more than 113 of any market as measured by the individual, partnership, and corporate deposits held by commercial banks and/or thrift institutions, as may be appropriate.

[11] [Reserved]

By Order of the Board of Directors, this 2nd day of July 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-18557 Filed 7-12-84; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Reg. No. 4]

Federal Old-Age, Survivors, and Disability Insurance Benefits; Insured Status and Quarters of Coverage—Disability Insured Status

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: Pub. L. 98-21 (section 332) relaxes the disability insured status requirement for younger workers who become disabled again after termination of a previous period of disability which started before age 31. Under requirements in effect prior to April 20, 1983, the date of enactment of Pub. L. 98-21, many of these workers has not worked long enough to be insured again for disability insurance benefits following a previous period of disability. We are updating our regulations on how we determine disability insured status in order to reflect the changes made by Pub. L. 98-21.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Ziegler, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7415.

SUPPLEMENTARY INFORMATION: If you are a disabled worker, you must have worked recently and long enough under Social Security to be insured for purposes of establishing a period of disability or becoming entitled to disability insurance benefits. The general rule is that you must be fully insured and also have at least 20 quarters of coverage (QCs) in a 40-quarter period. (A QC is the basic unit of Social Security coverage used in determining a worker's insured status and is based upon earnings covered under Social Security.)

To meet the requirement of having 20 QCs in a 40-quarter period, you generally need credit for at least 5 years of work out of the 10 years ending when you become disabled. This rule is explained in 20 CFR 404.130.

How we determine whether you are fully insured for a period of disability or disability insurance benefits is explained in 20 CFR 404.132. A person who is statutorily blind only needs to be fully insured.

In order to protect younger persons who become disabled before age 31 and who have not worked long enough to obtain 20 QCs, there is a special rule. If you become disabled before age 31, you will be insured for a period of disability and disability insurance benefits if you are fully insured and have QCs in at least one-half of the quarters after you became age 21. However, you must have at least six QCs. In effect, this means that if you become disabled before age 24, you will need credit for one and a half years of work in the three year period ending when your disability starts. On the other hand, if you become disabled at age 24 through age 31, you will need credit for having worked half the time between age 21 and the time you become disabled. This special rule is explained further in 20 CFR 404.130.

Under the special rule, younger workers who become disabled before age 31 need fewer QCs to meet the insured status requirement than older workers. However, a younger worker, insured only under this special rule, who had a prior period of disability terminated and subsequently became disabled again at age 31 or later, frequently had difficulty establishing entitlement to disability insurance benefits again. Because of age, the worker no longer qualified for insured status under the special rule. Also, because of the previous disability, the worker often had not had sufficient time to obtain the necessary QCs required under the general rule before the subsequent disability began.

To correct this inequitable situation, Congress amended sections 216(i)(3) 223(c)(1)(B) of the Social Security Act (the Act). Pub. L. 98-21, section 332, extends the application of the special disability insured status test for workers disabled before age 31. Thus, the Act now provides that if you had a period of disability terminated that began before age 31 and then become disabled again at age 31 or later, you will again be insured for disability insurance benefits and another period of disability if you are fully insured and have QCs in half the calendar quarters after age 21 and through the quarter in which the later period of disability began, up to a maximum of 20 QCs out of 40 calendar quarters. If the number of quarters during this period is an odd number, we reduce the number by one. If the period has less than 12 quarters, you must have at least 6 QCs in the 12-quarter period ending with that quarter. We do not count any quarter all or part of which is in a prior period of disability established for you, unless the quarter is the first or last quarter of this period and the quarter is a QC. This provision is effective for benefits payable for May 1983, the month after enactment of Pub. L. 98-21.

A Notice of Proposed Rule Making explaining these changes in the disability insured status requirements was published in the **Federal Register** (48 FR 54072) on November 30, 1983. Interested persons, organizations, and groups were invited to submit data, views or arguments pertaining to the proposed amendments within a period of 60 days from the date of the notice. The comment period ended on January 30, 1984. The comments received were favorable to this change in the disability insured status requirements. Commenters believed that the new rule gives disabled workers an incentive to attempt to reenter the work force. After considering these comments, the proposed amendments are being adopted without any changes.

We are now amending 20 CFR 404.130 and 404.132 to reflect this change in the law pertaining to insured status.

Executive Order 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major rule. The cost of implementing this disability insured status provision is negligible. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they only affect a small number of disability claimants.

Paperwork Reduction Act

These regulations impose no reporting/recordkeeping requirements necessitating clearance by the Office of Management and Budget.

List of Subjects in 20 CFR Part 404

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

(Catalog of Federal Domestic Program No. 13.802, Social Security Disability Insurance)

Dated: April 26, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approval: June 13, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950——)

For the reasons set out in the preamble, Part 404, Subpart B, Chapter III of title 20, Code of Federal Regulations, is amended as set forth below.

Subpart B—Insured Status and Quarters of Coverage

1. The authority citation for Subpart B reads as follows:

Authority: Secs. 205, 212, 213, 214, 216, 217, 223, and 1102 of the Social Security Act, 53 Stat. 1368, 64 Stat. 504 and 505, 68 Stat. 1080, 64 Stat. 512, 70 Stat. 815, and 49 Stat. 647; Sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 631, 42 U.S.C. 405, 412, 413, 414, 416, 417, 423, and 1302; 5 U.S.C. Appendix.

2. Section 404.130 is revised to read as follows:

§ 404.130 How we determine disability insured status.

(a) *General.* We have four different rules for determining if you are insured for purposes of establishing a period of disability or becoming entitled to disability insurance benefits. To have disability insured status, you must meet one of these rules and you must be fully insured (see § 404.132 which tells when the period ends for determining the number of quarters of coverage (QCs) you need to be fully insured).

(b) *Rule I—You must meet the 20/40 requirement.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You are fully insured; and

(2) You have at least 20 QCs in the 40-quarter period (see paragraph (f) of this section) ending with that quarter.

(c) *Rule II—You become disabled before age 31.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You have not become (or would not become) age 31;

(2) You are fully insured; and

(3) You have QCs in at least one-half of the quarters during the period ending with that quarter and beginning with the quarter after the quarter you became age 21; however—

(i) If the number of quarters during this period is an odd number, we reduce the number by one; and

(ii) If the period has less than 12 quarters, you must have at least 6 QCs in the 12-quarter period ending with that quarter.

(d) *Rule III—You had a period of disability before age 31.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You are disabled again at age 31 or later after having had a prior period of disability established which began before age 31 and for which you were only insured under paragraph (c) of this section; and

(2) You are fully insured and have QCs in at least one-half the calendar quarters in the period beginning with the quarter after the quarter you became age 21 and through the quarter in which the later period of disability begins, up to a maximum of 20 QCs out of 40 calendar quarters; however—

(i) If the number of quarters during this period is an odd number, we reduce the number by one;

(ii) If the period has less than 12 quarters, you must have at least 6 QCs in the 12-quarter period ending with that quarter; and

(iii) No monthly benefits may be paid or increased under Rule III before May 1983.

(e) *Rule IV—You are statutorily blind.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You are disabled by blindness as defined in § 404.1581; and

(2) You are fully insured.

(f) *How we determine the 40-quarter or other period.* In determining the 40-quarter period or other period in paragraph (b), (c), or (d) of this section, we do not count any quarter all or part of which is in a prior period of disability established for you, unless the quarter is the first or last quarter of this period and the quarter is a QC.

3. Section 404.132 is amended by revising the introductory paragraph to read as follows:

§ 404.132 How we determine fully insured status for a period of disability or disability insurance benefits.

In determining if you are fully insured for purposes of paragraph (b), (c), (d), or (e) of § 404.130 on disability insured status, we use the fully insured status requirements in § 404.110, but apply the following rules in determining when the period of elasped years ends:

* * * * *

[FR Doc. 84-18594 Filed 7-12-84; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 101

[Docket No. 77N-0404]

Food Labeling; Protein Products; Warning Labeling; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that established label warning requirements for certain protein products that may be used to reduce weight. In that document, FDA inadvertently used the word "or" rather than the word "and" in a provision of the codified part of the regulation. This document corrects that error.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Center for Food Safety and Applied Nutrition (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0180.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 6, 1984 (49 FR 13679), FDA published a final rule requiring labeling statements on certain protein products that are used in weight reduction and for food supplementation. In that final rule, FDA inadvertently used the word "or" rather than the word "and" in § 101.17(d)(2) (21 CFR 101.17(d)(2)).

In the **Federal Register** of June 11, 1982 (47 FR 25379), FDA proposed that § 101.17(d)(2) read as follows: "Products described in paragraph (d)(1) of this section are exempt from the labeling requirements of that paragraph if the protein products are promoted as part of a nutritionally balanced diet plan providing 400 or more Calories (kilocalories) per day and the label or labeling of the product specifies the diet plan in detail or provides a brief description of that diet plan and adequate information describing where the detailed diet plan may be obtained and the label and labeling bear the following statement" (47 FR 25383).

In the April 6, 1984 final rule, FDA

inadvertently changed the language in § 101.17(d)(2) by changing "* * * the label and labeling bear * * *" to read "* * * the label or labeling bear * * *." This inadvertent change was contrary to the intention, as reflected in the preamble to the final rule and the final rule itself, to make no change in the wording of this requirement from that stated in the proposed rule. As § 101.17(d)(6) makes clear, "[t]he warning and notice statements required by paragraph (d)(1), (2), and (3) of this section shall appear prominently and conspicuously on the principal display panel of the package label and any other labeling."

Because of this error, the agency will, for a period of 1 year, on a case-by-case basis, consider petitions from manufacturers who need additional time to comply with § 101.17(d)(2) as it applies to labeling other than a product's principal display panel. Such petitions should be submitted in accordance with 21 CFR 10.30. The agency will not grant petitions seeking exemptions from this provision as it applies to a product's principal display panel because permanent placement of the labeling statement required by § 101.17(d)(2) is important to ensure the safe use of protein products in this category. Accordingly, the agency will not grant such exemptions.

Because § 101.17(d)(2) is inconsistent with the intent of the original proposal or with the agency's intent in the issuance of the final rule (which intent is revealed by the preamble), the agency is correcting § 101.17(d)(2). Because the change that is now being made is consistent with the proposed rule and with the evident intent of the final rule, there is no need either to propose the change again or to invoke the exceptions from notice and comment and from delayed effective date in the Administrative Procedure Act (5 U.S.C. 553).

Therefore, in FR Doc. 84–9168 appearing on page 13679 in the issue for Friday, April 6, 1984, the following change in made on page 13690: In the first column under § 101.17 *Food labeling warning and notice statements* in paragraph (d)(2), thirteenth line, "label or labeling" is corrected to read "label and labeling".

Dated: July 6, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–18563 Filed 7–12–84; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 173

[Docket No. 84F–0216]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Ethyl Acetate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of ethyl acetate as a solvent in the decaffeination of tea. This action responds to a petition filed by Halssen & Lyon.

DATES: Effective July 13, 1984; objections by August 13, 1984.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 27, 1984 (49 FR 26311), FDA announced that a petition (FAP 4A3804) had been filed by Halssen & Lyon, c/o Pine Consultants, Inc., 1905 Pine St., Philadelphia, PA 19103, proposing that § 173.228 *Ethyl acetate* (21 CFR 173.228) be amended to provide for the safe use of ethyl acetate as a solvent in the decaffeination of tea.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use of the food additive is safe and that the regulation should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives, Food processing aids.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 173 is amended in § 173.228 by revising paragraph (b) to read as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

§ 173.228 Ethyl acetate.

* * * * *

(b) The additive is used in accordance with current good manufacturing practice as a solvent in the decaffeination of coffee and tea.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 13, 1984, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective July 13, 1984.

(Secs. 201(s) 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: July 10, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-18675 Filed 7-11-84; 10:10 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Oxfendazole Powder and Pellets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Syntex Agribusiness, Inc., providing for distribution of oxfendazole powder in a 300-gram packet for use as an anthelmintic in horses.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Center for Veterinary Medicine (HFV-145), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, submitted a supplement to NADA 110-776 to provide for distribution of oxfendazole powder in a 300-gram packet in addition to the 30-gram packet presently approved for use. No other change is being made in the product or use. The supplemental NADA is approved and the regulations are amended to reflect the approval. The amended regulations delete any reference to a container.

This is a Category II supplement (42 FR 64367; December 23, 1977) involving only a change in container size. Therefore, a reevaluation of the underlying safety and effectiveness data was not required.

Approval of this supplement is an administrative action that did not require generation of new effectiveness or safety data. Therefore, a freedom of information summary (pursuant to 21 CFR 514.11(e)(2)(ii)) is not required for this action.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(b)(16) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that is categorically excluded from the requirement for an environmental assessment.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1628 by revising paragraphs (a) and (c) (1) and (3)(i), to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1628 Oxfendazole powder and pellets.

(a) *Specifications*—(1) *Powder for suspension.* Each gram of powder contains 7.57 percent oxfendazole. (2) *Pellets.* Each gram of pellets contains 6.49 percent oxfendazole.

* * * * *

(c) *Conditions of use*—(1) *Amount.* 10 milligrams per kilogram of body weight.

* * * * *

(3) *Limitations*—(i) *Powder for suspension.* For gravity administration via stomach tube or for positive administration via stomach tube and dose syringe. Discard unused portions of suspension after 24 hours. Mix drug according to directions prior to use. Administer drug with caution to sick or debilitated horses. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

Effective date. July 13, 1984.

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

Dated: July 6, 1984.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-18564 Filed 7-12-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

Physical Construction Authorization

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to existing physical construction authorization procedures is intended to simplify existing requirements and to reduce unnecessary delay. In limited cases, the amendment would permit FHWA to authorize physical construction at the same time it authorizes advertisement for bids even though some residentially improved properties have not been vacated. Under the existing regulations, requirements concerning the vacation of residentially improved properties and the establishment of specific dates for termination of business operations may only be waived by the FHWA Regional Administrator after contract award. In addition, this amendment would have the effect of reducing the time required to complete some highway projects consistent with the objectives of section 129 of the Surface Transportation Act of 1982.

EFFECTIVE DATE: August 31, 1984.

FOR FURTHER INFORMATION CONTACT: Paul E. Cunningham, Chief Construction and Maintenance Division, (202) 426-0392, or Reid Alsop, Office of the Chief Counsel, (202) 426-0800. Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA issued a notice of proposed rulemaking (NPRM) on July 11, 1983 (FHWA Docket No. 83-5, 48 FR 31667) to change requirements, in 23 CFR 635.309(c)(3), that a State must satisfy in order to receive FHWA authorization to advertise for bids, proceed with force account work or begin physical construction. The purpose of this change is to simplify such requirements and to avoid possible project delays that could result from the former procedure. The requirements in § 635.309(c) relate primarily to State compliance with the provisions of the Uniform Relocation Act (42 U.S.C. 4601 *et seq.*).

This section provided that in "very unusual circumstances", FHWA may authorize a State to advertise for bids or to proceed with force account work before the right of occupancy and use of a few parcels has been acquired. Previously, physical construction except for the removal or demolition of permanently vacated units was generally prohibited until the occupants of all residentially improved properties had moved and all businesses had established specific dates for termination of operations. This prohibition could be waived by the Regional Federal Highway Administrator (RFHWA), after contract award, based on a finding that it was in the public interest. Historically, the RFHWA has waived this rule only in very limited situations.

This amendment continues to restrict the approval to proceed with physical construction to the same limited situations. In effect, this amendment