§ 882.209 [Corrected]

7. On page 11226, first column, in § 882.209(a)(7), thirteenth line, "states" should read "stated".

§ 912.7 [Corrected]

8. On page 11230, third column, in § 912.7(a)(2)(ii), second line, "(d)(2)(i)" should read "(a)(2)(i)".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 1131-86]

Organization of the Department of Justice

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule will amend 28 CFR 0.111 by striking the existing language in paragraph (i) and adding a new paragraph to reflect a delegation of authority to the Director of the United States Marshals Service. On March 6, 1984 and May 24, 1985, the Director was delegated the authority to maintain, safekeep, and dispose of assets forfeited to the United States, and to administer the Department of Justice Asset Forfeiture Fund.

EFFECTIVE DATE: April 10, 1986.

FOR FURTHER INFORMATION CONTACT: Gerald M. Auerbach, General Counsel, United States Marshals Service, McLean, Virginia; telephone No. (703) 285-1004, which is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated certain authority over asset forfeiture matters to the Director of the United States Marshals Service. This rule will amend 28 CFR 0.111 to add new language to paragraph (i) reflecting this delegation in order to alert the public to the present organizational structure of the Department.

This regulation is not a major rule within the meaning of Executive Order 12291, 3 CFR 127 (1982 Comp.) because it imposes no new requirements. It does not have an impact on small businesses and, therefore, is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612. Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is not necessary because this rule relates to agency organization and management.

List of Subjects in 28 CFR Part 0

Organization and functions (Government agencies), Assets, Forfeiture.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 524, 569, and 5 U.S.C. 301, Subpart T of Part 0 of Title 28 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart T continues to read as follows:

Authority: 28 U.S.C. 509, 510, 524, 569; 5 U.S.C. 301.

2. In Section 0.111, paragraph (i) is revised to read as follows:

§ 0.111 General functions.

* * * * *

(i) Maintenance of custody, management control, and disposal of property and money seized or forfeited pursuant to any law enforced or administered by the Department of Justice, when the property is seized by the United States Marshals Service or delivered to the United States Marshals Service in accordance with regulations; and administer the Department of Justice Asset Forfeiture Fund.

* * * * *

Dated: April 10, 1986.

Edwin Meese III,

Attorney General.

[FR Doc. 86-9161 Filed 4-24-86; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules; Advisory Opinion Requests by State Agencies and Courts

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: In response to requests that the Board facilitate the procedure for issuing an advisory opinion to a court or state agency on assertion of jurisdiction over an employing enterprise, the Board is amending §§ 102.98 and 102.99 to allow a court or state agency to request an advisory opinion from the Board as to whether it would assert jurisdiction over that enterprise.

EFFECTIVE DATE: June 1, 1986.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., Room 701, Washington, DC 20570, Telephone: (202) 254-9430.

SUPPLEMENTARY INFORMATION: Pursuant to its authority under section 6 of the National Labor Relations Act, as amended (29 U.S.C. 156), the National Labor Relations Board is amending its rules that provide for the Board's issuance of advisory opinions on the issue of whether an employer is within the Board's jurisdiction on the basis of its jurisdictional standards. The Association of Labor Relations Agencies (ALRA) petitioned the Board to consider the amendment of §§ 102.98 and 102.103 to enable state labor relations agencies to obtain administrative advice from the Board on whether the Board would assert jurisdiction over a particular employing enterprise. In determining an appropriate procedure, the Board was cognizant of the ALRA's interest in having a readily available, if less formalized, decisional response from the Board than the present advisory opinion procedure provides.

Rather than adopting a separate approach for responding to requests for advisory opinions by state agencies, the Board is amending its rules to allow for an expanded use of the advisory opinion procedure by state agencies and courts. The amendments to §§ 102.98 and 102.99 enlarge the present provisions that apply to requests for advisory opinions by state agencies and courts only when there is a question of whether the Board would assert jurisdiction under its current standards. The amended sections provide for advisory opinions on the broader issue of whether the Board would assert jurisdiction over an employing enterprise, thereby including jurisdiction under the National Labor Relations Act as well as the Board's current standards. The amended procedure utilizes an established procedure culminating in an opinion that would be published in a Board volume. This procedure will provide access to the Board by state agencies and courts on a greater range of jurisdictional issues. Access to the Board by the parties to the state proceeding where the state agency or court does not seek Board assistance is not deemed appropriate.

The remaining provisions pertaining to the advisory opinion process, §§ 102.100 to 102.104, are unchanged.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, labor management relations.

Accordingly, 29 CFR Part 102 is amended to read as follows:

PART 102—RULES AND REGULATIONS, SERIES 8, AS AMENDED

1. The authority citation for 29 CFR Part 102 is revised to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156).

2. Section 102.98 is amended by revising paragraph (b) to read as follows:

§ 102.98 Petition for advisory opinion; who may file; where to file.

* * * * *

(b) Whenever an agency or court of any State or territory is in doubt whether the Board would assert jurisdiction over the parties in a proceeding pending before such agency or court, the agency or court may file a petition with the Board for an advisory opinion on whether the Board would decline to assert jurisdiction over the parties before the agency or the court (1) on the basis of its current standards, or (2) because the employing enterprise is not within the jurisdiction of the National Labor Relations Act.

3. Section 102.99 is amended by revising paragraphs (b) and (c) to read as follows:

§ 102.99 Contents of petition for advisory opinion; contents of request for administrative advice.

* * * * *

(b) A petition for an advisory opinion, when filed by an agency or court of a State or territory, shall allege the following:

(1) The name of the agency or court.

(2) The names of the parties to the proceeding and the docket number.

(3) The nature of the proceeding, and the need for the Board's opinion on the jurisdictional issue to the proceeding.

(4) The general nature of the business involved in the proceeding and, where appropriate, the nature of and details concerning the employing enterprise.

(5) The findings of the agency or court or, in the absence of findings, a statement of the evidence relating to the commerce operations of such business and, where appropriate, to the nature of the employing enterprise.

(c) Eight copies of such petition or request shall be submitted to the Board in Washington, DC. Such petition or request shall be printed or otherwise legibly duplicated. Carbon copies of typewritten matter will not be accepted.

Dated, Washington, DC, April 22, 1986.

By direction of the Board. National Labor Relations Board.

John C Truesdale,

Executive Secretary.

[FR Doc. 86-9328 Filed 4-24-86; 8:45 am]

BILLING CODE 7545-01-M

29 CFR Part 102

Procedural Rules; Filing of Briefs

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: In 1982, the Board revised its rules and regulations to provide that briefs that are filed with the Board contain no more than 50 pages. Practice under the rules has shown that there has been some confusion and misuse regarding the exceptions document upon which there is no 50-page limitation. The changes in the rule are designed to provide a clearer description of the contents of the exceptions document and the brief, and, therefore, to facilitate administration of the 50-page limit on briefs by precluding placement in the exceptions of material that appropriately belongs in the brief.

EFFECTIVE DATE: June 1, 1986.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., Washington, DC 20570, Telephone: (202) 254-9430.

SUPPLEMENTARY INFORMATION: Pursuant to its authority under section 6 of the National Labor Relations Act, as amended (29 U.S.C. 156), the National Labor Relations Board is amending its rule regarding the filing of briefs and exceptions with the Board. Section 102.46(a) of the Board's rules presently provides that any party may file with the Board exceptions to the administrative law judge's decision or to any other part of the record or proceedings, together with a brief in support of exceptions. Section 102.46(j) restricts the length of briefs to 50 pages. There is no similar restriction for the length of exceptions. In order to ensure that material that properly belongs in briefs to the Board is not inserted in the exceptions, the descriptions of materials appropriately belonging in exceptions and briefs have been revised.

The present paragraph (b) has been divided into (b)(1) and (b)(2). The new (b)(1) has the present (1), (2), (3), and (4) of paragraph (b) redesignated as (b)(1)(i), (ii), (iii), and (iv). In (b)(1)(iv), the word "concisely" has been inserted to define the manner in which the grounds for exceptions should be stated. This is to emphasize that the statement of grounds should be short and to the point.

Paragraph (b)(1) has been further modified to distinguish the situation when a single document has been filed containing both the exceptions and the brief argument from the situation when separate documents have been filed, one setting forth the exceptions and the other constituting the brief. The subsection provides that when only a single document is filed, the document is subject to the 50-page limit for a brief in § 102.46(j), even though it also contains the exceptions. The subsection further provides that when two documents are filed—one an exceptions document and the other a brief—any argument or citation of authority in support of the exceptions shall be set forth only in the brief. In that situation, the subsection specifically states that the exceptions document shall not contain any argument or citation of authority. Under these provisions, the Executive Secretary's Office should be more readily able to identify in the two-document situation whether the exceptions document improperly contains argument or citation of authority. The presence in the exceptions document of citations of authority would clearly establish it as not in compliance with the rule.

Paragraph (b)(2) is a separate statement of the last two sentences of present § 102.46(b), which provides that any exception not urged before the Board is deemed waived.

Paragraph (c)(2) has been modified by adding the requirement that the specification of questions in the brief identify the specific exceptions that they are designed to support. This will facilitate identification of those exceptions for which no supporting argument is provided in the brief.

Paragraph (c)(3) has been modified to insert the word "record" rather than the present page of transcript to which argument in briefs must refer, because the scope of the record is broader and defined in § 102.45(b) of the Board's rules.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

Accordingly, 29 CFR Part 102 is amended to read as follows:

PART 102—RULES AND REGULATIONS, SERIES 8, AS AMENDED

1. The authority citation for 29 CFR Part 102 is revised to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156).

2. Section 102.46 is amended by revising paragraphs (b), (c), and (j) to read as follows:

§ 102.46 Exceptions, cross-exceptions, briefs; answering briefs; time for filing; where to file; service on the parties; extension of time; effect of failure to include matters in exceptions; oral arguments.

* * * * *

(b)(1) Each exception (i) shall set forth specifically the questions of procedure, fact, law, or policy to which exception is taken; (ii) shall identify that part of the administrative law judge's decision to which objection is made; (iii) shall designate by precise citation of page the portions of the record relied on; and (iv) shall concisely state the grounds for the exception. If a supporting brief is filed the exceptions document shall not contain any argument or citation of authority in support of the exceptions, but such matters shall be set forth only in the brief. If no supporting brief is filed the exceptions document shall also include the citation of authorities and argument in support of the exceptions, in which event the exceptions document shall be subject to the 50-page limit as for briefs set forth in § 102.46(j).

(2) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

(c) Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions and shall contain, in the order indicated, the following:

(1) A clear and concise statement of the case containing all that is material to the consideration of the questions presented.

(2) A specification of the questions involved and to be argued, together with a reference to the specific exceptions to which they relate.

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific reference to the record and the legal or other material relied on.

* * * * *

(j) Exceptions to the administrative law judge's decision, or to the record, and briefs shall be printed or otherwise legibly duplicated. Carbon copies of typewritten matter will not be accepted. Eight copies of such documents shall be filed with the Board in Washington, DC., and copies shall also be served promptly on the other parties. All documents filed pursuant to this section shall be double spaced on 8½-by 11-inch paper. A brief filed pursuant to this section shall not be combined with any other brief, and shall not exceed 50 pages in length, exclusive of subject index and table of cases and other authorities cited, unless permission to exceed that limit is obtained from the Board by motion, setting forth the reasons therefore, filed not less than 10 days prior to the date the brief is due. Where any brief filed pursuant to this section exceeds 20 pages, it shall contain a subject index with page references and an alphabetical table of cases and other authorities cited.

Dated: Washington, DC, April 22, 1986.

By direction of the Board. National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 86-9329 Filed 4-24-86; 8:45 am]

BILLING CODE 7545-01-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 511

Wage Order Procedure for Puerto Rico, the Virgin Islands and American Samoa; Compensation of Committee Members

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This document increases from $164 to $182 a day the per diem allowance to which members of industry committees in Puerto Rico, the Virgin Islands, and American Samoa are entitled. The industry committees, whose members include representatives of employees, employers, and the public, as appointed by the Secretary of Labor, meet periodically to review the wage rates in various industries and to recommend wage increases where appropriate. The committees meet pursuant to the Fair Labor Standards Act which authorized the establishment of minimum wage rates in Puerto Rico, the Virgin Islands, and American Samoa which are lower than the mainland minimum wage rate. This increase is in accord with changes in General Schedule salary rates effective January 6, 1985 for regular employees of the U.S. Department of Labor.

EFFECTIVE DATE: April 25, 1986.

FOR FURTHER INFORMATION CONTACT: James L. Valin, Assistant Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3502, Washington, DC 20210, 202-523-8353.

SUPPLEMENTARY INFORMATION: It is the standard practice to adjust compensation for Industry Committee members in accordance with changes in General Schedule salary rates. The purpose of this amendment is to increase the compensation of each member of an industry committee from $164 to $182 for each day spent in the work of the committee. It accords with changes in General Schedule salary effective January 6, 1985 for regular employees of the U.S. Department of Labor.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

Drafting Information

This document was prepared under the direction and control of James L. Valin, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: 202-523-8353.

Classification

This rule relates to agency organization, management, or personnel pursuant to section 1(a)(3) of Executive Order 12291. Accordingly, it does not fall within the definition of "rule" under section 1(a) of the Executive Order.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory analyses do not apply to this rule.

Paperwork Reduction Act

This rule is not subject to section 3504(h) of the Paperwork Reduction Act, since it would not require the collection or retention of information.

List of Subjects in 29 CFR Part 511

Administrative practice and procedure, Minimum wages, Wage and Hour Division, Puerto Rico, Virgin Islands, American Samoa.

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062 as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), 29 CFR Part 511 is amended as follows: