

however, perpetual easement rights are acceptable.

(c) As a minimum, easement rights are to be obtained for road rights-of-way for access.

(d) As a minimum, easement rights are to be obtained for public utilities that serve the improvement or development.

§ 651.23 Evidence of title.

SCS approval of the title evidence is required for all real property acquisitions before financial assistance may be provided.

Subpart D—Other Land Treatment Programs

§ 651.30 Conservation operations.

Land users who receive technical assistance on conservation practices are responsible for obtaining the real property rights necessary to carry out such practices.

§ 651.31 Watershed Protection and Flood Prevention Programs.

Land users are to have control of the land units to be treated for the contract period by ownership or by documented leasehold interest.

§ 651.32 Emergency Watershed Protection.

Sponsors are responsible for acquiring real property rights and interests needed for installation for emergency measures.

§ 651.33 Great Plains Conservation Program.

See 7 CFR Part 631.

§ 651.34 Rural Abandoned Mine Program.

See 7 CFR Part 632.

Dated: October 1, 1984.

David G. Unger,

Associate Chief.

[FR Doc. 84-27181 Filed 10-15-84; 8:45 am]

BILLING CODE 3410-16-M

Agricultural Marketing Service

7 CFR Part 966

[Amdt. No. 3]

Tomatoes Grown in Florida; Interim Amendment No. 3 to Handling Regulation

Correction

In FR Doc. 84-26379 beginning on page 39153 in the issue of Thursday, October 4, 1984, make the following correction.

§ 966.323 [Corrected]

On page 39154, column one, in § 966.323(a)(2), line two "2²/₃" should read "2²/₃".

BILLING CODE 1505-01-M

7 CFR Part 1079

Milk in the Iowa Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This suspension action relaxes the limits on the quantity of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the Iowa Federal milk marketing order. A cooperative association requested the suspension in order to achieve added economies in disposing of reserve milk supplies. The suspension is effective for October and November 1984.

EFFECTIVE DATE: October 16, 1984.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued September 18, 1984; published September 21, 1984 (49 FR 37103).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Iowa marketing area.

Notice of proposed rulemaking was published in the *Federal Register* on September 21, 1984 (49 FR 37103) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded

opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of October and November 1984 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1079.13(d) (2) and (3) the words "the months of" and the words "through November" as they appear in each subparagraph.

Statement of Consideration

This action makes inoperative for October and November 1984 the 50 percent limitation on the proportion of a handler's producer milk supplies that may be moved directly from the farm to a nonpool manufacturing plant and still be pooled. Under the current order, for example, a supply plant must ship 35 percent of its milk supply to fluid milk plants in order to be a pool supply plant. The remaining 65 percent of the supply plant's milk may be disposed of to nonpool manufacturing plants. However, only 50 percent can move directly from the farms to the nonpool plants. The other 15 percent must be received at the supply plant, unloaded, reloaded, and then hauled to the nonpool manufacturing plant.

Associated Milk Producers, Inc. (AMPI), an association of producers that operates plants regulated by the Iowa milk order requested that the 50 percent diversion limitation be suspended for October and November 1984. The remaining diversion provisions in the order would permit a greater portion of a handler's producer milk receipts to be moved directly from farms to nonpool manufacturing plants and still be priced under the order.

The 50 percent limit on diversion to nonpool plants is inadequate to permit efficient handling of milk that is not needed for fluid milk uses. For example, a supply plant must ship at least 35 percent of its milk supply to other plants to qualify as a pool plant. However, with diversions limited to 50 percent, the other 15 percent must be received at the supply plant and then transferred to a nonpool plant. AMPI contends that the extra handling involved adversely affects milk quality (more pumping than if diverted), and is an uneconomic means of pooling reserve milk supplies. Suspending the 50 percent diversion limit will alleviate these concerns and allow improved handling efficiencies.

Under the conditions cited by AMPI, a suspension of the 50 percent limitation

of the diversion provisions is appropriate so that producer milk receipts not needed for fluid use may be moved directly from farms to manufacturing plants and still be priced under the order. A suspension of the 50 percent limitation will tend to improve efficiencies in disposing of the market's reserve milk supplies.

Pool plant handlers should be aware that suspension of the 50 percent limitation does not mean that the diversion limit is now 70 percent. The effective diversion limit is the reciprocal of the pool performance standards. For example, a supply plant will still have to ship 35 percent of its receipts; thus, the effective diversion limit is 65 percent rather than 70 percent.

Interested parties were given an opportunity to submit written data, views, and arguments concerning the proposed suspension. One opposing comment was received from a handler that operates plants regulated under the Chicago Regional order. The handler maintained that increasing the diversion limits would adversely affect its raw milk procurement in the Shullsburg and western Wisconsin areas. The opposing handler apparently believes that the suspension, if granted, would enable AMPI to attract more producer milk from those areas. The handler also stated that it has experienced difficulty maintaining adequate supplies of milk since recent amendments to the Chicago order became effective, in part because of a higher Federal order blend price in Iowa and premiums paid by AMPI.

The suspension does not change the percentage of a supply plant's receipts that must be shipped to fluid plants to qualify as a pool plant. The actual diversion limit for a supply plant in October and November will be 65 percent, which is the reciprocal of the 35 percent shipping requirement. Thus, the suspension should not result in any change in the proportions of a supply plant's receipts that are shipped to fluid milk outlets, or directed to manufacturing uses. What the suspension will do is permit milk that otherwise would have to be received at the supply plant and then shipped to a manufacturing plant to be moved directly from the farm to the manufacturing plant and still be pooled. This should provide additional economies by eliminating milk hauling and handling, which also adversely affects milk quality. Thus, this action should not affect the availability of milk supplies for fluid use in the Chicago market.

It is hereby found and determined that thirty days' notice of the effective date

hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area. Otherwise, uneconomic movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who have regularly been associated with the Iowa market;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

List of Subjects in 7 CFR Part 1079

Milk marketing orders,
Milk,
Dairy products.

§ 1079.13 [Amended]

It is therefore ordered, That the following provisions of the Iowa order are hereby suspended for the months of October and November 1984:

In § 1079.13(d) (2) and (3) the words "the months of" and the words "through November" as they appear in each paragraph.

Effective Date: October 16, 1984.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., on: October 10, 1984.

C.W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-27215 Filed 10-15-84; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR PART 121

Small Business Size Standard for Financial Institutions

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule establishes a definition of small business for financial institutions. The definition is \$100 million or less in assets for the most recently completed fiscal year. It is necessary to enable firms under the SBA subcontracting program to contract for services to small financial institutions.

EFFECTIVE DATE: November 15, 1984.

FOR FURTHER INFORMATION CONTACT:

About Size Standard: Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W.—Room 500, Washington, D.C. 20416, Telephone (202) 653-6373.

About Subcontracting Program: William Smith, Director, Office of Program Development, Office of Minority Small Business and Capital Ownership Development, Small Business Administration, 1441 L Street, N.W.—Room 602, Washington, D.C. 20416, Telephone (202) 653-6813.

SUPPLEMENTARY INFORMATION: SBA issued a proposed rule in the Federal Register on April 2, 1984 (49 FR 13052), to establish a new size standard for financial institutions at \$100 million or less in assets. This size standard is to be used in a subcontracting program in which a firm receiving a Government contract could procure financial services from a small financial institution. By establishing a definition of a small financial institution, such subcontracts can qualify to meet goals under the SBA subcontracting program. The subcontracting program which is authorized under the Small Business Act was broadened to include financial institutions in a separate "Notice of Policy" which appeared at 49 FR 13091 on April 2. Consequently, a size standard is needed for financial institutions to establish which institutions are to be considered small for purposes of this program.

Several minority banks have indicated to SBA that permitting contracts for financial services, including deposits, by prime contractors with minority financial institutions to meet subcontracting goals and credits is urgently needed to sustain the minority banking community. Furthermore, in SBA's opinion, such a position will result in enhanced availability of capital to small and minority-owned businesses since the financial institutions providing such services will be better able to service these businesses. This is the case because of the "pass-through effect" that additional deposits in minority financial institutions would have on minority businesses. The pass-through effect presumes that more money deposited in minority financial institutions would make more loans available at more favorable terms to minority businesses and individuals because such businesses and individuals are likely to be located in the vicinity of minority financial institutions. This would result in aiding the development of minority businesses, which is also urgently needed. Such a

position by SBA is consistent with the letter and intent of section 7(j)(9) of the Small Business Act.

Rationale for the Rule

SBA has determined that a size standard for financial institutions should be based upon the assets of the financial institution since this is the commonly accepted measure of bank size. In a study of bank size and financial performance by Kolari and Fraser done for SBA entitled "Size and Financial Performance in Banking," the authors noted the "inherently arbitrary dichotomy between small and large banks." While this may be so, there is a rough consensus among persons who write about banking and size distinctions. SBA reviewed several opinions regarding the size of a small bank. These opinions come from various articles which generally examine banks' performance, industry structure, and competition.

These opinions indicate that the range of \$25-\$100 million in assets constitutes a small bank. Within this range, data compiled by the Federal Deposit Insurance Corporation permit examination of three size classes: \$25, \$50, and \$100 million. As indicated in Table 1, below, about 85 percent of all banks have assets of less than \$100 million, and the average bank size is \$149 million in assets.

Data on minority-owned bank sizes have been provided to SBA by the Federal Reserve System. Table 3, below, has been constructed from these data. The differences in assets between all banks, Table 2 below, can thus be compared to Table 3 for minority-owned banks. As expected, minority banks generally have less assets, and control of assets is more dispersed among a greater number of these banks. Average size is \$43 million in assets compared to \$149 million for all banks.

owned banks, a size standard of \$50 million would include 73 of 96 banks; at \$100 million, 89 banks would be included. Because SBA and the FRS have different definitions of minority ownership, not all of the 96 banks indicated as being minority-owned in the FRS statistics would necessarily be so considered by SBA. For example, the minority status of women-owned banks depends on additional factors such as ownership by socially and economically disadvantaged individuals (see 49 FR 13092 or section 8(d) of the Small Business Act, 15 U.S.C. 637(d)).

SBA has thus determined that a size standard of \$100 million in assets is within the range suggested by the available data. It falls midway between the \$149 million all-bank and \$43 million minority bank average sizes; should be large enough to handle electronic funds transfer, yet, excludes several of the largest minority-owned banks. This size standard excludes only the largest 15 percent of all financial institutions in the United States, which clearly are not in need of the benefits available by being categorized as small. This standard will result in making the minority banking program, for which this rule is being proposed, available to all but the seven largest minority-owned banks. For these reasons, SBA has determined that a financial institution with assets of not more than \$100 million will be considered small.

For purposes of Executive Order 12291 and the Regulatory Flexibility Act, SBA hereby states that this Final Rule may result in significant economic impact upon the minority banking program, which this rule is intended to facilitate, may be such that this rule be considered a major rule. Therefore, the following regulatory analysis information is provided:

1. *Description of Potential Benefits of the Rule.* The benefit to be derived is the facilitation of the minority banking program described above.

2. *Description of Potential Costs of the Rule.* There are no costs associated with this rule.

3. *Description of Net Benefits of the Rule.* The rule will encourage the placement of deposits by Federal contractors in banks owned and controlled by socially and economically disadvantaged individuals. As such, those banks will be benefited, and the businesses which they serve will have more loanable funds available to them.

4. *Description of Reasons Why this Action Is Being Considered.* This action is needed to facilitate the minority banking program described above.

TABLE 1

(Percent of banks and assets distributed by asset size of bank)

Bank size (all)	Less than \$5M	\$5 to \$9.9M	\$10 to \$24.9M	\$25 to \$49.9M	\$50 to \$99.9M	\$100 to \$299.9M	\$300 to \$499.9M	\$500 to \$999.9M	\$1 to \$4.9B	\$5B +
Number of banks: 14,763..	5	10	29	25	16	10	1	1	1	<1
Assets: \$2,196,621 (millions)	← 1% →		3	6	8	10	4	6	18	44

TABLE 2

(Cumulative percent of banks and assets by bank size)

Bank size	Cumulative percent of assets	Cumulative percent of banks
\$25M.....	4	44
\$50M.....	9	69
\$100M.....	17	85
\$300M.....	27	95

Average Size (Assets)=\$149M.
Median Size (Assets)=\$31M.
Source: "1982 Statistics on Banking," Federal Deposit Insurance Corporation, Table 105, p. 20.

TABLE 3

(Cumulative percent of minority-owned banks and assets by bank size (1983))

Bank size	Cumulative percent of assets	Cumulative percent of banks
\$ 25M.....	16	50
\$ 50M.....	38	76
\$100M.....	64	93
\$350M.....	100	100

Average Size (Assets)=\$43M.
Total Assets in Minority-Owned Banks=\$4,117M.
Number of Minority-Owned Banks=96.
Source: "Minority-Owned Banks by District, March 31, 1983" Computer Printout, Federal Reserve System, Division of Research and Statistics, Washington, D.C.

After inspection of these data, various size standards for a small bank were considered. Clearly a size standard of \$25 million in assets would be too small,

as it encompasses only 4 percent of all bank assets and 16 percent of minority bank assets. At the other extreme, a size standard of \$300 million in assets is so large that most states have only a few banks in this size category. In addition, there are only two minority-owned banks with \$300 million in assets.

The two other size standard candidates are \$50 and \$100 million, both within the range suggested above in the cited articles. On average, a bank with \$50 million in assets would do business from a head office and one branch; at \$100 million in assets, a second or third branch might be added, although this varies considerably. The \$100 million bank is also more likely to be capable of handling electronic funds transfers, a faster paperless way of handling money.

Banks of \$50 million or less in assets have 9 percent of all assets; for \$100 million, this increases to 17 percent and includes 85 percent of all banks. For minority banks, 38 percent of assets are in banks having \$50 million in assets or less; 64 percent are in banks \$100 million in assets or less, representing 95 percent of minority-owned banks. For minority-

5. *Statement of Legal Basis for the Proposed Rule.* 15 U.S.C. 632(a).

6. *Description of Entities to Which the Proposed Rule Will Apply.* Commercial Banks and Savings and Loan Associations which are 51 percent owned by one or more socially and economically disadvantaged individuals; or in the case of a publicly owned institution, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and whose daily business operations are controlled by one or more such individuals.

7. *Description of Reporting and Recordkeeping Requirements.* There are none associated with this rule.

Discussion of Public Comment on Proposed Rule

SBA received four comments on the proposed rule. Two favored the size standard, one opposed it, and one was unclear as to the size standard issue. The opposing comment felt that \$100 million was too low and suggested using an unspecified number of employees or as an alternative total deposits measured in constant dollars.

List of Subjects in 13 CFR Part 121

Small business, Small business size standards.

PART 121—[AMENDED]

Accordingly, pursuant to section 3(a) of the Small Business Act, 15 U.S.C. 632(a), SBA hereby establishes a new § 121.13 to 13 CFR as follows:

§ 121.13. Definition of small business financial institution for purposes of sections 8(d) and 15(g) of the Small Business Act.

(a) For the purpose of section 8(d) and 15(g) of the Small Business Act, a small financial institution is a commercial bank or savings and loan association, the assets of which, for the preceding fiscal year, do not exceed \$100 million.

(b) For purposes of this regulation, the term "assets" shall include all assets reflected on the institution's financial balance sheet for a given fiscal year and defined according to the Federal Financial Institution's Examination Council 034 call report form.

Dated: September 6, 1984.

James C. Sanders,
Administrator.

[FR Doc. 84-27276 Filed 10-15-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ACE-10]

Alteration of Transition Area—Wichita, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Wichita, Kansas, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Colonel James Jabara Airport, Wichita, Kansas. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

DATES: Effective date—December 20, 1984. Comments must be received on or before November 16, 1984.

ADDRESSES: Send comments on the rule to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-540, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dale L. Carnine, Airspace Specialist, Operations, Procedures and Airspace Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, an additional instrument approach procedure to the Colonel James Jabara Airport, Wichita, Kansas, is being established. The establishment of this new instrument approach procedure entails alteration of the transition area at Wichita, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft

operating under Visual Flight Rules (VFR).

Although this action will slightly alter and increase the size of the transition area and is in the form of a final rule, it was not preceded by notice and public procedure because: (1) This is primarily a redescription of the existing transition area to accommodate a new approach to the Colonel James Jabara Airport, (2) the increased size of the transition area is minimal, (3) the additional airspace is primarily over agricultural land and is sparsely populated, (4) and it is in the public interest to ensure that the effectivity of this regulation coincides with the publication date for the Standard Instrument Approach Procedures pertaining to this alteration. However, interested persons are being given the opportunity to comment on the final rule. When the comment period ends, the FAA will use the comments submitted, together with any other available information, to review the regulation. If this review indicates that changes to the rule are appropriate, the FAA will initiate rulemaking proceedings to amend it. Comments that include facts supporting the views and suggestions expressed will be of the most help in evaluating the appropriateness of the rule.

The FAA has determined that this 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 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, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, by altering the following transition area:

Wichita, Kansas

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Wichita, Kansas, Mid-Continent Airport (latitude 37°39'00" N, longitude