

between the date on which this rule is published and the date which he (she) obtains or is denied registration; provided, that the application for such registration is submitted on or before August 24, 1984."

Dated: August 6, 1984.

Francis M. Mullen, Jr.,
Administrator, Drug Enforcement
Administration.

[FR Doc. 84-21261 Filed 8-9-84; 8:45 am]

BILLING CODE 4410-09-M

Office of the Attorney General

28 CFR Part 0

[Order No. 1063-84]

Director of Attorney Personnel Management

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order sets forth the duties of the Director, Office of Attorney Personnel Management, who serves in the Office of the Deputy Attorney General. This amendment is being made in order to provide useful information to the public on the duties of the Director and Deputy Director of the Office of Attorney Personnel Management.

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Linda A. Cincinnati, Director, Office of Attorney Personnel Management, Department of Justice, Room 4311, 10th and Constitution Avenue, NW., Washington, D.C. 20530 (202-633-3396).

SUPPLEMENTARY INFORMATION: This regulation is exempt from the requirements of Executive Order No. 12291 as a regulation related to agency organization and management. Because this order need not be published for notice and comment, it is also not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

List of Subjects in 28 CFR Part 0

Government employees, Organization and functions (government agencies), Authority delegations (government agencies), and Intergovernmental relations.

PART 0—[AMENDED]

By virtue of the authority vested in me, as Attorney General, by 28 U.S.C. 509, 510, 515, 542, 543, and 5 U.S.C. 301, § 0.15 of Title 28, Code of Federal Regulations is amended by adding a new paragraph (e), reading as follows:

§ 0.15 Deputy Attorney General.

* * * * *

(e) The official in the Office of the Deputy Attorney General responsible for attorney personnel management shall be the Director, Office of Attorney Personnel Management.

(1) The Director, Office of Attorney Personnel Management, may exercise any authority delegated to that official under § 0.15(c) and § 0.19(b) of this Part and may perform any other attorney personnel duties as may be assigned from time to time by the Deputy Attorney General;

(2) The Director, Office of Attorney Personnel Management, may redelegate the authority provided in paragraph (e)(1) of this section to the Deputy Director, Office of Attorney Personnel Management.

Dated: August 2, 1984.

William French Smith,
Attorney General.

[FR Doc. 84-21237 Filed 8-9-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1949

Office of Training and Education; Tuition Fees

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This document sets forth the policy of the Occupational Safety and Health Administration that tuition fees shall be charged to private sector students attending training provided by the OSHA Training Institute beginning October 1, 1984. This document also establishes a new Part 1949 to Title 29, Code of Federal Regulations, setting forth regulations concerning such tuition. This is being done as part of a government-wide initiative to make training provided to the private sector self-sustaining to the extent possible.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3637, 200 Constitution Ave., NW., Washington, D.C. 20210, Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

Section 21(c) of the Occupational Safety and Health Act of 1970 (the "Act", 29 U.S.C. 670(c)) authorizes the Secretary of Labor to provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe or unhealthful working conditions. The Office of Training and Education of the Occupational Safety and Health Administration (OSHA) has the responsibility to administer a program of training and education for employers and employees as well as personnel engaged in work relating to the Act. The OSHA training program is provided largely through the OSHA Training Institute located in Des Plaines, Illinois, where classes and training programs are attended by Federal and State compliance personnel, other Federal agency personnel, state personnel responsible for providing on-site consultation services under section 7(c)(1) of the Act and 29 CFR Part 1908, and private-sector employers and employees who wish to develop expertise in the recognition, avoidance and prevention of unsafe or unhealthful working conditions.

This rule adds a new Part 1949 to Title 29, Code of Federal Regulations, entitled "Office of Training and Education, Occupational Safety and Health Administration," and provides by regulation for the charging of tuition to private sector participants in training courses offered by the OSHA training institute. This policy is in accordance with a government-wide initiative by the Office of Management and Budget to assure that training provided by Federal agencies be provided on a self-sustaining basis and is consistent with 31 U.S.C. 9701. This rule is also in accordance with OMB Circular A-25, which generally sets forth guidelines for the charging of fees for federally-provided services.

Tuition fees will be computed by the OSHA Training Institute on the basis of the cost to the government of each course, calculating the proportionate share of the cost of personnel, travel, support facilities, rent, administrative and clerical support, postage and instructional material, and dividing the total cost by the number of students. Tuition for each course will be set forth in the course announcement. Procedures for payment of tuition fees and for refunds are set forth in the rule.

Because this rule is a statement of agency policy within the meaning of 5

U.S.C. 553(b)(A), OSHA has determined that it is unnecessary to publish it as a proposal.

List of Subjects in 29 CFR Part 1949

Intergovernmental relations, grant programs, occupational safety and health.

Accordingly, Title 29, Code of Federal Regulations, is amended by adding a new Part 1949, as follows:

PART 1949—OFFICE OF TRAINING AND EDUCATION, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Subpart A—OSHA Training Institute

Sec.

- 1949.1 Policy regarding tuition fees.
- 1949.2 Definitions.
- 1949.3 Schedule of fees.
- 1949.4 Procedure for payment.
- 1949.5 Refunds.

Authority: Secs. 8(g), 21(c) (29 U.S.C. 657(g), 670); 31 U.S.C. 9701(a); Secretary of Labor's Order No. 9-83 (48 FR 35736).

Subpart A—OSHA Training Institute

§ 1949.1 Policy regarding tuition fees.

The OSHA Training Institute will charge tuition fees for all private sector students attending Institute courses which commence on or after October 1, 1984.

§ 1949.2 Definitions.

Any term not defined herein shall have the same meaning as given it in the Act. As used in this subpart: "Private sector students" means those students attending the Institute who are not employees of Federal, State, or local governments.

§ 1949.3 Schedule of fees.

(a) Tuition fees will be computed on the basis of the cost to the Government for the Institute conduct of the course, as determined by the Director of the Institute.

(b) Total tuition charges for each course will be set forth in the course announcement.

§ 1949.4 Procedure for payment.

(a) Applications for Institute courses shall be submitted to the Institute Registrar's office in accordance with instructions issued by the Institute.

(b) Private sector personnel shall, upon notification of their acceptance by the Institute, submit a check payable to "U.S. Department of Labor" in the amount indicated by the course announcement prior to the commencement of the course.

§ 1949.5 Refunds.

An applicant may withdraw an application and receive full

reimbursement of the fee provided that written notification to the Institute Registrar is mailed no later than 14 days before the commencement of the course for which registration has been submitted.

Signed at Washington, D.C., this 2d day of August 1984.

Robert A. Rowland,
Assistant Secretary of Labor.

[FR Doc. 84-21319 Filed 8-9-84; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 210

Amendment to and Clarification of Certain Provisions Relating to Direct Deposit Payments by Means Other Than Check

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule clarifies that the Government does not authorize or direct financial institutions under 31 CFR Part 210 to recover from any party amounts owed the Government because Direct Deposit payments are received after the death of a recipient. This clarification was proposed in part because of a number of recent lawsuits arising from a misunderstanding of this liability.

This final rule also will allow recipients and financial institutions to change types of accounts into which benefits are deposited and account numbers without execution of new Direct Deposit Standard Authorization Forms. There is no need for the new form provided that the recipient's interest in the account is unchanged. This change is necessary to save processing costs for both the Government and participating financial institutions.

EFFECTIVE DATE: September 10, 1984.

FOR FURTHER INFORMATION CONTACT: James R. Finegan, ACI Program Management Branch, Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 222A, Treasury Annex, Washington, D.C. 20226, (202) 535-6331

SUPPLEMENTARY INFORMATION: On April 24, 1984 (49 FR 17546), the Department of the Treasury published a Notice of Proposed Rulemaking proposing two changes to the regulations in 31 CFR Part 210 which govern the Direct Deposit

of Federal recurring benefit payments by means other than check (EFT). Both changes are being adopted with some revisions suggested by those who commented on the Notice of Proposed Rulemaking.

The first change is to § 210.9. Section 210.9 sets forth the liability of financial institutions that credit benefit payments after the death or legal incapacity of a recipient or the death of a beneficiary. A financial institution is liable to Treasury as described in § 210.9 without regard to the financial institution's ability to recover from any other party. The change to § 210.9(a) explicitly states that Treasury does not authorize or direct the financial institution to debit the account of any customer under this Part. Any right a financial institution may have to recover from a customer in this situation would be based on state law or the financial institution's contract of deposit with the customer.

This clarification is necessary in part because of several recent lawsuits brought by deceased recipients' joint account holders who allege that the Government directed financial institutions to debit their accounts. See, e.g., *Dockstader v. Miller*, 719 F.2d 327 (10th Cir. 1983), cert. filed. Cf., *Powderly v. Schweiker*, 704 F.2d 1092 (9th Cir. 1983).

An amendment is also being made to § 210.4(h) and § 210.2(k) to allow recipients to change the type of account or number of the account to which benefit payments are being credited without execution of a new Standard Authorization Form (SF 1199A). Similarly, financial institutions may induce changes to their account numbering system or routing number without execution of new forms. This revision is being made to reduce costs of processing changes for the Government and financial institutions.

Treasury received comments from six financial institutions and one public interest group regarding these changes. A few of the comments from financial institutions generally criticized the fact that financial institutions have any liability under Part 210 for after death Direct Deposit payments. These comments were beyond the scope of this regulatory change.

With respect to the provision clarifying that the Government does not authorize or direct financial institutions to recover from any party amounts owed to the Government for after death payments, three financial institutions said that this provision appeared to preclude such recovery. In response to these comments, we have added a provision that states that any right the

financial institution may have to debit a customer's account would be based on State law or the financial institution's contract with its customer.

One commentor made the observation that the fact that the Government does not authorize the debit of any account for the financial institution's liability for after death payments is inconsistent with the requirement in § 210.9(a)(3) that the financial institution make every practicable administrative remedy to recover the amount which is not available in the recipient's account. Treasury has proposed to eliminate the "every practicable administrative remedy" provision. See *Federal Register* of August 7, 1984.

The financial institutions generally welcomed the change in the regulations that will specifically authorize changes in account numbers without execution of a new Standard Authorization Form. One financial institution suggested that Treasury follow the notification of change provisions in the Operating Rules and Guidelines of the National Automated Clearing House Association (NACHA). The Government's implementing instructions referred to in § 210.4(h) are expected to be substantially similar to the NACHA procedures.

One commentor was confused regarding what type of account changes will be able to be initiated by the recipient without execution of a new Standard Authorization Form. The recipient may change the account from a checking to savings account or make any other change which does not alter the recipient's or beneficiary's interest in the account without executing a new form. This change has nothing to do with, and certainly does not authorize, changes to the account after the death of the recipient or beneficiary.

Another commentor suggested that the proposed liability provision that would have held the financial institution responsible to the recipient for any loss caused by a change in account numbers made without execution of a new form, would in some instances be unfair to the financial institutions. We have changed this provision to specify that the financial institution will only be responsible for losses caused by such account changes if the loss is attributable to the financial institution's actions in processing the change.

Special Analyses

The Treasury Department has determined that this proposal is not a major rule for purposes of E.O. 12291. Therefore, no regulatory impact analysis is required.

It has been certified that the rulemaking proposed herein will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

List of Subjects in 31 CFR Part 210

Banks, Banking, Electronic funds transfer.

PART 210—FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN BY CHECK

Accordingly, 31 CFR Part 210 is amended as follows:

1. By adding paragraph (k) to § 210.2:

§ 210.2 Definitions.

(k) "Account," "recipient's account," "designated account" and "appropriate account" mean the account specified on the Standard Authorization Form into which any credit payments shall be deposited. These definitions also include an account on which the financial organization has, after execution of a Standard Authorization Form, made changes to the account number or the type of account as authorized by § 210.4(h).

2. By adding the following sentence flush with the margin at the end of § 210.4(h):

§ 210.4 Recipients.

(h) * * *

A financial organization may change the account numbers or, at the request of the recipient, the type of the recipient's account without submitting a new Standard Authorization Form provided no change is made to the title of the account or the interest of the recipient or beneficiary in the account. These changes must be communicated to the Government in accordance with implementing instructions issued by the Government.

3. By redesignating § 210.7(h) as § 210.7(i) and adding § 210.7(h) as follows:

§ 210.7 Financial organizations.

(h) If any change in account numbers permitted by § 210.4(h) is made by a financial organization, the financial organizations will be responsible to the recipient for any lost or late payment caused by the financial organization's actions in processing the change.

4. By adding the following sentence flush with the margin at the end of § 210.9(a):

§ 210.9 Death or legal incapacity of recipients or death of beneficiaries.

(a) * * *

Note.—The amount available in the recipient's account is only a measure of the financial organization's liability. A financial organization is not authorized by this Part to debit the account of any customer, living or deceased, for its liability to the Government under this Part. Any right a financial organization may have to debit a customer's account would be under state law or its contract with the depositor.

(5 U.S.C. 301, 12 U.S.C. 391, title 31 U.S.C. and other provisions of law.)

Dated: July 25, 1984.

W.E. Douglas,
Commissioner.

[FR Doc. 84-21249 Filed 8-9-84; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 704

[OPTS-82007B, TSH-FRL-2652-4]

Reporting and Recordkeeping Requirements; Chlorinated Terphenyl; Compliance With the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: Pursuant to the Toxic Substances Control Act (TSCA) EPA issued a final section 8(a) regulation that imposed reporting requirements on current and prospective manufacturers and importers of chlorinated terphenyl. The final rule was published in the *Federal Register* of March 26, 1984 (49 FR 11181). This document amends that rule by adding the Office of Management and Budget (OMB) control number 2070-0035.

DATE: The regulation became effective on May 25, 1984.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Information Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460. Toll-free: (800-424-9065). In Washington, D.C.: (202-554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB control number 2070-0035. As required by the Paperwork Reduction Act of 1980, 44 U.S.C. 2501 et seq., EPA submitted the final section 8(a) rule on chlorinated terphenyl to OMB for approval of its information collection requirements. OMB has approved the information