subject matter or the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 19, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 19, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 1st day of April 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Amerada Hess Corp. (workers)	Purvis, MS	3/21/85	3/9/85	TA-W-15,812	Petroleum refining.
Chemstar Products (workers)	Carlton, MN	3/19/85	3/15/85	TA-W-15,813	Drill starch.
East Point Seafood Co. (company)	South Bend, WA	3/25/85	3/18/85	TA-W-15,814	Pack canned shrimp and oysters.
Falcon Shoe Manufacturing Co (workers)	Lewiston, ME	3/20/85	3/15/85	TA-W-15,815	Shoes—boys' and children's.
Jomac Products, Inc. (workers)	Knox, IN	3/21/85	2/28/85	TA-W-15,816	Work gloves.
Margaret Fashions (ILGWU)	Panama City, FL	3/20/85	3/15/85	TA-W-15,817	Sportswear, ladies'.
Mari-Anne Bag Corp. (workers)	New Windsor, NY	3/19/85	3/11/85	TA-W-15,818	Handbags, ladies'.
Martin Jay Casuals (ILGWU)	New York, NY	3/25/85	3/13/85	TA-W-15,819	Sportswear, children's and ladies'.
Texaco, Inc. (OCAW)	Lawrenceville, IL	3/15/85	3/11/85	TA-W-15,820	All refined petroleum products.
Tultex Corp., Marion Plant (workers)	Marion, NC	3/25/85	3/11/85	TA-W-15,821	Fleecewear garments.
U.S. Steel Corp. (workers)	Milwaukee, WI	3/1/85	3/22/85	TA-W-15,822	Sales office.
USM Corp. (workers)	Kenton, TN	3/18/85	3/13/85	TA-W-15,823	Shoe components.
Crompton Co., Howard Richmond Plant (workers)	Leesburg, AL	3/15/85	3/6/85	TA-W-15,824	Corduroy and velveteen for clothing.
Crompton Co., Frank E. Richmond Plant (workers)	Osceola, AR	3/15/85	3/6/85	TA-W-15,825	Do.
Double Z Knitwear Corp. (ILGWU)	Ridgewood, NY	3/22/85	3/12/85	TA-W-15,826	Sweaters—ladies', knitted garments.
Halomet, Inc. (UMWA)	Masontown, PA	3/21/85	3/15/85	TA-W-15,827	Magnetite.
Indiana Glass Co. (workers)	Dunkirk, IN	3/2/85	2/26/85	TA-W-15,828	Glass tableware, decorated glassware, and other glass items.
Kayser Roth Mens Apparel, Inc. (workers)	Timonium, MD	3/5/85	2/28/85	TA-W-15,829	Men's sportcoats, men's suits.
Litton Microwave Cooking Products (workers)	Sioux Falls, SD	3/12/85	3/1/85	TA-W-15,830	Microwave ovens.
LTV Corp. (USWA)	Cleveland, OH	3/15/85	3/12/85	TA-W-15,831	Hot mill, finished sheet, cold mill blooming mill, crafts, etc.
Modern Manufacturing Co. (workers)	Timonium, MD	3/5/85	2/28/85	TA-W-15,832	Men's sportcoats and men's suits.
Rexnord Heavy Machinery (USWA)	Milwaukee, WI	2/11/85	2/5/85	TA-W-15,833	Finished machined and assembled crushers, parts.
Tuscarora Yarns, Inc.—J.M. Odell Plant (company)	Bynum, NC	3/21/85	3/15/85	TA-W-15,834	Spun cotton yarn.
American Accessories, Inc., Franstil Div. (workers)	Rutledge, TN	3/12/85	3/6/85	TA-W-15,835	Leather wallets for men and ladies.
Dorchester Refining Co. (OCAW)	Mt. Pleasant, TN	3/11/85	3/7/85	TA-W-15,836	Gasoline, asphalt.
Eaton Corp., Axle Brake Div. (workers)	Humboldt, TN	3/14/85	3/12/85	TA-W-15,837	Axle housing.
FMC Corp., Construction Equipment Group (company)	Cedar Rapids, IA	3/18/85	3/13/85	TA-W-15,838	Hydraulic excavators.
Freeman Shoe Company (workers)	Emmitsburg, MD	3/15/85	3/13/85	TA-W-15,839	Men's shoes.
Kerr-McGee Nuclear Corp. (OCAW)	Ambrosia Lake, NM	3/1/85	2/23/85	TA-W-15,840	Uranium concentrate.
Maple Creek Mine Complex (UMWA)	New Eagle, PA	2/21/85	2/11/85	TA-W-15,841	Metallurgical coal.
Mission Furniture Manufacturing Co. (workers)	Los Angeles, CA	3/12/85	3/6/85	TA-W-15,842	Home furniture.
Nutone Division of Scovill (workers)	Cincinnati, OH	3/13/85	3/6/85	TA-W-15,843	Ceiling heat/vents and paddle fans.
Philips ECG, Inc. (USWA)	Seneca Falls, NY	3/14/85	3/12/85	TA-W-15,844	Television tubes.
Sprague Electric Co. (workers)	Hillsville, VA	3/14/85	3/11/85	TA-W-15,845	Miniature aluminum electrolytic capacitors.
Vest, Inc. (company)	Fallston NC	3/20/85	3/18/85	TA-W-15,846	Men's vests, suits, sport and tuxedo.
Weyerhaeuser Co. (IWA)	Springfield OR	3/12/85	3/3/85	TA-W-15,847	Process timber into plywood.
Bethlehem Steel Corp. (USWA)	Chesterton, IN	3/18/85	3/15/85	TA-W-15,848	Steel.
Champion International (IWA)	Seattle, WA	2/12/85	2/2/85	TA-W-15,849	Plywood.
Falk Corporation (workers)	Milwaukee, WI	3/8/85	3/1/85	TA-W-15,850	Industrial gears and power transmission.
Mad Jahn Sportswear, Inc.	Hollidaysburg, PA	2/27/85	2/13/85	TA-W-15,851	Blouses, ladies.
Miniscribe Corp. (company)	Longmont, CO	3/8/85	2/22/85	TA-W-15,852	Disk drives for table top computers.
Roadmaster Corp. (United Employees Union #1)	Olney, IL	3/8/85	2/28/85	TA-W-15,853	Bycycles, exercise equipment, and Jr. riding toys.
Rob Roy, Inc. (company)	Cambridge, MD	3/4/85	2/15/85	TA-W-15,854	Boys' wear and infants' creepers, etc.
Tally Togs, Inc. (company)	Hoboken, NJ	3/20/85	3/15/85	TA-W-15,855	Newborns' and infants' snowsuits (outerwear).
Tennessee Fan Co. (workers)	Fayetteville, TN	3/12/85	3/7/85	TA-W-15,856	Oscillating table fan; ceiling fans.
Tri-Caro, Inc., Amtex Division (workers)	Cleveland, TN	3/12/85	3/6/85	TA-W-15,857	Knit fabrics (underwear materials and swimsuit).
Zeus Manufacturing Co. (workers)	Washington, GA	2/25/85	2/21/85	TA-W-15,858	All weather coats.
Zeus Manufacturing Co., Twilight Sewing Plant (workers)	Lincolnton, GA	2/25/85	2/21/85	TA-W-15,859	Do.
Algro Knitting Mills, Inc. (ACTWU)	Milltown, NJ	2/25/85	2/14/85	TA-W-15,860	Cotton and synthetic knitted fabrics.
Avondale Mills (company)	Sycamore, AL	3/4/85	2/25/85	TA-W-15,861	Polyester and combed cotton yarn.
Burlington Industries, Inc. Burlington Blended Fabrics Div. (workers)	Lindolnton, NC	2/15/85	2/12/85	TA-W-15,862	100 percent cotton and polyester/cotton yarn.
Code-A-Phone Corp. (workers)	Louisville, KY	3/5/85	2/26/85	TA-W-15,863	Telephone system equipment, call diverting equipment, telephone answering equipment.
Houdaille Industries, Powermatic/Burke (workers)	Cincinnati, OH	3/19/85	3/14/85	TA-W-15,864	Metal cutting machine tools.
Miami Footwear (USWA)	Miami, FL	2/4/85	2/1/85	TA-W-15,865	Women's dress and casual shoes.
Pleasantburg Manufacturing (company)	Greenville, SC	3/6/85	3/1/85	TA-W-15,866	Ladies' knit tops.
S & S Manufacturing (company)	Spartanburg, SC	3/6/85	3/1/85	TA-W-15,867	Do.
Simpson Timbers Co. McCleary Door & Plywood Plants (Brotherhood of Carpenters)	McCleary, WA	3/5/85	2/27/85	TA-W-15,868	Lumber products.
The Brandt Cabinet Works, Inc. (Upholsterers Int'l Union)	Hagerstown, PA	3/14/85	3/11/85	TA-W-15,869	Occasional wood furniture.
Thomaston Mills, Inc., Griffin Div. (co.)	Griffin, GA	3/18/85	3/13/85	TA-W-15,870	Apparel fabrics—denim.
Thomaston Mills, Inc., Gen. Office, Thomaston Div., Peerless Div. & Finishing Div. (CO.)	Thomaston, GA	3/18/85	3/13/85	TA-W-15,871	Fabrics, industrial household, finishing.
Abex Corp., Engineered Products Div. (USWA)	Medina, NY	3/1/85	2/25/85	TA-W-15,872	Iron and steel castings, iron tire mold castings.
Albion Cooperative, Inc. (company)	Albion, NY	3/25/85	3/22/85	TA-W-15,873	Cold storage—junice applies.
Century Brass Products, Inc., Metals Div. (UAW)	Waterbury, CT	3/12/85	3/7/85	TA-W-15,874	Brass wire and strip sheet.
Cotter Corp., Uranium Mill (OCAW)	Canon City, CO	3/6/85	2/21/85	TA-W-15,875	Milling uranium.
Kennecott Copper Corp., Utah Copper Div. (USWA)	Magna, UT	2/4/85	2/1/85	TA-W-15,876	Copper refine.
Do	Bingham Canyon, UT	2/4/85	2/1/85	TA-W-15,877	Mining copper.
Do	Garfield, UT	2/4/85	2/1/85	TA-W-15,878	Copper milling.
Schwartz Walder Mine (OCAW)	Golden, CO	3/6/85	2/21/85	TA-W-15,879	Mine ore.

[FR Doc. 85-8509 Filed 4-8-85; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act; Native American Programs; Proposed Allocations and Allocation Formula for Program Year 1985, Regular Program and Calendar Year 1985, Summer Youth Employment and Training Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is publishing the proposed Native American allocations, distribution formula and rationale and individual grantee planning estimates for Program Year 1985 for regular programs funded under the Job Training Partnership Act, and for Calendar Year 1985 for Summer Youth Employment and Training Programs funded under the Job Training Partnership Act.

DATE: Written comments on this proposal are invited, and must be received on or before April 30, 1985.

ADDRESS: Send written comments to: Mr. Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, Room 6122, 601 D Street NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Mayrand. Telephone: 202–376–6225.

SUPPLEMENTARY INFORMATION: Pursuant to section 162 of the Job Training Partnership Act (JTPA), the Employment and Training Administration (ETA) of the Department of Labor (DOL) publishes below for review and comment the proposed allocations and distribution formula for Native American grantees to be funded under JTPA Title IV, section 401, and Title II, Part B. The amounts to be distributed are $62,243,000, for Title IV, section 401; and $13,176,511, for Title II, Part B, for the Summer Youth Employment and Training Programs (SYEP) for the summer of Calendar Year 1985.

The formula for Title IV, section 401, provides that 25 percent of the funding will be based on the number of unemployed Native Americans in the grantee's area, and 75 precent will be based on the number of poverty-level Native Americans in the grantee's area.

Furthermore, for Program Year 1985 no grantee will receive less than 80 percent of the funding level it received for Program Year 1984, unless its territory to be served was increased or decreased. The rationale for the formula is that unemployment and poverty in an area are good indications of the need for employment and training programs.

The formula for allocating Title II, Part B, SYEP funds divides the funds among eligible recipients based on the proportion that the number of youths in their area bears to the total number of youths in all eligible areas. Further, in Calendar Year 1985 each grantee is guaranteed that it will receive at least 80 percent of the SYEP funds it received in Calendar Year 1984. The rationale for using the number of youths in the formula is that they are the program beneficiaries.

Statistics on youth, unemployed, and poverty-level Native Americans are derived from the Decennial Census of the Population, 1980. Subjects to Congressional appropriation actions, DOL proposes to use a similar methodology for one more year for the SYEP, and thereafter to allocate to each grantee the amount it would receive by direct application of the 1980 Census data without a hold harmless provision. Program Year 1985 is the last year a hold harmless provision will apply to JTPA Title IV, section 401 funds.

Signed at Washington, D.C., this 26th day of March, 1985.

Paul A. Mayrand.

Director, Office of Special Targeted Programs.

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		TOTAL	COST POOL	PROGRAM
ALABAMA	CREEK NATION EAST OF MISS. INC.	376,315	75,223	300,892
ALASKA	ALEUTIAN/PRIBILOF ISLANDS ASSOC.	71,298	14,260	57,038
ALASKA	ASSOC. OF VILLAGE COUNCIL PRESIDENTS	575,057	115,011	460,046
ALASKA	BRISTOL BAY NATIVE ASSOCIATION	142,551	28,510	114,041
ALASKA	COOK INLET NATIVE ASSOCIATION	367,818	73,564	294,254
ALASKA	KAWERAK INCORPORATED	224,610	44,922	179,688
ALASKA	KENAITZE INDIAN TRIBE	66,786	13,357	53,429
ALASKA	KODIAK AREA NATIVE ASSOCIATION	64,947	12,989	51,958
ALASKA	MAUNELUK NARPOWER	176,253	35,251	141,002
ALASKA	METLAKATLA INDIAN COMMUNITY	79,414	15,883	63,531
ALASKA	NORTH PACIFIC RIM	70,117	14,023	56,094
ALASKA	SITKA COMMUNITY ASSOCIATION	44,155	8,831	35,324
ALASKA	TANANA CHIEFS CONFERENCE,INC.	391,876	78,375	313,501
ALASKA	TLINGIT AND HAIDA COUNCIL	229,796	45,959	183,837
ARIZONA	AFFILIATION OF ARIZONA IND. CNTRS. INC.	368,483	69,697	278,786
ARIZONA	AMERICAN INDIAN ASSOC. OF TUCSON	338,241	67,648	270,593
ARIZONA	COLORADO RIVER INDIAN TRIBES	82,840	16,568	66,272
ARIZONA	GILA RIVER INDIAN COMMUNITY	495,324	99,065	396,259
ARIZONA	HOPI TRIBAL COUNCIL	388,143	77,629	310,514
ARIZONA	INDIAN DEV. DIST. OF ARIZONA,INC.	113,196	22,639	90,557
ARIZONA	NATIVE AMERICANS FOR COMMUNITY ACTION	202,555	40,511	162,044
ARIZONA	NAVAJO TRIBE OF INDIANS	6,879,094	1,375,819	5,503,275
ARIZONA	THE PAPAGO TRIBE OF ARIZONA	431,747	86,349	345,398
ARIZONA	PASQUA YAQUI TRIBE	38,892	7,778	31,114
ARIZONA	PHOENIX INDIAN CENTER,INC.	711,669	142,334	569,335
ARIZONA	SALT RIVER PIMA-MARICOPA IND. COMMUN.	96,837	19,367	77,470
ARIZONA	SAN CARLOS APACHE TRIBE	315,922	63,184	252,738
ARIZONA	WHITE MOUNTAIN APACHE TRIBE	335,539	67,108	268,431
ARKANSAS	AM. INDIAN CENTER OF ARKANSAS,INC.	295,989	59,198	236,791
CALIFORNIA	CALIFORNIA INDIAN MANPOWER CONS.	2,785,396	557,079	2,228,317
CALIFORNIA	CAHUILLA AMERICAN INDIAN COUNCIL	465,144	93,029	372,115
CALIFORNIA	CONS. OF UNITED INDIAN NATIONS	648,412	129,682	518,730
CALIFORNIA	FRESNO AMERICAN INDIAN COUNCIL	283,586	56,717	226,869
CALIFORNIA	KOOPA VALLEY BUSINESS COUNCIL	52,251	10,450	41,801
CALIFORNIA	INDIAN CENTER, IN C.*	1,687,560	337,512	1,350,048

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		TOTAL	COST POOL	PROGRAM
CALIFORNIA	INDIAN CENTER OF SAN JOSE,INC.	238,756	47,752	191,004
CALIFORNIA	INDIAN HUMAN RESOURCES CENTER	459,365	91,873	364,292
CALIFORNIA	NORTHERN CALIF. IND. DEV. COUNCIL,I NC.	327,998	65,600	262,398
CALIFORNIA	ORANGE COUNTY INDIAN CENTER,INC.	323,307	64,661	258,646
CALIFORNIA	TULE RIVER TRIBE	136,911	25,382	107,529
CALIFORNIA	YA-KA-MA INDIAN EDUC. AND DEV.,INC .	135,596	26,711	108,885
COLORADO	DENVER INDIAN CENTER, INC.	622,896	124,579	498,293
COLORADO	SOUTHERN UTE INDIAN TRIBE	57,623	11,525	46,098
COLORADO	UTE MOUNTAIN INDIAN TRIBE	68,477	13,895	55,582
CONNECTICUT	AMERICAN INDIANS FOR DEVELOPMENT,IN C.	193,986	38,797	155,189
DELAWARE	DEPARTMENT OF LABOR,STATE OF DELAWARE	40,065	8,013	32,052
FLORIDA	FLA. GOVERNORS COUNCIL ON IND. AFFAIRS	720,368	144,078	576,310
FLORIDA	MICCOSUKEE CORPORATION	123,403	24,681	98,722
FLORIDA	SEMINOLE TRIBE OF FLORIDA	69,500	13,900	55,600
GEORGIA	DEPARTMENT OF ARCHIVES AND HISTORY	275,443	55,089	220,354
HAWAII	ALU LIKE,INC.	2,559,696	511,938	2,047,757
HAWAII	HAWAII COUNCIL OF ALL INDIAN NATIONS	90,251	18,050	72,201
IDAHO	KAINAI TRIBE OF IDAHO	36,735	7,347	29,388
IDAHO	NEZ PERCE TRIBE	79,969	15,998	63,991
IDAHO	SHOSHONE-BANNOCK TRIBES	267,608	48,522	199,086
ILLINOIS	AM. IND. HIS. ASSN. INC. AND EMPL. PROG.	1,122,196	224,439	897,757
KANSAS	MID AMERICA ALL INDIAN CENTER,INC.	167,326	33,465	133,861
KANSAS	UNITED TRIBES OF KANSAS AND S.E. NEB.	513,713	102,743	410,970
LOUISIANA	INDIAN TRIBAL COUNCIL OF LOUISIANA,I NC.	463,688	92,738	370,950
MAINE	CENTRAL MAINE INDIAN ASSOCIATION,IN C.	96,437	18,885	75,562
MAINE	TRIBAL GOVERNORS, INC.	108,626	21,725	86,901
MARYLAND	BALTIMORE AMERICAN INDIAN CTR.,INC.	326,488	65,298	261,190
MASSACHUSETTS	BOSTON INDIAN COUNCIL,INC.	265,810	49,160	196,640
MASSACHUSETTS	WAMPANOAG INDIAN TRIBAL COUNCIL	85,727	17,145	68,582
MICHIGAN	GRAND RAPIDS INTER-TRIBAL COUNCIL	122,686	24,537	98,147
MICHIGAN	GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS	56,839	11,368	45,471
MICHIGAN	INTER-TRIBAL COUNCIL OF MICHIGAN,IN C.	73,999	14,800	59,199
MICHIGAN	MICHIGAN INDIAN EMPLOYMENT AND TRAI NING, INC.	820,459	164,092	656,367
MICHIGAN	NORTH AMERICAN INDIAN ASSOC. OF DETROIT	413,372	82,674	330,698
MICHIGAN	POTAWATOMIE INDIAN NATION	157,024	31,405	125,619

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		TOTAL	COST POOL	PROGRAM
MICHIGAN	SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS	208,826	41,765	167,061
MICHIGAN	SOUTHEASTERN MICHIGAN INDIANS, INC.	53,808	10,762	43,046
MINNESOTA	AMERICAN INDIAN FELLOWSHIP ASSN.	140,267	28,053	112,214
MINNESOTA	AMERICAN INDIAN OPPORTUNITIES CTR.	539,222	107,844	431,378
MINNESOTA *	BOIS FORTE R. B. C.	40,055	8,011	32,044
MINNESOTA	FOND DU LAC R.B.C.	52,282	10,456	41,826
MINNESOTA	LEECH LAKE R.B.C.	185,063	37,013	148,050
MINNESOTA	MILLE LACS R.B.C.	33,784	6,757	27,027
MINNESOTA	MINNEAPOLIS AMERICAN INDIAN CENTER	315,726	63,145	252,581
MINNESOTA	RED LAKE TRIBAL COUNCIL	148,184	29,637	118,547
MINNESOTA	WHITE EARTH R.B.C.	165,877	33,175	132,702
MISSISSIPPI	MISSISSIPPI BAND OF CHOCTAW INDIANS	321,264	64,253	257,011
MISSOURI	REGION VII AMERICAN INDIAN COUNCIL, INC.	595,239	119,048	476,191
MONTANA	FORT PECK INDIAN RESERVATION	221,655	44,331	177,324
MONTANA	BLACKFEET TRIBAL BUSINESS COUNCIL	294,400	58,880	235,520
MONTANA	CHIPPEWA CREE TRIBE, ROCKY BOYS RESE BY.	103,465	20,693	82,772
MONTANA	CONFEDERATED SALISH & KOOTENAI TRIBES	260,140	52,028	208,112
MONTANA	CROW INDIAN TRIBE	218,467	43,697	174,790
MONTANA	FT. BELKNAP AGENCY	83,412	16,682	66,730
MONTANA	MONTANA UNITED INDIAN ASSOCIATION	448,593	89,719	358,874
MONTANA	NORTHERN CHEYENNE TRIBE	173,133	34,627	138,506
NEBRASKA	INDIAN CENTER, INC.	136,588	27,318	109,270
NEBRASKA	NEBRASKA INDIAN COMMISSION	48,959	8,392	33,567
NEBRASKA	NEBRASKA INDIAN INTER-TRIBAL DEV. CORP.	321,800	64,360	257,440
NEVADA	INTER-TRIBAL COUNCIL OF NEVADA	347,569	69,514	278,055
NEVADA	LAS VEGAS INDIAN CENTER, INC.	97,268	19,454	77,814
NEVADA	SHOSHONE PAIUTE TRIBES	171,272	34,254	137,018
NEW JERSEY	POWHATAN RENAPE NATION	307,735	61,547	246,188
NEW MEXICO	ALAMO NAVAJO SCHOOL BOARD	80,438	16,088	64,350
NEW MEXICO	ALL INDIAN PUEBLO COUNCIL	155,054	31,011	124,043
NEW MEXICO	EIGHT INDIAN PUEBLO COUNCIL	60,604	12,121	48,483
NEW MEXICO	FIVE SANDOVAL INDIAN PUEBLO	130,194	26,039	104,155
NEW MEXICO	JICARILLA APACHE TRIBE	56,305	11,221	44,882
NEW MEXICO	MESCALERO APACHE TRIBE	78,527	15,705	62,822
NEW MEXICO	NATIONAL INDIAN YOUTH COUNCIL	744,492	148,898	595,594

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NEW MEXICO	PUEBLO OF ACOMA	105,167	21,033	84,134
NEW MEXICO	PUEBLO OF LAGUNA	109,656	21,931	87,725
NEW MEXICO	PUEBLO OF TAOS	35,701	7,140	28,561
NEW MEXICO	PUEBLO OF ZUNI	301,871	60,374	241,497
NEW MEXICO	NAVAJO SCHOOL BOARD, INC.	96,389	19,278	77,111
NEW MEXICO	SANTA CLARA INDIAN PUEBLO	22,030	4,406	17,624
NEW MEXICO	SANDO DOMINGO TRIBE	131,407	26,281	105,126
NEW YORK	AMERICAN INDIAN COMMUNITY HOUSE, INC .	805,899	161,180	644,719
NEW YORK	NATIVE AMERICAN MANPOWER PROGRAMS, I NC.	217,526	43,505	174,021
NEW YORK	THE NORTH AM. IND. CLUB OF SYRACUSE AND VICINITY, IN	295,948	59,190	236,758
NEW YORK	ST. REGIS MOHAWK TRIBE	89,864	17,973	71,891
NEW YORK	SENECA NATION OF INDIANS	420,538	84,108	336,430
NORTH CAROLINA	CUMBERLAND COUNTY ASSOC. FOR IND. PEOPLE	130,299	26,060	104,239
NORTH CAROLINA	EASTERN BAND OF CHEROKEE INDIANS	245,583	49,117	196,466
NORTH CAROLINA	GUILFORD NATIVE AMERICAN ASSOC.	99,041	19,808	79,233
NORTH CAROLINA	LUMBEE REG. DEV. ASSOC.	1,338,570	267,714	1,070,856
NORTH CAROLINA	METROLINA NATIVE AMERICAN ASSN.	101,225	20,245	80,980
NORTH CAROLINA	NORTH CAROLINA COMM. OF IND. AFFAIRS	399,039	79,802	319,237
NORTH DAKOTA	DEVILS LAKE SIOUX TRIBE	123,322	24,664	98,658
NORTH DAKOTA	STANDING ROCK SIOUX TRIBE	258,082	51,616	206,466
NORTH DAKOTA	THREE AFFILIATED TRIBES	141,079	28,216	112,863
NORTH DAKOTA	TURTLE MOUNTAIN BAND OF CHIPPEWA IND.	350,711	70,142	280,569
NORTH DAKOTA	UNITED TRIBES — ED. TECH. CNTR.	210,265	42,053	168,212
OHIO	OHIO INDIAN JOB TRAINING PARTNERSHIP AGENCY	748,351	149,670	598,681
OKLAHOMA *	CADDO TRIBE	61,877	12,375	49,502
OKLAHOMA	CENTRAL TRIBES OF THE SHAWNEE AREA, INC.	83,489	16,698	66,791
OKLAHOMA	CHEROKEE NATION OF OKLAHOMA	1,458,591	291,719	1,166,874
OKLAHOMA	CHEYENNE-ARAPAHO TRIBES	195,879	39,176	156,703
OKLAHOMA	CHICKASAW NATION OF OKLAHOMA	391,052	78,211	312,846
OKLAHOMA	CHOCTAW NATION OF OKLAHOMA	796,411	159,282	637,129
OKLAHOMA	CITIZENS BAND POTAWATOMI IND. OF OKLA.	197,366	39,473	157,893
OKLAHOMA	COMANCHE TRIBE OF OKLAHOMA	170,369	34,074	136,295
OKLAHOMA	CREEK NATION OF OKLAHOMA	593,471	118,694	474,777
OKLAHOMA	FOUR TRIBES CONSORTIUM OF OKLAHOMA	74,448	14,890	59,559
OKLAHOMA	INTER-TRIBAL COUNCIL OF N.E. OKLAHOMA	68,394	13,679	54,715

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		TOTAL	COST POOL	PROGRAM
OKLAHOMA	KAW TRIBE OF OKLAHOMA	23,864	4,773	19,091
OKLAHOMA	KIOWA TRIBE OF OKLAHOMA	210,893	42,179	168,714
OKLAHOMA	OKLAHOMA TRIBAL ASSISTANCE PROGRAM, INC.	344,300	68,860	275,440
OKLAHOMA	OSAGE TRIBAL COUNCIL	114,731	22,946	91,785
OKLAHOMA	OTOE-MISSOURIA INDIAN TRIBE OF OKLA.	37,308	7,462	29,846
OKLAHOMA	PAWNEE TRIBE OF OKLAHOMA	23,731	4,746	18,985
OKLAHOMA	PONCA TRIBE OF INDIANS	55,953	11,191	44,762
OKLAHOMA	SEMINOLE NATION OF OKLAHOMA	149,795	29,959	119,836
OKLAHOMA	TONKAWA TRIBE OF OKLAHOMA	41,345	8,269	33,076
OKLAHOMA	UNITED URBAN INDIAN COUNCIL	352,362	70,472	281,890
OREGON	CONFED. TRIBES OF SILETZ INDIANS	327,396	65,479	261,917
OREGON	CONFED. TRIBES OF THE UMATILLA IND. RES.	45,860	9,172	36,688
OREGON	CONFEDERATE TRIBES OF WARM SPRINGS	96,780	19,356	77,424
OREGON	ORGANIZATION OF FORGOTTEN AMERICANS	450,119	90,024	360,095
OREGON	URBAN INDIAN COUNCIL	290,775	58,155	232,620
PENNSYLVANIA	COUNCIL OF THREE RIVERS	457,208	91,402	365,806
PENNSYLVANIA	UNITED AM. INDIANS OF THE DEL. VALLEY	204,310	40,862	163,448
RHODE ISLAND	RHODE ISLAND INDIAN COUNCIL	148,194	29,839	118,355
SOUTH CAROLINA	OFFICE OF THE GOVERNOR OF SOUTH CAROLINA	272,906	54,581	218,325
SOUTH DAKOTA	CHEYENNE RIVER SIOUX TRIBE	233,494	46,699	186,795
SOUTH DAKOTA	CROW CREEK SIOUX TRIBE	106,072	21,214	84,858
SOUTH DAKOTA	LOWER BRULE SIOUX TRIBE	59,173	11,835	47,338
SOUTH DAKOTA	OGLALA SIOUX TRIBE	736,886	147,377	589,509
SOUTH DAKOTA	ROSEBUD SIOUX TRIBE	436,481	87,296	349,185
SOUTH DAKOTA	SISSETON-WAHPETON SIOUX TRIBE	170,001	34,000	136,001
SOUTH DAKOTA	UNITED SIOUX TRIBES DEV. CORP.	615,551	123,110	492,441
TENNESSEE	USET INCORPORATED	543,844	108,769	435,075
TEXAS	ALABAMA-COUSHATTA INDIAN RESERVATION	676,530	135,306	541,224
TEXAS	DALLAS INTER-TRIBAL CENTER	277,642	55,528	222,114
TEXAS	TIGUA INDIAN TRIBE	462,111	92,422	369,689
UTAH	INDIAN CENTER OF SALT LAKE	424,202	84,840	339,362
UTAH	UTE INDIAN TRIBE	76,238	15,248	60,990
VERMONT	ABENAKI SELF-HELP ASSN./N.H.IND. CONC.	75,282	15,056	60,226
VIRGINIA	NATAPONI PAMUNKEY MONACAN CONSORTIUM	245,164	49,033	196,131
WASHINGTON	AMERSON INDIAN COMMUNITY CENTER	218,788	43,758	175,030

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		TOTAL	COST POOL	PROGRAM
WASHINGTON	COLVILLE CONFEDERATED TRIBES	206,781	41,356	165,425
WASHINGTON *	EASTERN WASHINGTON INDIAN CONSORTIUM	510,133	102,027	408,106
WASHINGTON	LUMMI INDIAN BUSINESS COUNCIL	45,369	9,074	36,295
WASHINGTON	N.W. INTER-TRIBAL COUNCIL	55,377	11,075	44,302
WASHINGTON	PUYALLUP TRIBE	166,945	33,389	133,556
WASHINGTON	SEATTLE INDIAN CENTER	437,342	87,468	349,874
WASHINGTON	WESTERN WASH. IND. EMPL. AND TRNG. PROG.	879,776	175,955	703,821
WISCONSIN	LAC COURTE OREILLES TRIBAL COUNCING BOARD	65,439	13,088	52,351
WISCONSIN	LAC DU FLAMBEAU CONSORTIUM	47,718	9,544	38,174
WISCONSIN	MENOMINEE INDIAN TRIBE OF WISCONSIN	100,305	20,061	80,244
WISCONSIN	MILWAUKEE AREA AM. IND. MANPOWER CONC.	234,658	46,932	187,726
WISCONSIN	ONEIDA TRIBE OF INDIANS OF WIS., INC .	208,025	41,605	166,420
WISCONSIN *	ST. CROIX TRIBAL COUNCIL	39,412	7,882	31,530
WISCONSIN	STOCKBRIDGE-MUNSEE COMMUNITY	63,226	12,645	50,581
WISCONSIN	WISCONSIN INDIAN CONSORTIUM	92,946	18,589	74,357
WISCONSIN	WISCONSIN-WINNEBAGO BUSINESS COMMITTEE	201,802	40,360	161,442
WYOMING	SHOSHONE/ARAPAHOE TRIBES	229,378	45,876	183,502
	NATIONAL TOTAL	62,243,000	12,448,600	49,794,400

*Organizations identified with an asterisk were not designated to be PY 1985/86 grantees. The planning estimate assigned to them will be assigned to an alternate designee.

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		TOTAL	PROGRAM	COST POOL
ALASKA	ALEUTIAN/PRIBILOF ISLANDS ASSOC.	35,503	28,402	7,101
ALASKA	ASSOC. OF VILLAGE COUNCIL PRESIDENTS	266,800	213,440	53,360
ALASKA	BRISTOL BAY NATIVE ASSOCIATION	84,662	67,730	16,932
ALASKA	COOK INLET NATIVE ASSOCIATION	205,223	164,178	41,045
ALASKA	KAWERAK INCORPORATED	104,883	83,906	20,977
ALASKA	KOYUKUK INDIAN TRIBE	17,896	14,317	3,579
ALASKA	KUSKOKWIM AREA NATIVE ASSOCIATION	77,150	61,880	15,430
ALASKA	MAGNELUK MANPOWER	90,825	72,660	18,165
ALASKA	METLAKATLA INDIAN COMMUNITY	18,665	14,932	3,733
ALASKA	NORTH PACIFIC RIM	27,666	22,133	5,533
ALASKA	STEBA COMMUNITY ASSOCIATION	38,774	31,019	7,755
ALASKA	TANANA CHIEFS CONFERENCE, INC.	220,713	176,570	44,143
ALASKA	TLINGIT AND HAIDA COUNCIL	192,360	153,888	38,472
ARIZONA	PASCUA YAQUI TRIBE	9,525	7,620	1,905
ARIZONA	COLORADO RIVER INDIAN TRIBES	31,943	25,554	6,389
ARIZONA	GILA RIVER INDIAN COMMUNITY	137,585	110,068	27,517
ARIZONA	HOPI TRIBAL COUNCIL	109,491	87,593	21,898
ARIZONA	INDIAN DEV. DIST. OF ARIZONA, INC.	42,815	34,252	8,563
ARIZONA	NAVAJO TRIBE OF INDIANS	2,414,377	1,931,502	482,875
ARIZONA	THE PAPAGO TRIBE OF ARIZONA	157,230	125,784	31,446
ARIZONA	SALT RIVER PIMA-MARICOPA IND. COMMUN.	47,818	38,254	9,564
ARIZONA	SAN CARLOS APACHE TRIBE	120,363	96,290	24,073
ARIZONA	WHITE MOUNTAIN APACHE TRIBE	134,987	107,990	26,997
CALIFORNIA	CALIFORNIA INDIAN MANPOWER CONS.	208,366	166,693	41,673
CALIFORNIA	HOOPA VALLEY BUSINESS COUNCIL	35,622	28,498	7,124
CALIFORNIA	NORTHERN CALIF. IND. DEV. COUNCIL, INC.	7,184	5,747	1,437
CALIFORNIA	TULE RIVER TRIBE	5,782	4,626	1,156
COLORADO	NATIONAL URBAN INDIAN COUNCIL, INC.	521	417	104
COLORADO	SOUTHERN UTE INDIAN TRIBE	16,267	13,014	3,253
COLORADO	UTE MOUNTAIN INDIAN TRIBE	19,414	15,531	3,883
FLORIDA	MICCOSUKEE CORPORATION	40,794	32,635	8,159
FLORIDA	SEMINOLE TRIBE OF FLORIDA	38,186	30,549	7,637
HAWAII	ALU LIKE, INC.	1,045,015	836,012	209,003
IDAHO	IDAHO INTER-TRIBAL POLICY BOARD	6,466	5,173	1,293
IDAHO	NEZ PERCE TRIBE	20,898	16,718	4,180

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		TOTAL	PROGRAM	COST POOL
IDAHO	SHOSHONE-BANNOCK TRIBES	40,891	32,713	8,178
KANSAS	UNITED TRIBES OF KANSAS AND S.E. NEB.	36,176	28,941	7,235
LOUISIANA	INTER-TRIBAL COUNCIL OF LOUISIANA, INC.	7,746	6,197	1,549
MAINE	TRIBAL GOVERNORS, INC.	22,620	18,096	4,524
MICHIGAN	GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS	18,761	15,009	3,752
MICHIGAN	INTER-TRIBAL COUNCIL OF MICHIGAN, INC.	29,330	23,464	5,866
MICHIGAN	SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS	43,585	34,868	8,717
MINNESOTA	AMERICAN INDIAN FELLOWSHIP ASSN.	5,343	4,274	1,069
MINNESOTA	BOIS FORTE R. B. C.	14,011	11,209	2,802
MINNESOTA	FOND DU LAC R.B.C.	11,696	9,357	2,339
MINNESOTA	LEECH LAKE R.B.C.	48,935	39,948	9,987
MINNESOTA	MILLE LACS R.B.C.	11,043	8,834	2,209
MINNESOTA	MINNEAPOLIS AMERICAN INDIAN CENTER	12,942	10,354	2,588
MINNESOTA	RED LAKE TRIBAL COUNCIL	64,367	51,494	12,873
MINNESOTA	WHITE EARTH R.B.C.	87,928	70,342	17,586
MISSISSIPPI	MISSISSIPPI BAND OF CHOCTAW INDIANS	53,054	42,411	10,603
MONTANA	FORT PECK INDIAN RESERVATION	78,318	62,654	15,664
MONTANA	BLACKFEET TRIBAL BUSINESS COUNCIL	132,612	106,090	26,522
MONTANA	CHIPPEWA CREE TRIBE, ROCKY BOYS RESERV.	43,524	34,819	8,705
MONTANA	CONFEDERATED SALISH & KOOTENAI TRIBES	73,892	59,114	14,778
MONTANA	CROW INDIAN TRIBE	82,647	66,118	16,529
MONTANA	FT. BELKNAP AGENCY	57,282	45,826	11,456
MONTANA	NORTHERN CHEYENNE TRIBE	59,248	47,398	11,850
NEBRASKA	NEBRASKA INDIAN INTER-TRIBAL DEV. CORP.	32,145	25,716	6,429
NEVADA	INTER-TRIBAL COUNCIL OF NEVADA	70,428	56,342	14,086
NEVADA	SHOSHONE PAIUTE TRIBES	19,890	15,912	3,978
NEW MEXICO	ALAMO NAVAJO SCHOOL BOARD	28,735	22,988	5,747
NEW MEXICO	ALL INDIAN PUEBLO COUNCIL	150,670	120,536	30,134
NEW MEXICO	EIGHT INDIAN PUEBLO COUNCIL	28,252	22,602	5,650
NEW MEXICO	JICARILLA APACHE TRIBE	31,847	25,478	6,369
NEW MEXICO	MESCALERO APACHE TRIBE	40,939	32,751	8,188
NEW MEXICO	PUEBLO OF ACOMA	42,238	33,790	8,448
NEW MEXICO	PUEBLO OF LAGUNA	76,469	61,175	15,294
NEW MEXICO	PUEBLO OF TAOS	27,429	21,943	5,486
NEW MEXICO	PUEBLO OF ZUNI	130,754	104,603	26,151

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		TOTAL	PROGRAM	COST POOL
NEW MEXICO	NAVAJO NATION	28,264	22,609	5,652
NEW MEXICO	SANTA CLARA INDIAN PUEBLO	5,773	4,618	1,155
NEW MEXICO	SANTO DOMINGO TRIBE	42,238	33,790	8,448
NEW YORK	AMERICAN INDIAN COMMUNITY HOUSE, INC.	5,820	4,656	1,164
NEW YORK	THE NORTH AM. IND. CLUB OF SYRACUSE AND VICINITY, INC.	7,408	5,926	1,482
NEW YORK	ST. REGIS MOHAWK TRIBE	28,498	22,798	5,700
NEW YORK	SENECA NATION OF INDIANS	115,891	92,713	23,178
NORTH CAROLINA	EASTERN BAND OF CHEROKEE INDIANS	88,516	70,813	17,703
NORTH DAKOTA	DEVILS LAKE SIOUX TRIBE	40,194	32,155	8,039
NORTH DAKOTA	STANDING ROCK SIOUX TRIBE	126,815	101,452	25,363
NORTH DAKOTA	THREE AFFILIATED TRIBES	56,862	45,490	11,372
NORTH DAKOTA	TURTLE MOUNTAIN BAND OF CHIPPEWA IND.	111,126	88,901	22,225
OKLAHOMA	CADDO TRIBE	12,604	10,083	2,521
OKLAHOMA	CENTRAL TRIBES OF THE SHAWNEE AREA, INC.	35,118	28,094	7,024
OKLAHOMA	CHEROKEE NATION OF OKLAHOMA	841,001	672,801	168,200
OKLAHOMA	CHEYENNE-ARAPAHO TRIBES	114,970	91,976	22,994
OKLAHOMA	CHICKASAW NATION OF OKLAHOMA	192,908	154,326	38,582
OKLAHOMA	CHOCTAW NATION OF OKLAHOMA	335,207	268,166	67,041
OKLAHOMA	CITIZENS BAND POTAWATOMI IND. OF OKLA.	158,560	126,848	31,712
OKLAHOMA	COMANCHE TRIBE OF OKLAHOMA	121,998	97,598	24,400
OKLAHOMA	CREEK NATION OF OKLAHOMA	281,520	225,216	56,304
OKLAHOMA	FOUR TRIBES CONSORTIUM OF OKLAHOMA	37,812	30,250	7,562
OKLAHOMA	INTER-TRIBAL COUNCIL OF N.E. OKLAHOMA	36,753	29,402	7,351
OKLAHOMA	KAW TRIBE OF OKLAHOMA	6,412	5,130	1,282
OKLAHOMA	KICKAPOO TRIBES OF OKLAHOMA	15,105	12,084	3,021
OKLAHOMA	KIOWA TRIBE OF OKLAHOMA	87,265	69,812	17,453
OKLAHOMA	OKLAHOMA TRIBAL ASSISTANCE PROGRAM, INC.	203,780	163,024	40,756
OKLAHOMA	OSAGE TRIBAL COUNCIL	74,662	59,730	14,932
OKLAHOMA	OTOE-MISSOURIA INDIAN TRIBE OF OKLA.	21,359	17,087	4,272
OKLAHOMA	PAWNEE TRIBE OF OKLAHOMA	22,858	18,286	4,572
OKLAHOMA	PONCA TRIBE OF INDIANS	49,165	39,332	9,833
OKLAHOMA	SEMINOLE NATION OF OKLAHOMA	68,504	54,803	13,701
OKLAHOMA	TONKAWA TRIBE OF OKLAHOMA	46,760	37,408	9,352
OKLAHOMA	UNITED URBAN INDIAN COUNCIL	224,850	179,880	44,970
OREGON	CONFED. TRIBES OF SILETZ INDIANS	9,429	7,543	1,886

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		TOTAL	PROGRAM	COST POOL
OREGON	CONFED. TRIBES OF THE UMATILLA IND. RES.	18,583	14,866	3,717
OREGON	CONFEDERATE TRIBES OF WARM SPRINGS	43,488	34,790	8,698
OREGON	ORGANIZATION OF FORGOTTEN AMERICANS	6,709	5,367	1,342
SOUTH CAROLINA	OFFICE OF THE GOVERNOR OF SOUTH CAROLINA	11,738	9,390	2,348
SOUTH DAKOTA	CHEYENNE RIVER SIOUX TRIBE	84,894	67,915	16,979
SOUTH DAKOTA	CROW CREEK SIOUX TRIBE	32,011	25,609	6,402
SOUTH DAKOTA	LOWER BRULE SIOUX TRIBE	16,482	13,186	3,296
SOUTH DAKOTA	OGLALA SIOUX TRIBE	329,862	263,890	65,972
SOUTH DAKOTA	ROSEBUD SIOUX TRIBE	143,142	114,514	28,628
SOUTH DAKOTA	SISSETON-WAHPETON SIOUX TRIBE	50,032	40,025	10,006
SOUTH DAKOTA	UNITED SIOUX TRIBES DEV. CORP.	66,716	53,373	13,343
TEXAS	ALABAMA-COUSHATTA INDIAN RESERVATION	5,484	4,387	1,097
TEXAS	TEGUA INDIAN TRIBE	12,027	9,622	2,405
UTAH	UTE INDIAN TRIBE	53,173	42,538	10,635
VIRGINIA	MATTAPONI INDIAN CONSORTIUM	3,206	2,565	641
WASHINGTON	COLVILLE CONFEDERATED TRIBES	94,534	75,947	18,587
WASHINGTON	EASTERN WASHINGTON INDIAN CONSORTIUM	186,186	148,949	37,237
WASHINGTON	LUMMI INDIAN BUSINESS COUNCIL	42,628	34,102	8,526
WASHINGTON	N.W. INTER-TRIBAL COUNCIL	33,675	26,940	6,735
WASHINGTON	PUYALLUP TRIBE	64,595	51,676	12,919
WASHINGTON	WESTERN WASH. IND. EMPL. AND TRNG. PROG.	143,524	114,819	28,705
WISCONSIN	LAC COURTE OREILLES TRIBAL GOVERNING BOARD	27,666	22,133	5,533
WISCONSIN	LAC DU FLAMBEAU CONSORTIUM	21,293	17,034	4,259
WISCONSIN	MENOMINEE INDIAN TRIBE OF WISCONSIN	49,261	39,409	9,852
WISCONSIN	ONEIDA TRIBE OF INDIANS OF WIS., INC.	32,616	26,093	6,523
WISCONSIN	ST. CROIX TRIBAL COUNCIL	22,323	17,858	4,465
WISCONSIN	STOCKBRIDGE-MUNSEE COMMUNITY	14,367	11,494	2,873
WISCONSIN	WISCONSIN INDIAN CONSORTIUM	40,788	32,630	8,158
WISCONSIN	WISCONSIN-WINNEBAGO BUSINESS COMMITTEE	35,385	28,308	7,077
WYOMING	SHOSHONE/ARAPAHOE TRIBES	85,046	68,037	17,009
	NATIONAL TOTAL	13,176,511	10,540,207	2,635,304

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BILLING CODE 4510-30-C

Office of Pension and Welfare Benefit Programs

[Application No. D-3871]

Amendments to Prohibited Transaction Exemption (PTE) 81-8 Involving Certain Short-Term Investments

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Adoption of amendments to PTE 81-8.

SUMMARY: This document amends PTE 81-8. PTE 81-8 is a class exemption that permits various transactions relating to investments by employee benefit plans in certain short-term money market instruments. The amendments affect participants, beneficiaries and fiduciaries of plans making the stated investments, dealers and banks covered by the amendments, and other persons engaging in the described transactions.

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT: Paul Kelty of the Office of Regulations and Interpretations, Pension and Welfare Benefit Programs, U.S. Department of Labor, (202) 523-7902. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On July 3, 1984, notice was published in the **Federal Register** (49 FR 27379) of the pendency before the Department of proposed amendments to PTE 81-8. PTE 81-8 provides an exemption from the prohibited transaction restrictions of section 406(a)(1), (A), (B), and (D) of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code (the Code) by reason of section 4975(c)(1) (A), (B), and (D) of the Code.

Cantor, Fitzgerald Securities Corp. requested the first proposed amendment by application dated November 24, 1982 (Application No. D-3871). At the urging of the American Bankers Association, the Department proposed the second amendment on its own motion pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code [1] and in accordance with ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), specifically § 3.01 of that Procedure.

Information collection requirements contained in PTE 81-8 have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB #1210-0061 approved for use through 5/31/87.

References in this preamble to sections 406 and 408 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

The notice gave interested persons an opportunity to comment on the proposal. Public comments were received pursuant to the provisions of section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1.

1. Description of the Exemption

PTE 81-8 provides an exemption for certain investments which involve the purchase or other acquisition, holding, sale, exchange or redemption by or on behalf of an employee benefit plan of bankers acceptances, commercial paper, repurchase agreements, and certificates of deposit. Presently, the class exemption has four sections. Each section deals with one of the kinds of investment described above (e.g., Section I deals with bankers acceptances), and each section contains its own conditions. Such an investment would be prohibited in the absence of an exemption in instances where, for example, the seller of the instrument involved in the investment is a party in interest in relation to a plan by reason of providing services to the plan.

One of the amendments to PTE 81-8 granted pursuant to this notice expands the categories of sellers with whom plans may enter into repurchase agreements (under Section III of the exemption) to include dealers in bankers acceptances who report their security positions and other data on a daily basis to the Federal Reserve Bank of New York. For the sake of convenience, the entire text of Section III is reprinted with this notice.

The other amendment adds a new Section V to the exemption that permits a plan to invest in securities issued by a bank or its affiliate in cases where the bank is a party in interest with respect to the plan only by reason of the furnishing of checking account or related services (such as clearing and record keeping services) to the plan.

2. Discussion of Comments Received

The Department received three letters commenting on various aspects of the proposed amendment concerning bank securities in addition to a letter from the American Bankers Association urging prompt adoption of both amendments. All of the comment letters were generally supportive of the proposal.

One comment letter requested the Department to expand the scope of the proposed new Section V to include plan investments in any "security or other property" customarily marketed by banks as well as securities issued by banks. According to the letter, such security or other property would include mortgage loan participations. The commenter asserts that, given the safeguards afforded by the conditions stated in Section V, the addition would broaden the investment opportunities to plans in relation to banks which provide checking account services to them while still protecting the interests of plan participants.

The only kinds of "security or other property" specifically mentioned in the letter are mortgage loan participations. The Department points out that a separate class exemption (Prohibited Transaction Exemption 82-87, 47 FR 21331, May 18, 1982) already permits investments of this nature provided the relevant conditions specified in that exemption are met. PTE 82-87 provides, in pertinent part, an exemption from the prohibitions of section 406(a) of ERISA for the purchase by a plan of a mortgage loan or participation interest therein from a party in interest. Certain amendments to PTE 82-87 were proposed in the **Federal Register** on December 11, 1984 (49 FR 48236).

The new Section V of PTE 81-8 permits plans to invest in any type of securities, including equities as well as debt instruments, so long as the conditions set forth in the proposal are satisfied. The letter of comment gives no detail (other than mortgage loan participations) as to kinds of securities or other property customarily marketed by banks which would provide a basis on which the Department could make a determination. Accordingly, the Department has decided not to expand the type of relief intended under proposed Section V in the way suggested in the comment letter.

A letter submitted on behalf of the California Bankers Association (CBA) and a letter from the Union Bank in California recommended that subparagraph B of proposed Section V should be broadened to include services other than checking account or related services. The CBA names thirteen such services: lockbox services, note collection, remittances, credit analyses and reviews, Federal funds wire transfers, securities execution through investment securities departments, foreign currency transactions, loan

[1] Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978 (44 FR 1065, January 3, 1979), transferred the authority of the Secretary of the Treasury to issue exemptions of this type to the Secretary of Labor.

References in this preamble to sections 406 and 408 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

servicing, savings deposit accounts, payroll services, data processing, account reconcilement, and cash management.

The CBA argues that, if the bank offering these services is a fiduciary in relation to a plan, then the safeguards proposed in Section V.C. and V.D. provide any purchasing plans with sound protection from abuse. If the bank is not a fiduciary, then the probability of abuse is even less. The CBA maintains that the interests of plan participants are served by allowing banks to offer the various services mentioned above (to the investing plans) because costs to the plans for these services may be lower when they are obtained from the same institution and duplication of services would be minimized.

The Department notes that PTE 81–8 extends only to transactions defined in section 406(a) of ERISA and does not cover acts involving plan fiduciaries described in section 406(b). Accordingly, the class exemption would not provide relief in a situation where a bank has some discretion over the plan assets involved in an investment in securities of that bank or of an affiliated entity. Seciton 406(b) of ERISA provides, in part, that a plan fiduciary, as defined in ERISA section 3(21)(A), shall not deal with plan assets in his or her own interest or act in a transaction involving the plan on behalf of a party whose interests are adverse to those of the plan or its participants.

As for nondiscretionary bank services, the comment letters have not provided sufficient information to enable the Department to make a decision that the proposed amendment should be broadened in the suggested manner. Accordingly, the amendment is not being modified to include a party in interest relationship stemming from any services other than checking account services between a bank and a plan which invests in securities of the bank.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of ERISA does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of ERISA and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of ERISA which require, among other things, that a fiduciary discharge his or her duties respecting the plan solely in the interests of the participants and beneficiaries of the plan; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) In accordance with section 408(a) of ERISA, the Department makes the following determinations:

(i) The amendments set forth herein are administratively feasible;

(ii) They are in the interests of plans and of their participants and beneficiaries, and

(iii) They are protective of the rights of the participants and beneficiaries of plans;

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the exemption; and

(4) The amendments are supplemental to, and not in derogation of, any other provisions of ERISA and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Amendments

Accordingly, the following amendments to PTE 81–8 are hereby granted under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with ERISA Procedure 75–1 [40 FR 18471, April 28, 1975].

1. Section III is amended to read as follows: "III. *Repurchase Agreements.* A repurchase agreement (or securities or other instruments under cover of a repurchase agreement) in which the seller of the underlying securities or other instruments is a bank which is supervised by the United States or a State; a broker-dealer registered under the Securities Exchange Act of 1934; or a dealer who makes primary markets in securities of the United States government or any agency thereof or in bankers acceptances and reports daily to the Federal Reserve Bank of New York its position with respect to these obligations, if each of the following conditions are satisfied.

A. The repurchase agreement is embodied in, or is entered into pursuant to a written agreement the terms of which are at least as favorable to the plan as an arm's length transaction with an unrelated party would be. For transactions occurring before April 23, 1981 a written confirmation of a repurchase agreement whose terms were at least as favorable to the plan as an arm's length transaction with an unrelated party would have been will be deemed to satisfy this condition.

B. The plan receives interest at a rate no less than that which it would receive in a comparable transaction with an unrelated party.

C. The repurchase agreement has a duration of one year or less.

D. The plan receives securities, banker's acceptances, commercial paper, or certificates of deposit having a market value equal to not less than 100 percent of the purchase price paid by the plan.

E. Upon expiration of the repurchase agreement and return of the securities or other instruments to the bank, broker-dealer or dealer (seller), the seller transfers to the plan an amount equal to the purchase price plus the appropriate interest.

F. Neither the seller nor an affiliate of the seller has discretionary authority or control with respect to the investment of the plan assets involved in the transaction or renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to those assets.

G. The securities, banker's acceptances, commercial paper or certificates of deposit received by the plan—

(1) Could be acquired directly by the plan in a transaction not covered by this section III without violating sections 406(a)(1)(E), 406(a)(2) or 407(a) of the Act; and,

(2) If the securities are subject to the provisions of the Securities Act of 1933, they are obligations that are not "restricted securities" within the meaning of Rule 144 under that act.

H. With respect to transactions occurring on or after April 23, 1981,

(1) If the market value of the underlying securities or other instruments falls below the purchase price at any time during the term of the agreement, the plan may, under the written agreement required by paragraph A of this section, require the seller to deliver, by the close of business on the following business day, additional securities or other instruments the market value of which, together with the market value of securities previously delivered or sold to the plan under the repurchase agreement, equals at least 100 percent of the purchase price paid by the plan;

(2) If the seller does not deliver additional securities or other instruments as required above, the plan may terminate the agreement, and, if upon termination or expiration of the agreement, the amount owing is not paid to the plan, the plan may sell the

securities or other instruments and apply the proceeds against the obligations of the seller under the agreement, and against any expenses associated with the sale; and,

(3) The seller agrees to furnish the plan with the most recent available audited statement of its financial condition as well as its most recent available unaudited statement, agrees to furnish additional audited and unaudited statementsof its financial condition as they are issued and either: (A) Agrees that each repurchase agreement transaction pursuant to the agreement shall constitute a representation by the seller that there has been no material adverse change in its financial condition since the date of the last statement furnished that has not been disclosed to the plan fiduciary with whom such written agreement is made; or (B) prior to each repurchase agreement transaction, the seller represents that, as of the time the transaction is negotiated, there has been no material adverse change in its financial condition since the date of the last statement furnished that has not been disclosed to the plan fiduciary with whom such written agreement is made.

(4) In the event of termination and sale as described in (2) above, the seller pays to the plan the amount of any remaining obligations and expenses not covered by the sale of the securities or other instruments, plus interest at a reasonable rate.

If a seller involved in a repurchase agreement covered by this exemption fails to comply with any condition of this exemption in the course of engaging in the repurchase agreement, the plan fiduciary who caused the plan to engage in such repurchase agreement shall not be deemed to have caused the plan to engage in a transaction prohibited by section 406(a)(1) (A) through (D) of the Act solely by reason of the seller's failure to complye with the conditions of the exemption."

2. A new Section V is added to read as follows: "V. *Securities of Banks.* A security issued by a bank or an affiliate of the bank if:

A. The bank is supervised by the United States or a State;

B. The bank is a party in interest or disqualified person with respect to the plan solely by reason of the furnishing of checking account or related services to the plan;

C. The terms of the transaction are at least as favorable to the plan as those of an arm's-length transaction with an unrelated party would be; and

D. The investment is not part of an arrangement under which the bank causes a transaction to be made with or for the benefit of a party in interest or disqualified person."

Signed at Washington, D.C., this 2nd day of April, 1985.

Alan D. Lebowitz,

Acting Administrator, Office of Pension and Welfare Benefit Programs.

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BILLING CODE 6717-01-M

[Application No. D-5548 et al.]

Proposed Exemptions; Paint America Company, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Paint America Company Employees Profit Sharing Plan (the Plan) Located in Dayton, Ohio

[Application No. D-5548]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, effective January 1, 1975, to the lease of an improved parcel of real property (the Property) entered into on October 1, 1974, by the Plan to Paint America Company (Paint America), the sponsor of the Plan, provided that the terms and conditions of the lease were not less favorable to the Plan than those terms available in a transaction with an unrelated party. The lease was entered into before the effective date of the Act but after July 1, 1974, the date specified in the transitional rules under sections 414 and 2003 of the Act.

Effective Date: If granted, this exemption will be effective January 1, 1975 through June 25, 1982, the date of the sale of the Property by the Plan.