

control zone, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

#### The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revise the name of the St. Thomas airport to reflect the action by the Virgin Islands Legislature which has renamed the Harry S. Truman Airport in honor of Cyril E. King. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6 dated January 3, 1984.

Under the circumstances presented, the FAA concludes that there is a need to list the proper name of the airport so that the description of the control zone will be technically correct. The change is editorial in nature and I find that notice or public procedure under 5 U.S.C. 533(b) is unnecessary.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the St. Thomas, Virgin Islands, control zone under § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended as follows:

#### St. Thomas, VI—[Amended]

By removing the words "Harry S. Truman" and replacing them with the words "Cyril E. King".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 100(g) (Revised, Public Law 97-449, January 12, 1983.)

Issued in East Point, Georgia, on December 6, 1984.

W.J. McGILL,

Acting Director, Southern Region.

[FR Doc. 84-32695 Filed 12-14-84; 8:45 am]

BILLING CODE 4910-13-M

#### CIVIL AERONAUTICS BOARD

#### 14 CFR Part 375

#### Form 272—Application for Foreign Aircraft Permit; Approval of Extension of Reporting Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Approval of Extension of Reporting Requirements by the Office of Management and Budget.

SUMMARY: The Civil Aeronautics Board has extended the filing of Form 272, "Application for Foreign Aircraft Permit" as required by section 375.40 of Part 375 of the Board's Special Regulations governing the navigation of foreign civil aircraft within the United States.

DATED: December 5, 1984.

FOR FURTHER INFORMATION CONTACT: Bernard Stankus, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6642.

#### SUPPLEMENTARY INFORMATION:

#### List of Subjects in 14 CFR Part 375

Air carriers, Authorization, Rules, Reporting requirements.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-32414 Filed 12-14-84; 6:45 am]

BILLING CODE 6320-01-M

#### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

#### 29 CFR Part 1952

#### Certification of Completion of Developmental Steps for New Mexico State Plan

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: State Plan Certification.

SUMMARY: The State of New Mexico on or before December 4, 1978, submitted documentation attesting to the completion of all structural and developmental aspects of its approved State plan. After extensive review of those documents and subsequent revisions, and opportunity for State correction, all developmental plan supplements have now been approved. This notice certifies this completion and the beginning of the final evaluation phase of State plan development. This certification attests only to the fact that New Mexico now has in place those structural components necessary for an effective program. It renders no judgment as to the adequacy of the State's actual performance.

EFFECTIVE DATE: December 4, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3637, Washington, D.C. 20210, (202) 523-8148.

#### SUPPLEMENTARY INFORMATION:

#### Background

Section 18 of the Occupational Safety and Health Act of 1970 (the "Act," 29 U.S.C. 667) provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards shall submit for Federal approval a State plan for such development and enforcement. Part 1902 of Title 29, Code of Federal Regulations, sets forth procedures under which the Assistant Secretary of Labor for Occupational Safety and Health ("Assistant Secretary") shall approve such plans. Under the Act and regulations, plan approval is essentially a two step procedure. First a State must submit its plan for an initial determination under section 18(b) of the Act. If the Assistant Secretary, after reviewing the State submission

determines that the plan satisfies or will satisfy within a maximum three year developmental period the criteria set forth in section 18(c) of the Act, a decision of "initial approval" is issued and the State may begin enforcement of its safety and health standards in accordance with the plan and with the maintenance of concurrent enforcement authority by the Occupational Safety and Health Administration (OSHA).

A State plan may receive initial approval even though at the time of submission not all essential components of the plan are in place. Pursuant to 29 CFR 1902.2(b), the Assistant Secretary may initially approve the submission as a "developmental plan," and a schedule within which the State must complete specified "development steps" is issued as part of the initial approval decision.

When the Assistant Secretary finds that the State has completed all developmental steps specified in the initial approval decision, a notice of such completion is published in the Federal Register (see 29 CFR 1902.34 and 1902.35). Certification of completion of development steps initiates a thorough evaluation of the State plan by the Assistant Secretary to determine on the basis of actual operations, whether the plan adequately provides safety and health protection to the employees in the State. Certification does not render judgment as to the adequacy of State performance.

The second step of the approval process is final approval of the plan under section 18(e) of the Act and 29 CFR Part 1902. Final approval may not be granted until at least three years after initial approval and one year after certification of completion of development steps. Thereafter, when the Assistant Secretary determines on the basis of actual performance under the plan that the criteria are being met, a decision of final approval may be granted. This decision is based on a thorough evaluation of the State plan under section 18(e) of the Act and reflects a determination that on the basis of actual operations the plan adequately protects the safety and health of the State's workers. In making this evaluation under section 18(e), the Assistant Secretary must monitor the continuing development of the State program applying criteria which assure that the State will have an at least as effective program for achieving the goals of the Act, except with respect to staffing and funding levels, which must reflect a fully effective program pursuant to *AFL-CIO v. Marshall*, 570 F.2d 1030 (D.C. Cir. 1978).

On December 10, 1975, a notice was published in the Federal Register (40 FR

57455) initially approving the New Mexico developmental plan and adopting Subpart DD of Part 1952 containing the decision, a description of the plan and the developmental schedule. During the three year developmental period ending December 14, 1976, following commencement of State operations, the New Mexico Environmental Improvement Division, the agency designated as responsible for the administration of the approved State program, submitted documentation attesting to the completion of each State development commitment for review and approval as provided in 29 CFR Part 1953. Following agency review and subsequent explanation and modification of the State's submission in response to Federal comment, the Assistant Secretary has approved the completion of all individual developmental steps.

#### Completion of Developmental Steps

All developmental steps specified in the December 10, 1975, notice of initial approval and other relevant steps not explicitly referred to have been completed as follows:

(a) In accordance with the requirements of 29 CFR 1952.363(b) the New Mexico State poster was approved by the Assistant Secretary on July 13, 1976 (41 FR 28708). A revised State poster was approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(b) In accordance with the intent of 29 CFR 1952.363(e), New Mexico implemented procedural guidelines for its two-tier contested case procedures which were approved by the Assistant Secretary on November 5, 1984. The 1978, 1983, and 1984 amendments to the New Mexico Occupational Health and Safety Act of 1978 (section 50-9-1 et seq., NMSA 1978) which dealt with the imposition of penalties for serious violations by governmental entities; the private questioning of employees and employers by Environmental Improvement Division officials at the worksite; the jurisdiction of the Environmental Improvement Division over working conditions in copper smelters; the use of interview statements as evidence in a civil or enforcement action; and the adoption of emergency temporary standards were also approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(c) In accordance with the requirements of 29 CFR 1952.363(c), New Mexico Occupational Health and Safety Review Commission Rules of Procedures parallel to 29 CFR Part 2200 adopted on October 1, 1976, and revised on January

11, 1984, were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(d) In accordance with the requirements of 29 CFR 1952.363(d) New Mexico documentation that its enforcement program began actual operation in June 1976, was approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(e) In accordance with the requirements of 29 CFR 1952.363(a), New Mexico submitted documentation on the establishment of its Management Information System on August 12, 1976, and confirmed its participation in the Unified Federal-State Management Information System on June 3, 1983. These supplements were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(f) In accordance with the requirements of 29 CFR 1952.363(f), New Mexico developed and began implementation of an occupational health and safety program for public employees in June 1976, which was subsequently revised on February 28, 1980, and approved by the Assistant Secretary on October 30, 1984 (40 FR 44202, November 5, 1984).

(g) In accordance with the requirements of 29 CFR 1952.4, New Mexico State recordkeeping and reporting regulations parallel to 29 CFR Part 1904 adopted on August 8, 1975, and revised on February 19, 1979; June 1, 1981; and October 26, 1983, were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(h) New Mexico promulgated regulations for inspections, citations, and proposed penalties parallel to 29 CFR Part 1903 on August 8, 1975, with revisions on April 6, 1981; May 10, 1981; May 27, 1981; June 1, 1981; April 6, 1982; May 11, 1983; June 8, 1983; June 14, 1983; and April 4, 1984. These regulations were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(i) New Mexico promulgated rules of practice for variances, limitations, variations, tolerances and exemptions parallel to 29 CFR Part 1905 on August 8, 1975, with a revision dated April 14, 1981, and operational clarifications contained in its Field Operations Manual amendments dated June 18, 1981, and May 11, 1983. These supplements were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(j) New Mexico promulgated on-site consultation regulations on March 7, 1979, with an amendment dated October 17, 1983, and assurances dated April 4,

1984, and July 10, 1984. These regulations and Field Operations Manual implementing guidelines were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(k) New Mexico adopted non-discrimination regulations on March 29, 1982, with a revision dated June 15, 1983. These regulations were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(l) The State of New Mexico Field Operations Manual modeled after the Federal Field Operations Manual was submitted by the State on May 16, 1980, with subsequent amendments dated March 4, 1983; May 11, 1983; May 23, 1983; June 8, 1983; June 16, 1983; June 17, 1983; and June 27, 1983. On July 25, 1980, with a subsequent amendment dated July 24, 1984, the State adopted Federal OSHA's Industrial Hygiene manual. These supplements were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984).

(m) As required by 29 CFR 1902.34(b)(3), the personnel operations of the New Mexico Environmental Improvement Division and the servicing merit system were reviewed by the Civil Service Commission and were found to be acceptable. New Mexico has developed and implemented an Affirmative Action plan.

(n) New Mexico occupational safety and health standards as effective as Federal standards have been promulgated and subsequently amended to reflect changes in and additions to Federal standards, and approved by the Regional Administrator on September 7, 1978 (43 FR 51863, November 7, 1978), June 1, 1978 (44 FR 40948, July 13, 1979), March 17, 1980 (45 FR 47544, July 15, 1980), August 28, 1980 (46 FR 15003, March 3, 1981), December 30, 1983 (49 FR 3549, January 27, 1984), August 10, 1983 (49 FR 42655, October 23, 1984), and July 30, 1984 (49 FR 42654, October 23, 1984). New Mexico has responded to all Federal standards changes and is within six months currency on recent standards actions and Federal Program changes.

(o) New Mexico's revised plan narrative with subsequent amendments were approved by the Assistant Secretary on October 30, 1984 (49 FR 44202, November 5, 1984). The State's plan narrative shows that the State has substantially met its compliance commitment by providing for 7 safety and 3 health compliance officers. Although State plan commitments on staffing and resources have been met, these initial commitments do not necessarily meet the ultimate requirements of the Occupational Safety and Health Act of 1970 for "sufficient

staff" as interpreted by the U.S. Court of Appeals decision in *AFL-CIO v. Marshall*, 570 F.2d 1030 (D.C. Cir. 1978).

This certification covers all occupational safety and health issues covered under the Federal program (with the exception of private sector maritime and longshoring operations which are excluded from coverage under the plan) as well as the State's program covering State and local government employees.

#### Location of the Plan and Its Supplements for Inspection and Copying

A copy of the State's plan and the supplements are available for inspection and copying during normal business hours at the following locations:

Office of the Director of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N3700, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, Room 602, 555 Griffin Square Building, Dallas, Texas 75202;

Environmental Improvement Division, Crown Building, 725 St. Michael's Drive, Santa Fe, New Mexico 87503.

#### Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any good cause which may be consistent with applicable law. The Assistant Secretary finds that all of the New Mexico plan supplements described above are consistent with commitments contained in the approved plan, which was previously made available for public comment. Moreover, the supplements have been adopted by the State in accordance with State administrative procedures which provide for public participation and have all been approved by the Assistant Secretary in earlier notices. Accordingly, it is found that further notice and public comment is unnecessary for certification of the completion of the New Mexico State plan's developmental steps.

#### Effect of Certification

The New Mexico plan is certified effective December 4, 1984, as having completed all developmental steps on or before December 4, 1978. This certification attests to structural completion, but does not render judgment on adequacy of performance.

The New Mexico occupational health and safety program will be monitored and evaluated for a period of not less than one year after publication of this certification to determine whether the State program in operation provides for an effective program.

#### Level of Federal Enforcement

In accordance with 29 CFR 1902.35 Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13, and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662, and 666) and Federal standards authority under section 6 of the Act (29 U.S.C. 655) will not be relinquished during the evaluation period. However, under the terms of an operational status agreement entered into between the Occupational Safety and Health Administration and the New Mexico Environmental Improvement Division of the Health and Environment Department, effective October 5, 1981 [47 FR 25326], the exercise of this authority will continue to be limited to, among other things: complaints about employee discrimination; enforcement of new Federal standards including emergency temporary standards until such time as the State adopts comparable standards; enforcement relating to any contractors or subcontractors on Federal establishments where the State cannot obtain entry; situations where the State is refused entry and is unable to obtain a warrant or enforce the right of entry, e.g., Indian Reservations; enforcement in private sector maritime and longshoring operations which issues have been specifically excluded from plan coverage; enforcement of unique and complex standards as determined by the Assistant Secretary; enforcement in situations where the State is temporarily unable to exercise its enforcement authority fully or effectively; and investigations and inspections for the purposes of monitoring and evaluation of the New Mexico State Plan under section 18 (e) and (f) of the Act. The Regional Administrator will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18(e) of the Act whenever and to the degree necessary to assure occupational safety and health protection to employees in New Mexico.

#### List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

**PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS**

In accordance with this certification 29 CFR 1952.364 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (n) as follows:

§ 1952.364 Completion of developmental steps and certification.

(n) In accordance with § 1902.34 of this chapter, the New Mexico Occupational Health and Safety plan was certified effective December 4, 1984, as having completed all developmental steps specified in the plan as approved on December 4, 1975, on or before December 4, 1978. This certification attests to structural completion, but does not render judgment on adequacy of performance.

(Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 9-83 (43 FR 35736))

Signed at Santa Fe, New Mexico, this 4th day of December 1984.

Robert A. Rowland,  
Assistant Secretary of Labor.

[FR Doc. 84-32711 Filed 12-14-84; 8:45 am]  
BILLING CODE 4510-26-M

**DEPARTMENT OF THE TREASURY**

Office of the Assistant Secretary for International Affairs

**31 CFR Part 129**

**Foreign Portfolio Investment Survey**

Note.—This document was originally published in the Federal Register of Tuesday, December 11, 1984, on page 48184. It is being republished today at the request of the agency.

**AGENCY:** Treasury.

**ACTION:** Notice of reporting requirements and availability of forms.

**SUMMARY:** By this notice the Treasury Department is informing the public that it is conducting a survey of foreign portfolio investment in the United States. All persons who meet the reporting requirements set forth in this Notice must report. Survey data is based on foreign holdings as of December 31, 1984, and reports are due at the Treasury by March 31, 1985. Any United States issuer of securities that meets the benchmark survey asset test for a routine large issuer and any United States holder of record that exceeds the exemption level for aggregate foreign holdings should contact the Treasury

Department at the telephone number listed below to obtain a copy of the Forms and Instructions if its Chief Financial Officer has not yet received a copy.

**FOR FURTHER INFORMATION CONTACT:** Bertram Wolfe, Foreign Portfolio Investment Project, Office of the Assistant Secretary, International Affairs, U.S. Department of the Treasury, Washington, D.C. 20220. Telephone: (202) 566-5507.

**SUPPLEMENTARY INFORMATION:** The International Investment Survey Act of 1976 (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101, et seq.) as amended, [the "Act"], and E.O. 11961 of January 19, 1977, (42 FR 4321), as amended, require the Department of the Treasury to conduct periodic comprehensive surveys of foreign portfolio investment in the United States. Regulations governing the current Survey were published in the Federal Register, April 9, 1984, on pp. 14054-14057 (31 CFR Part 129 at pp. 339-344). The preamble to those regulations stated that the exemption levels would subsequently be published in the Federal Register.

**Who Must Report and Exemption Levels**

**United States Issuers of Securities.** The reporting obligations of United States issuers are governed by the following classifications:

**Routine Large Issuer Reporters—Asset Test.** A report is required on Form FPI-1 (Report for United States Issuers of Securities) from every United States business enterprise issuer (irrespective of whether it has evidence of foreign investment in its securities) which, as of the latest available closing date of its accounting records, had:

(1) Total consolidated assets of more than \$1 billion, if it is a nonbanking business enterprise;

(2) Total consolidated assets of more than \$2 billion, if it is a banking business enterprise.

**Selective Small Issuer Reporters—Response Required When Contacted.** A report on Form FPI-1 is also required from every United States issuer with total consolidated assets of at least \$100 million that is informed by the Treasury Department that it must report.

**Total Exemption—Asset Test.** A report on Form FPI-1 is not required from any United States issuer who, as of the latest available closing date of its books, had total consolidated assets of less than \$100 million.

**Exempted Holders of Record.** A report on Form FPI-2 (Report for United States Holders of Record) is not required from any holder of record who held, for all its foreign customers, combined

investments in securities of United States issuers aggregating \$10 million or less based on the fair market value as of December 31, 1984. This exemption does not apply to holders of record under common management or control, except where aggregate holdings of all holders of record under a single parent institution total \$10 million or less.

Charles Schotta,

Deputy Assistant Secretary for Arabian Peninsula Affairs.

[FR Doc. 84-32419 Filed 12-10-84; 10:07 am]  
BILLING CODE 4810-25-M

**Fiscal Service**

**31 CFR Part 210**

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

**AGENCY:** Fiscal Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** There are five main purposes for the revision to this regulation. First, the liability of financial institutions that credit recurring benefit payments made by means other than check (EFT) after the death or legal incapacity of a recipient or death of the beneficiary, or that otherwise do not comply with the regulations in 31 CFR Part 210, is clarified.

Second, the procedures for collecting the amounts for which financial institutions are liable are simplified and clarified.

Third, it is clarified that a financial institution that executes a Direct Deposit Standard Authorization Form on which the recipient's or beneficiary's signature is forged is liable for any credit payments made by the Government on the basis of that form. However, once the Government is notified that the intended recipient or beneficiary did not receive payment, the loss attributable to further credit payments will revert to the Government.

Fourth, it is newly required that a financial institution send a notice to the account owners when the financial institution receives a reclamation notice relating to an account. This notice is to inform account owners that reclamation is being processed, and explain how errors may be corrected.

Fifth, new procedures are established for financial institutions to follow in the event that the Government sends a reclamation notice because of the death of a recipient or beneficiary, and either the date or fact of death is in error.