Presidential Documents

Proclamation 5098 of September 15, 1983

Thanksgiving Day, 1983

By the President of the United States of America

A Proclamation

Since the Pilgrims observed the initial Thanksgiving holiday in 1621, this occasion has served as a singular expression of the transcending spiritual values that played an instrumental part in the founding of our country.

One hundred and twenty years ago, in the midst of a great and terrible civil conflict, President Lincoln formally proclaimed a national day of Thanksgiving to remind those "insensible to the ever watchful providence of Almighty God" of this Nation's bounty and greatness. Several days after the dedication of the Gettysburg battlefield, the United States celebrated its first national Thanksgiving. Every year since then, our Nation has faithfully continued this tradition. The time has come once again to proclaim a day of thanksgiving, an occasion for Americans to express gratitude to their God and their country.

In his remarks at Gettysburg, President Lincoln referred to ours as a Nation "under God." We rejoice in the fact that, while we have maintained separate institutions of church and state over our 200 years of freedom, we have at the same time preserved reverence for spiritual beliefs. Although we are a pluralistic society, the giving of thanks can be a true bond of unity among our people. We can unite in gratitude for our individual freedoms and individual faiths. We can be united in gratitude for our Nation's peace and prosperity when so many in this world have neither.

As was written in the first Thanksgiving Proclamation 120 years ago, "No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God." God has blessed America and her people, and it is appropriate we recognize this bounty.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in the spirit of the Pilgrims, President Lincoln, and all succeeding Presidents, do hereby proclaim Thursday, November 24, 1983, as a National Day of Thanksgiving, and I call upon Americans to affirm this day of thanks by their prayers and their gratitude for the many blessings upon this land and its people.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of Sept., in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 83-25682
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Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 48, No. 183
Tuesday, September 20, 1983

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 700

Rural Clean Water Program; RCWP Contract

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the existing regulations governing the Rural Clean Water Program (RCWP). The purpose of the experimental RCWP is to reduce agricultural pollution of the Nation's streams and lakes. The RCWP provides financial and technical assistance to encourage agricultural producers to voluntarily perform Best Management Practices (BMP's) to control agriculture nonpoint source pollution. This final rule amends the current regulations to provide that each farm operator, owner or person who controls or shares in the control of any tract of land (rather than the farm as currently provided) in the designated critical area on which one or more BMP's is to be carried out must execute the RCWP contract.

EFFECTIVE DATE: This rule shall be effective September 19, 1983.

FOR FURTHER INFORMATION CONTACT: Gordell A. Brown, Director, Conservation and Environmental Protection Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013, telephone 202–447–6221.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 700) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0560–0113.

The provisions of this final rule have been reviewed under USDA procedures which have been established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and have been classified as "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Rural Clean Water Program; Number 10.068; as found in the Catalog of the Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The experimental Rural Clean Water Program (RCWP), which is authorized by the Agriculture, Rural Development and Related Agencies Appropriations Act Fiscal Year 1980 (Pub. L. 96–108, 93 Stat. 821, 835) and the Agriculture Rural Development and Related Agencies Appropriations Act Fiscal Year 1981 (Pub. L. 96–528, 94 Stat. 3095, 3111), provides for long-term financial and technical assistance to owners and operators having control of agricultural land. The purpose of this assistance is to install and maintain BMP's to control agricultural nonpoint source pollution to improve water quality. Final regulations were published in the **Federal Register** on March 4, 1980 (45 FR 14009) setting forth the applicable program provisions.

In order to participate in the RCWP, the current regulations provide that landowners and operators within the designated project area must enter into contracts in which they agree to carry out BMP's in accordance with an approved water quality plan. In addition, these regulations provide that each person who controls or shares in the control of the farm or ranch must also execute the RCWP contract. However, the general commodity regulations governing the constitution of a farm for program administration purposes, which are found at 7 CFR Part 719, provide that a farm may be comprised of widely separate ownership tracts. Thus, while a farm as constituted for program purposes may be located within the boundary of an RCWP project area, certain of the ownership tracts may not be so located. A number of landowners are refusing to sign the RCWP contract because no BMP's are scheduled to be installed on the tracts of land in which they have an ownership interest. It has been determined that requiring the signatures on an RCWP contract of every owner of each tract of land which comprises a farm, even though no BMP's may be applied to such tract, is impairing the effectiveness of the RCWP program. Therefore, the regulations have been revised to provide that only those owners, operators or other persons who control or share in the control of a tract of land on which BMP's will be performed must execute the RCWP contract.

Since the purpose of this final rule is to make less restrictive the present requirements involving those persons who must sign an RCWP contract as a prerequisite to program participation, it has been determined that this rule should be published without prior opportunity for public comment. Accordingly, this final rule will become effective upon the date of filing with the Director, Office of the Federal Register.

List of Subjects in 7 CFR Part 700

Administrative practice and procedure; Grant programs, agriculture; Grant programs environmental protection; Rural area; Technical assistance; Water pollution.

Final Rule

PART 700—[AMENDED]

Accordingly, the regulations at 7 CFR 700.25 (a) and (b) are revised to read as follows:

§ 700.25 RCWP contract.

(a) In order to participate in the RCWP, each landowner, operator, or person who controls or shares in the control of a tract of land on which one or more of the BMP's will be performed must execute the RCWP contract in

which they agree to carry out the water quality plan.

(b) The participant must furnish satisfactory evidence of his or her control of the tract of land on which one or more of the BMP's will be performed.

* * * * *

(Pub. L. 96-108, 98 Stat. 821, 835 and Pub. L. 96-528, 94 Stat. 3095, 3111)

Signed at Washington, D.C., on September 15, 1983.

John R. Block,

Secretary.

[FR Doc. 83-25630 Filed 9-19-83; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Part 215

[Docket No. R-0469]

Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks; Lending Limits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System is amending Regulation O (12 CFR Part 215), which governs loans by a member bank to insiders, to implement amendments to 12 U.S.C. 84, and sections 22(g) and 22(h) of the Federal Reserve Act (12 U.S.C. 375a and 375b) that were included in Title IV of the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320, 96 Stat. 1469). The amendments relate to the limitations on loans by a member bank to its executive officers, the aggregate dollar limitation on loans by a member bank to its insiders, and the dollar amount above which loans by a member bank to its insiders must be approved in advance by the board of directors of the member bank.

EFFECTIVE DATE: October 20, 1983

FOR FURTHER INFORMATION CONTACT: Jennifer Johnson, Senior Counsel (202/452-3584), or Stephen Lovette, Supervisory Financial Analyst (202/452-3622), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Prior to the enactment of the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320, 96 Stat. 1469) ("Garn Act"), section 22(g) of the Federal Reserve Act prescribed the following limitations on loans by a member bank to its executive officers: $60,000 for a home mortgage; $20,000 to finance the education of the officer's children; and $10,000 for all other purposes. Section 421(a) of the Garn Act eliminated the specific dollar limitation on home mortgage and educational loans and on November 1, 1982, the Board amended Regulation O to provide that a member bank may extend credit to its executive officers in any amount for home mortgage or educational purposes (47 FR 49347 (1982)).

Section 421(b) of the Garn Act eliminated the dollar limitation for "other" loans and now provides that the member bank's appropriate federal regulatory agency shall prescribe a limit for such loans. The rule adopted by the Board to implement this statutory change provides that, for other than home mortgage or educational purposes (for which there are no dollar limitations), a state member bank may lend to any of its executive officers up to $25,000 or 2.5 percent of its capital and unimpaired surplus, whichever amount is higher.[1] However, at no time may the bank's outstanding loans to any executive officer for other than home mortgage or educational purposes exceed $100,000.

In response to comments received and in order that the rules proposed by all of the federal regulatory agencies will be uniform, the term "capital and unimpaired surplus" has been substituted for the term "capital," wherever it appeared in the proposal. In response to other comments received regarding the new limitations on "other" loans, the rule clarifies that the new limitations on such loans apply also to loans to partnerships in which one or more executive officers of the member bank is a partner holding a majority interest. In other words, a member bank may lend an amount equal to 2.5 percent of its capital and unimpaired surplus or $100,000, whichever is lower, to a partnership in which one or more of its executive officers has a majority interest.

Also prior to the enactment of the Garn Act, section 22(h)(2) of the Federal Reserve Act provided that no member bank should lend to any executive officer, director or principal shareholder, or to any related interest of such person, if the amount of the loan, when aggregated with all other loans to such executive officer, director or principal shareholder, or to any related interest of such person, exceeded $25,000, unless the loan was approved in advance by a majority of the bank's entire board of directors, with the interested party abstaining from the vote. Section 422 of the Garn Act eliminated the specific dollar amount in section 22(h)(2) and now provides that the member bank's appropriate federal regulatory agency shall prescribe the amount above which the prior approval of the bank's board of directors is required.

The rule adopted by the Board provides that a state member bank must obtain the prior approval of its board of directors for a loan to an executive officer, director or principal shareholder, or to any related interest of that person, if the amount of such loan, when aggregated with all other loans to that person or to any related interest of that person, exceeds $25,000 or 5 percent of the member bank's capital and unimpaired surplus, whichever is higher.[2] In addition, regardless of the size of the bank, all loans to insiders that exceed $500,000 in the aggregate require the prior approval of the bank's board of directors.

Section 22 h(1) of the Federal Reserve Act provides that no member bank shall make any loan to any of its executive officers, principal shareholders or to any related interest of such persons in an amount that, when aggregated with all other loans made to such person or to any related interest of such person, exceeds the limit in section 5200 of the Revised Statutes (12 U.S.C. 84) on loans to a single borrower by national banks. Section 401 of the Garn Act increased the limit in section 5200 of the Revised Statutes, effective April 15, 1983, and the rule amends the definition of "lending limit" in Regulation O accordingly. In states where applicable laws have established lending limits that are lower than the limits in section 5200 of the Revised Statutes, state member banks are required to comply with the lower state lending limits.

The Board received 35 comments on the proposed amendments, only two of which opposed the proposal. One unfavorable commenter indicated that it would favor the proposal if the term "capital and unimpaired surplus" was substituted for the term "capital" in the amendment. Numerous other commenters made this suggestion, stating that the suggested term is the term used in the section of Regulation O that defines the lending limit for member banks. The final rule includes this suggestion and the term "capital and unimpaired surplus" has been substituted for the term "capital" in the final rule.

The other unfavorable comment indicated the commenter's belief that

[1] The appropriate limits for national banking associations, which are identical to the limits adopted herein, are contained in regulations of the Comptroller of the Currency.

[2] Id.

increasing the limit on loans to executive officers to a maximum of $100,000 would permit executive officers to enter business transactions that would be detrimental to their banks. This commenter did not offer any reason in support of the belief that the loans would be detrimental to banks.

The Board does not believe that increasing the lending limit as proposed is likely to cause harm to member banks. In the first place, the rule provides that the lending limit is 2.5 percent of the capital and unimpaired surplus of the member bank rather than a flat $100,000. Only banks with approximate total assets of $55,000,000 or more would be permitted to lend $100,000 to their executive officers. In addition, loans to executive officers must be on the same terms as loans to other customers and cannot involve more than the normal risk of repayment or present other unfavorable features. Finally, loans to executive officers are reviewed by the appropriate regulatory agency during the on site examinations of member banks. Thus, the Board believes the rule would not endanger the safety and soundness of member banks but would merely place insiders on the same footing as other borrowers from the bank.

Several of the commenters, while agreeing with the Board's plan to increase the limits applicable to loans to insiders, suggested that other methods be used to establish the limits. These suggestions have been considered, and the Board has concluded that the most convenient and appropriate method for determining the lending limit and prior approval amount with respect to loans to insiders is a percentage of the bank's capital and unimpaired surplus.

Other commenters agreed with the percentage of capital approach but suggested that the $100,000 maximum for loans to executive officers be increased to as much as $500,000 and the $500,000 amount above which prior approval is required be increased to as much as $5 million. The Board has evaluated these suggestions and determined that the amounts it proposed previously will reduce the burden imposed on the banking industry by the statutory requirements and permit continuing review of loans to insiders that could affect the safety and soundness of member banks.

Finally, some commenters offered technical amendments and nonsubstantive wording changes that have been included in the final rule.

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System certifies that the amendments will not have a significant economic impact on a substantial number of small entities that would be subject to the regulation. The amendments will liberalize existing regulations and will not have any particular effect on small entities that would be subject thereto.

List of Subjects in 12 CFR Part 215

Banks—Banking, Credit, Reporting and recordkeeping requirements.

Accordingly, pursuant to its authority under sections 22(g) and 22(h) of the Federal Reserve Act (12 U.S.C. 375a and 375b), the Board of Governors is amending 12 CFR Part 215 (Regulation O) as follows:

1. Paragraph (f) of § 215.2 is amended by revising the first two sentences and adding a third sentence. As amended, paragraph (f) reads as follows:

§ 215.2 Definitions.

* * * * *

(f) The "lending limit" for a member bank is an amount equal to the limit of loans to a single borrower established by section 5200 of the Revised Statutes.[2] 12 U.S.C. 84. This amount is 15 per cent of the bank's unimpaired capital and unimpaired surplus in the case of loans that are not fully secured, and and additional 10 per cent of the bank's unimpaired capital and unimpaired surplus in the case of loans that are fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of the loan. The lending limit also includes any higher amounts that are permitted by section 5200 of the Revised Statutes for the types of obligations listed therein as exceptions to the limit. A member bank's capital stock and unimpaired surplus equals the sum of (1) the "total equity capital" of the member bank reported on its most recent consolidated report of condition filed under 12 U.S.C. 1817(a)(3), (2) any subordinated notes and debentures approved as an addition to the member bank's capital structure by the appropriate Federal banking agency, and (3) any valuation reserves created by charges to the member bank's income.

* * * * *

2. Paragraph (b)(1) of § 215.4 is revised to read as follows:

§ 215.4 General prohibitions.

* * * * *

(b) *Prior Approval.* (1) No member bank may extend credit (which term includes granting a line of credit) to any of its executive officers, directors, or principal shareholders or to any related interest of that person in an amount that, when aggregated with the amount of all other extensions of credit to that person and to all related interests of that person, exceeds the higher of $25,000 or 5 per cent of the member bank's capital and unimpaired surplus, unless: (i) The extension of credit has been approved in advance by a majority of the entire board of directors of that bank, and (ii) the interested party has abstained from participating directly or indirectly in the voting. In no event may a member bank extend credit to any one of its executive officers, directors, or principal shareholders, or to any related interest of that person, in an amount that, when aggregated with all other extensions of credit to that person, and all related interests of that person, exceeds $500,000, except by complying with the requirements of this paragraph.

* * * * *

3. The first sentence of paragraph (b) of § 215.5 is revised to read as follows:

§ 215.5 Additional restrictions on loans to executives officers of member banks.

* * * * *

(b) No member bank may extend credit in an aggregate amount greater than the amount permitted in paragraph (c)(3) of this section to a partnership in which one or more of the bank's executive officers are partners and, either individually or together, hold a majority interest. * * *

* * * * *

4. The first sentence of paragraph (c)(3) of § 215.5 is revised to read as follows:

* * * * *

(c) * * *

(3) for any other purpose not specified in § 215.5(c)(1) and (2), if the aggregate amount of loans to that officer under this paragraph does not exceed at any one time the higher of 2.5 per cent of the bank's capital and unimpaired surplus or $25,000, but in no event more than $100,000.

* * * * *

5. Footnotes 2 to 11 are renumbered footnotes 3 to 12.

* * * * *

6. The Appendix is revised to read as follows:

[2]Where state law establishes a lending limit for a state member bank that is lower than the amount permitted in section 5200 of the Revised Statutes, the lending limit established by applicable state laws shall be the lending limit for the state member bank.

Appendix—Section 5200 of the Revised Statutes Total Loans and Extensions of Credit

(a)(1) The total loans and extensions of credit by a national banking association to a person outstanding at one time and not fully secured, as determined in a manner consistent with paragraph (2) of this subsection, by collateral having a market value at least equal to the amount of the loan or extension of credit shall not exceed 15 per centum of the unimpaired capital and unimpaired surplus of the association.

(2) The total loans and extensions of credit by a national banking association to a person outstanding at one time and fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of the funds outstanding shall not exceed 10 per centum of the unimpaired capital and unimpaired surplus of the association. This limitation shall be separate from and in addition to the limitations contained in paragraph (1) of this subsection.

Definitions

(b) For the purposes of this section—

(1) the term "loans and extensions of credit" shall include all direct or indirect advances of funds to a person made on the basis of any obligation of that person to repay the funds or repayable from specific property pledged by or on behalf of the person, and to the extent specified by the Comptroller of the Currency, such term shall also include any liability of a national banking association to advance funds to or on behalf of a person pursuant to a contractual commitment; and

(2) the term "person" shall include an individual, sole proprietorship, partnership, joint venture, association, trust, estate, business trust, corporation, sovereign government, or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

Exceptions

(c) The limitations contained in subsection (a) of this section shall be subject to the following exceptions:

(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse shall not be subject to any limitation based on capital and surplus.

(2) The purchase of bankers' acceptances of the kind described in section 372 of this title and issued by other banks shall not be subject to any limitation based on capital and surplus.

(3) Loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples shall be subject to a limitation of 35 per centum of capital and surplus in addition to the general limitations if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds 115 per centum of the outstanding amount of such loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure such staples.

(4) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or Treasury bills of the United States or by other such obligations fully guaranteed as to principal and interest by the United States shall not be subject to any limitation based on capital and surplus.

(5) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States shall not be subject to any limitation based on capital and surplus.

(6) Loans or extensions of credit secured by a segregated deposit account in the lending bank shall not be subject to any limitation based on capital and surplus.

(7) Loans or extensions of credit to any financial institution or to any receiver, conservator, superintendent of banks, or other agent in charge of the business and property of such financial institution, when such loans or extensions of credit are approved by the Comptroller of the Currency, shall not be subject to any limitation based on capital and surplus.

(8)(A) Loans and extensions of credit arising from the discount of negotiable or nonnegotiable installment consumer paper which carries a full recourse endorsement or unconditional guarantee by the person transferring the paper shall be subject under this section to a maximum limitation equal to 25 per centum of such capital and surplus, notwithstanding the collateral requirements set forth in subsection (a)(2) of this section.

(B) If the bank's files or the knowledge of its officers of the financial condition of each maker of such consumer paper is reasonably adequate, and an officer of the bank designated for that purpose by the board of directors of the bank certifies in writing that the bank is relying primarily upon the responsibility of each maker for payment of such loans or extensions of credit and not upon any full or partial recourse endorsement or guarantee by the transferor, the limitations of this section as to the loans or extensions of credit of each such maker shall be the sole applicable loan limitations.

(9)(A) Loans and extensions of credit secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligation is not at any time less than 115 per centum of the face amount of the note covered, shall be subject under this section notwithstanding the collateral requirements set forth in subsection (a)(2) of this section, to a maximum limitation equal to 25 per centum of such capital and surplus.

(B) Loans and extensions of credit which arise from the discount by dealers in dairy cattle of paper given in payment for dairy cattle, which paper carries a full recourse endorsement or unconditional guarantee of the seller, and which are secured by the cattle being sold, shall be subject under this section, notwithstanding the collateral requirements set forth in subsection (a)(2) of this section, to a limitation of 25 per centum of such capital and surplus.

(10) Loans or extensions of credit to the Student Loan Marketing Association shall not be subject to any limitation based on capital and surplus.

Authority of Comptroller of the Currency

(d)(1) The Comptroller of the Currency may prescribe rules and regulations to administer and carry out the purposes of this section, including rules or regulations to define or further define terms used in this section and to establish limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit.

(2) The Comptroller of the Currency also shall have authority to determine when a loan putatively made to a person shall for purposes of this section be attributed to another person.

Board of Governors of the Federal Reserve System, September 1, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-24517 Filed 9-19-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 83-196]

Change in the Customs Service Field Organization—Huntsville, Alabama

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to establish a permanent Customs port of entry at Huntsville, Alabama, in the Mobile, Alabama, Customs district. The Huntsville port of entry has been operating on an experimental basis since July 30, 1980, to see if it could meet the criteria for establishing and staffing a port of entry. As a result of a recently completed review, it has been concluded that the workload will be sufficient to meet the established criteria. The change is part of a continuing program to obtain more efficient use of Customs personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

EFFECTIVE DATE: July 30, 1983.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION: .

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, by a document published in the **Federal Register** on July 1, 1980, as T.D. 80–176 (45 FR 44263), effective July 30, 1980, Huntsville, Alabama, was designated as a Customs port of entry in the Mobile, Alabama, Customs district, on a 2-year experimental basis. T.D. 80–176 provided that, at the conclusion of the 2-year period, Customs would make an evaluation of the amount of international business, the continued need for Customs services in the area, and the adequacy of Customs facilities. If the extent of the business or the adequacy of the facilities failed to meet the criteria used by Customs to determine port of entry eligibility, the designation of Huntsville as a port of entry would be revoked.

By T.D. 82–166, published in the **Federal Register** on September 13, 1982 (47 FR 40163), the period of time for which the Huntsville port of entry was established on an experimental basis was extended for an addition year; until July 30, 1983. This 1-year extension was granted in order to make a full and fair assessment as to whether Huntsville could meet the criteria for establishing and staffing a port of entry.

Customs has recently completed its review of the status of the workload through the temporary Customs port of Huntsville, Alabama. As a result of this review, Customs has concluded that the workload for fiscal year 1983 will be sufficient to meet the established criteria. Because it has met the established critiera and all of the facilities are adequate, Huntsville is being designated as a permanent port of entry.

Geographical Description

The geographical boundaries of the Huntsville, Alabama, port of entry include all the territory within the counties of Limestone, Madison, Morgan, and Marshall, all in the State of Alabama.

Authority

Customs ports of entry are established under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2) and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (47 FR 2449).

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Imports, Organization.

Amendment to the Regulations

PART 101—GENERAL PROVISIONS

To reflect the establishment of a permanent Customs port of entry at Huntsville, Alabama, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulation (19 CFR 101.3(b)), is amended by adding "including the territory described in T.D. 83–196," after "Huntsville, Ala." under the column headed Ports of entry, in the Mobile, Alabama, Customs District.

Executive Order 12291

Because this amendment relates to the organization of the Customs Service, pursuant to section 1(a)(3) of E.O. 12291, it is not subject to that E.O.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this amendment. Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this change may have a limited effect upon some small entities in the Huntsville, Alabama, area, the establishment of Customs ports of entry in other locations has not had a significant economic impact on a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act. Furthermore, Huntsville has been operating as a port of entry since 1980. Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b) that the amendment will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: August 22, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-25596 Filed 9-19-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Red No. 8 and D&C Red No. 9; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 8 and D&C Red No. 9 for use as color additives in drugs and cosmetics. The new closing date will be November 29, 1983. This brief postponement will provide time for the uninterrupted use of these color additives while the agency completes its review and considers the scientific and legal aspects of the results of the toxicological studies on D&C Red No. 8 and D&C Red No. 9. Additionally, during this brief postponement, after completing its review of these studies, the agency will prepare the appropriate **Federal Register** document(s).

DATES: Effective September 30, 1983, the new closing date for D&C Red No. 8 and D&C Red No. 9 will be November 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Lipien, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of September 30, 1983, for the provisional listing of D&C Red No. 8 and D&C Red No. 9 in drugs and cosmetics by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954). The September 30, 1983 closing date was established to provide time for completion of FDA's review and evaluation of the data concerning the use of D&C Red No. 8 and D&C Red No. 9 in drugs and cosmetics, and for the publiccation of a regulation in the **Federal Register** regarding FDA's final decision on the petition for the permanent listing of these color additives. The regulation set forth below will postpone the September 30, 1983 closing date for the provisional listing of the color additives until November 29, 1983.

FDA's review and evaluation of the data relevant to the use of D&C Red No. 8 and D&C Red No. 9 have required more time than anticipated. The agency