chapter. The licensee may make changes to the licensee safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to any such plan made without prior approval for a period of 2 years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguard, U.S. Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, a report containing a description of each change within 2 months after the change is made. Commencing on February 9, 1983 licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

Dated at Bethesda, Md., this 20th day of January 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-3326 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0454]

Interest on Deposits (Regulation Q); Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by the severe storms, tornadoes, and flooding in the designated areas of Missouri.

EFFECTIVE DATE: December 10, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711).

SUPPLEMENTARY INFORMATION: On December 10, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Missouri counties of Bollinger, Cape Girardeau, Carter, Franklin, Iron, Jefferson, Lincoln, Perry, Phelps, Pulaski, Ripley, St. Charles, Ste. Genevieve, St. Louis, and Wayne major disaster areas. The declaration was subsequently amended on January 3, 1983, to add the city of Thayer. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, tornadoes, and flooding beginning on or about December 1, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to December 10, 1982, and will remain in effect until 12 midnight, June 15, 1983.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the disaster area directly affected by the severe storms, tornadoes, and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, February 2, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-3413 Filed 2-8-83; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 115

[Rev. 1, Amdt 1]

Surety Bond Guarantee Regulations

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule provides procedures to protect sureties and SBA in transactions with agents, brokers and other sureties when the conduct of such a person, as identified by the regulation demonstrates a lack of business integrity. The final rule extends existing regulation Sec. 115.13, which provides only for SBA adverse sanctions where a surety's operation under the SBA Surety Bond Guarantee program has demonstrated wrongdoing, improper practices or performance below standards established in that Section.

SBA's proposed rule was published on October 20, 1982, (47 CFR 46706), and provided for a 30 day comment period. The final rule is unchanged from the proposed rule.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Howard F. Huegel, Chief, Surety Bond Guarantee Branch, Office of Special Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Suite 500, Arlington, Va. 22203; (703) 235-2900.

SUPPLEMENTARY INFORMATION: SBA received only two comments. One of these was from a trade association and was supportive of the proposal. The other comment was from an interested individual. That commentator suggested that the coverage of the rule should not be limited to persons presenting applications for SBA guarantee of surety bonds but should include persons acting as "claims attorneys." SBA believes no further change is necessary. If an attorney is empowered to act on behalf of a surety, or its agent, the person will be subject to the rule.

For the purposes of Executive Order 12291, SBA hereby determines that this rule will not constitute a major rule. In addition, it hereby is certified pursuant to section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, that this rule will not have a significant economic impact on a substantial number of small entities. In this regard this rule will not affect any small business except where the small concern's request for surety bond assistance is made to a person determined through operation of the rule to be ineligible, because of a lack of good character, to present a surety's

application for SBA guarantee. In such an instance the effect upon the small concern will be in terms of the time needed for its request to be accepted by a person possessing good character. Therefore, SBA determines that the rule does not have the type of impact upon small entities which is contemplated by the Regulatory Flexibility Act.

Pursuant to authority contained in section 411(d) Title IV, Part B, Small Business Investment Act of 1958, as amended [15 U.S.C. 694(b)(d)], the following provision of Part 115 is adopted:

List of Subjects in 13 CFR Part 115

Surety bond guarantee.

PART 115—[AMENDED]

Present § 115.13 is designated as paragraph (a) and captioned "Improper SBG practices", and a new paragraph (b) is added, as follows:

§ 115.13 Refusal to issue further guarantees.

(a) *Improper SBG practices.* * * *

(b) *Business integrity.*—(1) Any person qualifying as a surety under §§ 115.3(a)(4) and 115.3(b)(2), or any agent, independent agent, underwriter or individual empowered to act on behalf of such person shall be presumed to have good character and reputation for business integrity and shall, until one of the following events occur, be entitled to present applications for guarantees of bonds:

(i) A state or other authority regulating insurance (including the surety business) has denied, revoked, cancelled or suspended the license of such person;

(ii) Such person has been indicted or otherwise formally charged with, or convicted of, a misdemeanor or crime, or suffered an adverse final civil judgment in a case involving a breach of trust or the violation of a law or regulation protecting the integrity of business transactions or relationships;

(iii) Such person has made material misrepresentations or willful false statements in the presentation of oral or written information to SBA in connection with applications for surety bond guarantees or the presentation of claims thereon.

(2) Upon the occurrence of an indictment or formal charge of a misdemeanor or crime against such person, SBA may suspend the privilege of such person to present applications for guarantees of bonds, in a proceeding pursuant to §§ 104.2 through 104.12 of this Chapter. Upon the occurrence of any of the other events specified in subsection (b)(1) hereof, SBA may suspend or revoke the privilege of such person to present applications for guarantees of bonds, in a proceeding pursuant to §§ 104.2 through 104.12 of this Chapter.

(Catalog of Federal Domestic Assistance Program No. 59.016, Bond Guarantee Assistance for Surety Companies).

Dated: January 31, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-3536 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1203

Information Security Program

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This amendment is necessary to comply with the provisions of Executive Order 12356, "National Security Information." This amendment sets forth guides and guidelines for classifying, declassifying, and downgrading national security information and material under the NASA Information Security Program. This amendment also assigns responsibilities for the management and direction of the Program.

EFFECTIVE DATE: August 1, 1982.

ADDRESS: Chief, NASA Security Office, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ben B. Pagac, telephone (202) 755-3400.

List of Subjects in 14 CFR Part 1203

Classified information, Foreign relations.

PART 1203—INFORMATION SECURITY PROGRAM

For reasons set out in the Preamble, 14 CFR Part 1203 is amended by revising the authority citation; the Table of Contents for Subparts D and F; § 1203.100(a); § 1203.200 (b), (b)(5), and (c); § 1203.202 (a)(2), (a)(6), (f) and (g); § 1203.203 (a), (b) and (b)(3); § 1203.400 (b) and (j); § 1203.407; § 1203.410 (f) and (g); § 1203.411; § 1203.412(a) (3) and (4) § 1203.500; § 1203.501 (a) and (c); § 1203.600; § 1203.602; § 1203.603; § 1203.604 (a), (b)(1) and (2), (e)(5), (f) and g(3)(ii); § 1203.701(b); § 1203.702; § 1203.703 (a) and (b) to read as follows:

1. The authority citation for 14 CFR Part 1203 is revised to read as follows:

Authority: 42 U.S.C. 2451 et seq. and E.O. 12356.

2. The Table of Contents for Subpart D is revised to read as follows:

Subpart D—Guides for Original Classification

Sec.
1203.400 Specific classifying guidance.
1203.401 Effect of open publication.
1203.402 Classifying material other than documentation.
1203.403 State-of-the-art and intelligence.
1203.404 Handling of unprocessed data.
1203.405 Proprietary information.
1203.406 Additional classification factors.
1203.407 Duration of classification.
1203.408 Assistance by installation security classification officers.
1203.409 Exceptional cases.
1203.410 Limitations.
1203.411 Restrictions.
1203.412 Classification guides.

3. The Table of Contents for Subpart F is revised to read as follows:

Subpart F—Declassification and Downgrading

Sec.
1203.600 Policy.
1203.601 Responsibilities.
1203.602 Authorization.
1203.603 Systematic review for declassification.
1203.604 Mandatory review for declassification.

4. Section 1203.100 is amended by revising paragraph (a) to read as follows:

§ 1203.100 Legal basis.

(a) *Executive Order 12356 (hereinafter referred to as "the Order").* The responsibilities and authority of the Administrator of NASA with respect to the original classification of official information or material requiring protection against unauthorized disclosure in the interest of national defense or foreign relations of the United States (hereinafter collectively termed "national security"), and the standards for such classification, are established by the "the Order" (47 FR 14874) and the Information Security Oversight Office Directive No. 1, June 25, 1982.

* * * * *

Subpart B—NASA Information Security Program

5. Section 1203.200, the introductory text of paragraphs (b), (b)(5), and (c) are revised to read as follows:

§ 1203.200 Background and discussion.

* * * * *

(b) In recognition of the essential requirement for an informed public

concerning the activities of its Government, as well as the need to protect certain national security information from unauthorized disclosure, "the Order" was promulgated. It designates the National Aeronautics and Space Administration certain responsibility for matters pertaining to national security and confers on the Administrator of NASA, or such responsible officers or employees as the Administrator may designate, the authority for original classification of official information or material which requires protection in the interest of national security. It also provides for:

* * * * *

(5) Classification limitations and restrictions as discussed in § 1203.410 and § 1203.411.

(c) "The Order" requires the timely identification and protection of that NASA information the disclosure of which would be contrary to the best interest of national security. Accordingly, the determination in each case must be based on a judgment as to whether disclosure of information could reasonably be expected to result in damage to the national security.

6. Section 1203.202 is amended by revising paragraphs (a)(2), (a)(6), (f), and (g) to read as follows:

§ 1203.202 Responsibilities.

(a) The Chairperson, NASA Information Security Program Committee (Subpart I of this Part), is responsible for: * * *

(2) Ensuring effective compliance with and implementation of "the Order" and the Information Security Oversight Office Directive No. 1 relating to security classification matters.

* * * * *

(6) Developing, maintaining and recommending to the Administrator guidelines for the systematic review covering 30-year-old classified information under NASA's jurisdiction.

* * * * *

(f) The NASA Security Classification Manager, NASA Security Office, NASA Headquarters, who serves as a member and Executive Secretary of the NASA Information Security Program Committee, is responsible for the NASA-wide coordination of security classification matters.

(g) The Chief, NASA Security Office, is responsible for establishing procedures for the safeguarding of classified information or material (e.g., accountability, control, access, storage, transmission, and marking) and for ensuring that such procedures are systematically reviewed; and those which are duplicative or unnecessary are eliminated.

7. Section 1203.203 is amended by revising paragraphs (a), (b), and (b)(3) to read as follows:

§ 1203.203 Degree of protection.

(a) *General.* Upon determination that information or material must be classsified, the degree of protection commensurate with the sensitivity of the information must be determined. If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classified pending a determination by an original classification authority, who shall make this determination within 30 days. If there is reasonable doubt about the appropriate level of classification, it shall be safeguarded at the higher level of classification pending a determination by an original classification authority, who shall make this determination within 30 days.

(b) *Authorized Categories of Classification.* The three categories of classification, as authorized and defined in "the Order," are set out below. No other restrictive markings are authorized to be placed on NASA classified documents or materials except as expressly provided by statute or by NASA Directives.

* * * * *

(3) *Confidential.* Confidential is the designation applied to that information or material for which the unauthorized disclosure could reasonably be expected to cause damage to the national security.

* * * * *

Subpart D—Guides for Original Classification

8. Section 1203.400 is amended by revising the introductory text and paragraphs (b) and (j) to read as follows:

§ 1203.400 Specific classifying guidance.

Technological and operational information and material, and in some exceptional cases scientific information falling within any one or more of the following categories, must be classified if its unauthorized disclosure could reasonably be expected to cause damage to the national security. In cases where it is believed that a contrary course of action would better serve the national interests, the matter should be referred to the Chairperson, NASA Information Security Program Committee, for a determination. It is not intended that this list be exclusive; original classifiers are responsible for initially classifying any other type of information which, in their judgment, requires protection under "the Order."

* * * * *

(b) Information which, if disclosed, would significantly diminish the technological lead of the United States in any military system, subsystem or component, and would result in damage to such a system, subsystem or component.

* * * * *

(j) Operational information pertaining to the command and control of space vehicles, the possession of which would facilitate malicious interference with any U.S. space mission, that might result in damage to the national security.

9. Section 1203.407 is revised to read as follows:

§ 1203.407 Duration of classification.

(a) Information shall be classified as long as required by national security considerations. When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is originally classified.

(b) Information classified under predecessor orders and marked for declassification review shall remain classified until reviewed for declassification under the provisions of the "the Order."

10. Section 1203.410 is amended by revising the section heading and paragraphs (f) and (g), to read as follows:

§ 1203.410 Limitations.

* * * * *

(f) Information may be classified or reclassified after receipt of a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of "the Order" if such classification meets the requirements of "the Order" and is accomplished personally on a document-by-document basis by an official with original Top Secret classification authority.

(g) The Administrator, the Chairperson, NASA Information Security Program Committee, or an official with original Top Secret classification authority may reclassify information previously declassified and disclosed if it is determined in writing that (1) The information requires protection in the interest of national security; and (2) the information may reasonably be recovered. These reclassification actions shall be reported promptly to the Director of the Information Security Oversight Office, GSA.

11. Subpart D is amended by adding a new § 1203.411, reading as follows:

§ 1203.411 Restrictions.

(a) Except as provided by directives issued by the President through the National Security Council, classified information originating in one agency may not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. For purposes of this section, the Department of Defense shall be considered one agency.

(b) Classified information shall not be disseminated outside the Executive Branch except under conditions that ensure the information will be given protection equivalent to that afforded within the Executive Branch.

12. Section 1203.412 is amended by revising paragraphs (a)(3) and (a)(4) to read as follows:

§ 1203.412 Classification guides.

(a) * * *

(3) State the duration of each specified classification in terms of a period of time or future event. Whenever a specific time or future event for declassification cannot be predetermined, the following notation will be used: DECLASSIFY ON: Originating Agency's Determination Required or "OADR."

(4) Indicate specifically that the designations, time limits, markings and other requirements of "the Order" are to be applied to information classified pursuant to the guide.

* * * * *

Subpart E—Derivative Classification

13. Section 1203.500 is revised to read as follows:

§ 1203.500 Use of derivative classification.

The application of derivative classification markings is a responsibility of those who incorporate, paraphrase, restate, or generate in new form information that is already classified, and of those who apply markings in accordance with instructions from an authorized original classifier or in accordance with an authorized classification guide. If a person who applied derivative classification markings believes that the paraphrasing, restating, or summarizing of classified information has changed the level of or removed the basis for classification, that person must consult for a determination with an appropriate official of the originating agency or office of origin who has the authority to upgrade, downgrade, or declassify the information.

14. Section 1203.501 is amended by revising the introductory text and paragraphs (a) and (c) to read as follows:

§ 1203.501 Applying derivative classification markings.

Persons who apply derivative classification markings shall:

(a) Observe and respect original classification decisions;

* * * * *

(c) Carry forward to newly created documents any assigned authorized markings. The declassification date or event that provides the longest period of classification shall be used for documents classified on the basis of multiple sources.

Subpart F—Declassification and Downgrading

15. Section 1203.600 is revised to read as follows:

§ 1203.600 Policy.

Information shall be declassified or downgraded as soon as national security considerations permit. NASA reviews of classified information shall be coordinated with other agencies that have a direct interest in the subject matter. Information that continues to meet the classification requirements prescribed by § 1203.400 despite the passage of time will continue to be protected in accordance with "the Order."

16. Section 1203.602 is amended by revising the section heading and text to read as follows:

§ 1203.602 Authorization.

Information shall be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position, the originator's successor, a supervisory official of either, or officials delegated such authority in writing by the Administrator or the Chairperson, NASA Information Security Program Committee.

17. Section 1203.603 is revised to read as follows:

§ 1203.603 Systematic review for declassification.

(a) *General.* (1) Except for foreign government information as provided in Subpart G of this Part, classified information constituting permanently valuable records of the government as defined by 44 U.S.C. 2103, and information in the possession and control of the Administrator of General Services Administration pursuant to 44 U.S.C. 2107 or 2107 note, shall be reviewed for declassification as it becomes 30 years old.

(2) Systematic review for declassification of classified cryptologic information will be coordinated through the National Security Agency.

(3) Systematic review for declassification of classified information pertaining to intelligence activities (including special activities) or intelligence sources or methods will be coordinated through the Central Intelligence Agency.

(4) The Chairperson, NASA Information Security Program Committee, shall designate experienced personnel to assist the Archivist of the United States in the systematic review of 30-year old U.S. originated information and 30-year old foreign information. Such personnel shall:

(i) Provide guidance and assistance to National Archives and Records Service employees in identifying and separating documents and specific categories of information within documents which are deemed to require continued classification; and

(ii) Develop reports of information or document categories so separated, with recommendations concerning continued classification.

(b) *Systematic Review Guidelines.* The Chairperson, NASA Information Security Program Committee, shall develop, in coordination with NASA organizational elements, guidelines for the systematic review for declassification of 30-year old classified information under NASA's jurisdiction. (See Subpart G of this part, Foreign Government Information.) The guidelines shall state specific limited categories of information which, because of their national security sensitivity, should not be declassified automatically but should be reviewed item-by-item to determine whether continued protection beyond 30 years is needed. These guidelines are authorized for use by the Archivist of the United States and, with the approval of the Administrator, by an agency having custody of the information covered by the guidelines. All information, except foreign government information, cryptologic information, and information pertaining to intelligence sources or methods, not identified in these guidelines as requiring review and for which a prior automatic declassification date has not been established shall be declassified automatically at the end of 30 years from the date of original classification. These guidelines shall be reviewed at least every 5 years and revised as necessary unless an earlier review for revision is requested by the

Archivist of the United States. Copies of the declassification guidelines promulgated by NASA will be provided to the Information Security Oversight Office, GSA.

(c) *Systematic Review Procedures.* (1) All security classified records 30 years old or older, whether held in storage areas under installation control or in Federal Records Centers, will be surveyed to identify those that require scheduling for future disposition.

(2) All NASA information or material in the custody of the National Archives and Records Service that is permanently valuable and more than 30 years old is to be systematically reviewed for declassification by the Archivist of the United States with the assistance of the personnel designated for the purpose pursuant to paragraph (a)(4)(i) of this section. The Archivist shall refer to NASA that information or material which NASA has indicated requires further review. In the case of 30-year old information or material in the custody of NASA installations, such review will be accomplished by the custodians of the information or material. The installation having primary jurisdication over the information or material received from the Archivist or in its custody, shall proceed as follows:

(i) Classified information or material over which NASA exercises exclusive or final original classification authority and which is to be declassified in accordance with the systematic review guidelines developed under paragraph (b) of this section shall be so marked.

(ii) Classified information or material over which NASA exercises exclusive or final original classification authority and which, in accordance with the systematic review guidelines developed under paragraph (b) of this section, is to be kept protected, shall be listed by category by the responsible custodian and referred to the Chairperson, NASA Information Security Program Committee. This listing shall:

(A) Identify the information or material involved.

(B) Recommend classification beyond 30 years to a specific event scheduled to happen or a specific period of time or, the alternative, recommend: DECLASSIFY ON: Originating Agency's Determination Required or "OADR."

(iii) The Administrator shall consider and determine which category shall be kept classified and the dates or event for declassification. Whenever a specific time or future event for declassification cannot be predetermined, the following notation will be applied: DECLASSIFY ON: Originating Agency's Determination Required or "OADR." The Archivist of the United States will be notified in writing of this decision.

(d) *Declassification by the Director of the Information Security Oversight Office, GSA.* If the Director of the Information Security Oversight Office, GSA, determines that NASA information is classified in violation of "the Order," the Director may require the information to be declassified. Any such decision by the Director may be appealed through the NASA Information Security Program Committee to the National Security Council. The information shall remain classified pending a prompt decision on the appeal.

18. Section 1203.604 is amended by revising paragraph (a), (b) (1), and (2), (e)(5), (f), and (g)(3)(ii) to read as follows:

§ 1203.604 Mandatory review for declassification.

(a) *Information covered.* All information classified under "the Order" or predecessor orders, except as provided at § 1203.604(b) shall be subject to a review for declassification by the originating agency, if:

(1) The request is made by a United States citizen or permanent resident alien, a Federal agency, or a State or local government; and

(2) The request describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort. After review, the information or any reasonable segregable portion thereof that no longer requires protection shall be declassified and released unless withholding is otherwise warranted under applicable law.

(b) *Presidential Papers.* (1) Information originated by a President, the White House Staff, by committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President or acting on behalf of a President is exempted from the provisions of § 1203.604(a).

(2) The Archivist of the United States shall have the authority to review, downgrade and declassify information under the control of the Administrator of General Services Administration or the Archivist pursuant to sections 2107, 2107 note, or 2203 of Title 44, United States Code. Review procedures developed by the Archivist shall provide for consultation with NASA in matters of primary subject interest to NASA.

* * * * *

(e) * * *

(5) When a NASA installation receives any request for declassification of information in documents in its custody that was classified by another NASA installation or Government agency, it shall refer copies of the request and the requested documents to the originating installation or agency for processing, and may, after consultation with the originating installation or agency, inform the requester of the referral. In cases in which the originating NASA installation determines in writing that a response under § 1203.604(f) is indicated, such cases will be promptly forwarded to the Chairperson, NASA Information Security Program Committee, for final resolution and appropriate response.

(f) *Neutral Response.* In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of "the Order," NASA shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under "the Order."

(g) * * *

(3) * * *

(ii) Classified information transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded or declassified by the Archivist of the United States in accordance with "the Order," the directives of the Information Security Oversight Office, GSA, and NASA guidelines.

* * * * *

Subpart G—Foreign Government Information

19. Section 1203.701 is amended by revising paragraph (b) to read as follows:

§ 1203.701 Classification.

* * * * *

(b) Foreign government information that was not classified by a foreign entity but was provided to NASA with the expressed or implied obligation that it be held in confidence must be classified. "The Order" states that unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security. Therefore, such foreign government information shall be classified at least Confidential. However, at the time of classification, judicious consideration shall be given to the sensitivity of the subject matter and the impact of its unauthorized disclosure upon both the United States and the originating foreign government or

organization of governments in order to determine the most appropriate level of classification. Levels above Confidential must be assigned by an original classification authority.

20. Section 1203.702 is revised to read as follows:

§ 1203.702 Duration of classification.

Unless the guidelines for the systematic review of 30-year old foreign government information developed pursuant to § 1203.603(b) prescribe dates or events for declassification:

(a) Foreign government information shall not be assigned a date or event for declassification unless such is specified or agreed to by the foreign entity.

(b) Foreign government information classified after December 1, 1978, shall be annotated: DECLASSIFY ON: Originating Agency's Determination Required or "OADR."

21. Section 1203.703 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1203.703 Declassification.

(a) Information classified in accordance with § 1203.400 shall not be declassified automatically as a result of any unofficial publication or inadvertent or unauthorized disclosure in the United States or abroad of identical or similar information.

(b) Following consultation with the Archivist of the United States and where appropriate, with the foreign government or international organization concerned and with the assistance of the Department of State, NASA will issue guidelines for the systematic review of 30-year old foreign government information that will apply to foreign government information of primary concern to NASA. These guidelines are authorized for use by the Archivist of the United States and, with the approval of NASA, by an agency having custody of such information. The Chairperson, NASA Information Security Program Committee, will initiate administrative functions necessary to effect review of these guidelines at least once every 5 years and submit recommendations to the Administrator based on these reviews. If, after applying the guidelines to 30-year old foreign government information, a determination is made by the reviewer that classification is necessary, a date for declassification or DECLASSIFY ON: Originating Agency's Determination Required or "OADR" shall be shown on the face of the document.

* * * * *

James M. Beggs,

Administrator.

[FR Doc. 83-3376 Filed 2-8-83; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 30124-16]

Exports to the People's Republic of China of Certain Graphic Display Systems Implemented With Raster Scan Techniques

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends the Export Administration Regulations by adding an Advisory Note to entry 1565A of the Commodity Control List (Supplement No. 1 to § 399.1) which controls electronic computers and related equipment. The Advisory Notes indicate which of various specified commodities are likely to be approved for export to certain countries. This rule adds an Advisory Note regarding the export to the People's Republic of China of certain graphic display (non-image processing) systems implemented with raster scan techniques.

DATES: This rule is effective February 9, 1983. Comments must be received by the Department April 11, 1983.

ADDRESS: Written comments (six copies) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

Rulemaking Requirements and Invitation to Comment

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

The period for submission of comments will close April 11, 1983. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public