21 CFR Part 160

Eggs, Food Standards, Incorporation by reference.