Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

3. The Appendix to Part 426 is designated as Appendix and revised to read as follows:

Appendix A.—Counties Designated for Combined Crop Insurance

The following counties are designated for Combined Crop Insurance under the provisions of 7 CFR 426.1.

North Dakota

Barnes	Pierce	Steele
Grand Forks	Richland	

Done in Washington, D.C. on December 27, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Date: February 17, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-5181 Filed 2-27-84; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1033

Milk in the Ohio Valley Marketing Area; Order Terminating Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rules.

SUMMARY: This action terminates the seasonal incentive producer payment plan (take-out/pay-back plan) that was designed to encourage level milk production by dairy farmers throughout the year for the Ohio Valley milk order. The action is based on the record of a public hearing held at Columbus, Ohio on October 12 and 13, and 1983. A proposal to eliminate the seasonal payment plan provisions from the order was considered at that hearing. The proposal was made by Milk Marketing, Inc., a cooperative representing a large number of the producers who supply milk for the market. Since the plan no longer accomplishes its intended purpose, it should be terminated.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing: Issued September 26, 1983; published September 29, 1983 (48 FR 44565).

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. Such action will lessen the regulatory impact of the order on dairy farmers and will not affect milk handlers.

This order of termination 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 Ohio Valley marketing area.

It is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1033.61, in paragraph (g), the words ", except for the months specified below,"; and all of paragraphs (h) through (l).

2. In § 1033.70, all of paragraph (b); and in paragraph (c), the words "or (l)".

Statement of Consideration

This termination action is based on the record of a public hearing held at Columbus, Ohio on October 12 and 13, 1983. The termination removes from the order those provisions that provide for withholding from payments to producers 6 percent of the Minnesota-Wisconsin (M–W) price but not more than 25 cents per hundredweight during the months of April through July and distributing the money so accumulated to producers supplying the market during the ensuing months of September through December. This plan, which is commonly known as the "take-out/pay-back plan", was intended to encourage dairy farmers to produce about the same amount of milk each month of the year.

A proposal to eliminate the take-out/pay-back plan from the order was considered at the October hearing. The proposal was made by Milk Marketing, Inc., a cooperative representing a large number of the producers supplying the market. There was no opposition to the proposal at the hearing or in briefs. The other major producer group supplying milk for the market supported the proposal. Also, it should be noted that such plan was suspended during 1983 at the request of the proponent cooperative.

The record clearly indicates that the seasonal payment plan no longer provides an adequate incentive for producers supplying the Ohio Valley market to level their milk production throughout the year. For instance, when the seasonal payment plan was adopted for this market in 1970, the plan included a provision that limited the withholding rate to 25 cents per hundredweight. Such limit has prevented the rate from increasing over the years. If the limit were removed now, the effective rate (at 6 percent of the M–W price) would be about 75 cents per hundredweight. Such a rate, however, would cause serious price alignment problems among producers supplying the various Federal order markets in the region. This could ultimately result in disorderly marketing as producers attempt to change markets for temporary monetary gains.

During the same time period, producer prices in the Ohio Valley market have increased dramatically. For example, blend prices for the market averaged $5.96 and 1971 compared with $13.42 during 1983. As the amount withheld from producer payments represents a smaller percentage of the total price received by producers, the effectiveness of the seasonal incentive plan is eroded. The 25-cent rate represented 4.2 percent of the market's average blend prices in 1971 while in 1983 the rate was only 1.8 percent of such average prices. Hence, the seasonal payment plan no longer is effective in encouraging dairy farmers to level their milk deliveries throughout the year.

Since the seasonal payment plan is no longer effective in accomplishing its intended purpose and the possibility of restoring its effectiveness is not practical, the plan should be eliminated from the order. Accordingly, the provisions are terminated.

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

List of Subjects in 7 CFR Part 1033

Milk marketing orders, Milk, Dairy products.

PART 1033—[AMENDED]

It is therefore ordered, that the aforesaid provisions in §§ 1033.61 and 1033.70 of the order are hereby terminated.

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

Effective date: February 29, 1984.

Signed at Washington, D.C., on February 24, 1984.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-5439 Filed 2-28-84; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1097

Milk in the Memphis, Tennessee, Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends a portion of the base computation provisions of the seasonal base and excess plan for paying producers under the Memphis, Tennessee, milk order for the months of March through July 1984. The action suspends the requirement that bases for producers be computed by dividing each producer's deliveries during the base-making period of September-January by a minimum of 120 days.

The action was requested by Malone and Hyde, the operator of a fluid milk plant that recently became regulated under the Memphis order. The suspension is needed to provide a more equitable allocation of base and excess milk among producers supplying its plant. Such action will not have any significant impact on the computation of bases for other producers currently supplying handlers regulated under the Memphis order.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension: Issued February 7, 1984; published February 10, 1984 (49 FR 5133).

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 will provide a more equitable allocation of base and excess milk among a large number of dairy farmers supplying a plant that became regulated under the Memphis order on January 1, 1984, 4 months after the start of the base-making period under the Memphis order.

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 Memphis, Tennessee, marketing area.

It is hereby found and determined that for the months of March through July 1984 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1097.92, the words "but not less than 120. In the case of producers delivering milk to a handler's plant which first became a fluid milk plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the handler's plant had been a fluid milk plant during such period".

Statement of Consideration

For the months of March through July 1984, this action eliminates the requirement in the base computation section of the Memphis order that producer deliveries during the base-making period of September-January be divided by at least 120 days of production. Malone and Hyde, a fluid milk plant operator which first became regulated under the Memphis order in January 1984, requested the suspension in order that approximately 225 producers delivering milk to the Malone and Hyde plant would be treated equitably in the issuance of producer bases and the resulting payments to producers for base and excess milk during the months of March through July 1984. The suspension will allow these producers to have their bases computed on the basis of their deliveries during January 1984.

The suspension is necessary to minimize the adverse impact on the bases of producers supplying the Malone and Hyde plant as a consequence of the plant's shift in regulation from the Nashville milk order to the Memphis, Tennessee, milk order. As a result of the plant's recent start-up, the average daily base of the 225 producers now supplying the plant would not be representative of their production during the base-making period. Some of the producers have been associated with the plant since October 31, 1983, when the plant began operating, while others have only recently associated their milk with the plant. Furthermore, none of the production history of these producers for the period of September 1, 1983 through October 30, 1983, can be utilized in the computation of their bases upon the Memphis order because the Malone and Hyde plant did not start distributing milk until October 31, 1983. However, in the absence of this action, each of the Malone and Hyde producers, despite having less than 120 days of delivery to Malone and Hyde, would have their daily base computed under the terms of the Memphis order by dividing their respective deliveries by 120 days. As a consequence, their resulting bases would not be representative of the producers' average daily milk production during the base-making period and the payments received by them for their base and excess milk from the Malone and Hyde plant for the months of March through July 1984 would be distributed inequitably among the producers delivering milk to that plant.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. No comments in opposition to the proposed action were received.

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 in that this action will permit producers supplying the Malone and Hyde plant to have their bases computed in an equitable manner;

(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. No comments were filed in opposition to this action.

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

List of Subjects in 7 CFR Part 1097

Milk marketing orders, Milk, Dairy products.

PART 1097—[AMENDED]

It is therefore ordered, that the aforesaid provisions in § 1097.92 of the order are hereby suspended for the months of March through July 1984.

Effective date: February 29, 1984.

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

Signed at Washington, D.C. on: February 24, 1984.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-5440 Filed 2-28-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule limits the use of oral argument in administrative appeals to the Commissioner. This action is necessary in order to expedite the appeals process for cases being considered by its recently created Administrative Appeals Unit. The revised rule is intended to give the appellate officers discretionary authority to deny oral argument.

EFFECTIVE DATE: March 30, 1984.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048

For Specific Information: Lawrence J. Weinig, Supervisory Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 633-3000

SUPPLEMENTARY INFORMATION: Proposed rule making was published in the Federal Register of October 18, 1983 (48 FR 48242).

Under the proposed rule, an appellant seeking review by the Commissioner must state, upon filing the appeal, reasons for requesting oral argument to supplement their written appeal. Under the final rule, justification for oral argument may be submitted at the time of filing a written brief in support of the appeal, including any extension of time granted by the district director for submission of such brief. Also changed in the final rule is the provision which would have given an appellant 30 days to submit additional written material when oral argument is denied. Granting of additional time was deemed inappropriate since upon appeal the submitted written brief is required to be complete including the reasons why oral argument is requested.

The final rule broadens the discretionary authority of the appellate officer to deny oral argument.

Comments were received from 14 sources, all practitioners of immigration law, commenting as individuals or representing professional organizations. The following summarizes their comments, suggestions and action taken.

Six commenters suggested that the rules for oral argument remain unchanged but that chronic abusers of the process should be penalized in some way. The suggestion has not been added because it would require extensive record-keeping by the appeals unit staff, further encroaching on their time. In addition, assessment of any such penalty would potentially cause burdensome litigation. Also, non-productive oral arguments are frequently initiated by individual appellants or counsel not regularly engaged in immigration practice. Such individuals are not intentionally abusive, but are equally draining on very limited resources.

Five commenters suggested that oral argument is a useful clarifier for the hearing officer and that to eliminate it would cut off what is often their only means of fact-finding. Appellate offices have several options when facts and issues are not abundantly clear. While reviewing a case, the appellant or counsel may be contacted to clarify a point or provide additional information if the examining officer so chooses. More serious defects may be corrected by remanding the case to a district director for additional fact-finding. In the event of an adverse decision based on a lack or misinterpretation of evidence, regulation permits the appellant to request reconsideration.

Three commenters suggested that the proposed rule allowed insufficient time to develop a request for oral argument. In consideration of this comment, the final rule has been amended to allow the oral argument justification to be submitted in conjunction with the written brief, including any time extension granted for submission of such brief.

Three commenters suggested that the proposed rule would, in some way, limit their "right to be heard." Since each agency must establish rules which enable it to conduct business in an orderly and effective manner, some limitation or channeling is obviously essential. In the type of proceeding which is the object of this rule, a written brief is generally the most effective, persuasive vehicle.

Two commenters indicated that the proposed rule was vague, in that it did not clearaly explain when oral argument would be granted. The rule was intended to give the appellate officer latitude in deciding whether to grant oral argument. In general, oral argument is not appropriate when factual matters are in dispute but may be useful in unusual cases involving interpretation of statute, regulation or case law. Since it is difficult to categorize requests, the rule is intended to give the appellate officer final authority to grant oral argument.

One commenter raised a concern that oral argument was the only vehicle by which a response could be made to new issues not cited in the original decision as a basis for denial. Although in an administrative appeal a case may be considered *de novo*, appellate officers will generally take issue with only those grounds of eligibility which are fully set forth in the record. When an issue needs clarification, a decision to remand is the most common practice.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule, if promulgated, would not have a significant economic impact on a number of small entities. This rule would not be a major rule as defined in section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 103

Administrative practices and procedure, Authority delegation (Governmental Agencies), Archives and records, Certification, Fees.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.3 paragraph (c) is revised as follows:

§ 103.3 Denials, appeals, and precedent decision.

* * * * *

(c) *Oral argument.* If an appeal is taken, request for oral argument, if desired, shall be included in the notice of appeal or supporting brief, providing such brief is submitted within the prescribed appeal period or any extension of time granted for submission of a supporting brief. Any request for oral argument must set forth facts explaining why such argument is necessary to supplement the appeal. The officer to whom the appeal is taken shall have sole authority to approve or reject a request for oral argument. Upon approval of a request for oral argument, the appellate authority shall set the time, date, place, and manner by which the argument shall be heard.

* * * * *

(Sec. 103, Immigration and Nationality Act, as amended; (8 U.S.C. 1101))

Dated: February 9, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations Immigration and Naturalization Service.

[FR Doc. 84-5385 Filed 2-28-84; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563b

[No. 84-90]

Conversion From Mutual to Stock Form

Dated: February 23, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; solicitation of comments.

SUMMARY: The Federal Home Loan Bank Board ("Board") is extending its regulatory restriction on offers to acquire and acquisitions of more than ten percent of the stock of recently-converted insured institutions from one year to three years following conversion. The extended acquisition restriction will provide converted institutions a better opportunity to deploy conversion proceeds into productive assets, will protect against takeovers designed to gain control of a converted institution's conversion proceeds, and will foster the integrity and objectives of the conversion process. In order to avoid market disruption, the amendment will take effect immediately but will expire of its own terms in six months. The Board is soliciting comment on the rule for 60 days.

DATES: The rule will be effective on February 29, 1984. Comments must be received by April 30, 1984.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Corporate and Securities Division (202-377-6457); J. Larry Fleck, Deputy Director, Corporate and Securities Division (202-377-6413); of Julie L. Williams, Director, Corporate and Securities Division, Office of General Counsel (202-377-6459).

SUPPLEMENTARY INFORMATION: Section 563b.3(i)(3) of the Regulations of the Federal Savings and Loan Insurance Corporation ("Insurance Regulations") provides that, without the prior written consent of the Federal Savings and Loan Insurance Corporation ("Corporation"), no person shall directly or indirectly offer to acquire or acquire the beneficial ownership of more than ten percent of any class of equity security of an institution whose accounts are insured by the Corporation ("insured institution") for a period of one year following the date of the completion of its conversion from the mutual to the stock form pursuant to Part 563b of the Insurance Regulations. 12 CFR 563b.3(i)(3) (1983). This restriction on acquisitions is one of a series of limitations originally adopted by the Board, as operating head of the Corporation, in Resolution No. 76-848, dated November 10, 1976, in recognition of the unique considerations presented by acquisitions and changes in control of recently converted institutions. By its action, the Board sought to lessen the vulnerability of newly-converted institutions to attempts to take unfair advantage of the results of conversion, to protect, in a variety of other respects, the integrity of the conversion process and to insure that conversions are accomplished in a manner that strengthens the converting association and are consistent with the purposes of the conversion program. 41 FR 50414 (Nov. 16, 1976). The restriction applies to any type of acquisition, whether effected by purchase, exchange, or otherwise, and any offer or announcement of an offer for such an acquisition, if the effect of consummation would be that the acquiror or offeror would directly or indirectly acquire more than ten percent of any class of equity security of the insured institution. 42 FR 14085 (Mar. 15, 1977).

In its original form, the § 563b.3(i)(3) restriction on offers and acquisitions applied for three years following the completion of the conversion. In Resolution No. 82-311, dated April 28, 1982, however, the Board reduced the length of the restriction from three years to one year. 47 FR 19672 (May 7, 1982). The reduction resulted from the Board's belief at that time that a one-year restriction would provide sufficient time to facilitate the deployment of the conversion stock sale proceeds and protect the integrity of the conversion process.

Recent events, however, have led the Board to reexamine the sufficiency of a one-year restriction, in light of the unique concerns presented by acquisitions of recently converted associations. There have been repeated instances in which recently-converted associations have become embroiled in costly takeover battles prior to and immediately following the expiration of the one-year regulatory acquisition restriction. These battles generally involved parties who had established up to 9.9% positions in the association's stock while the regulatory restriction on the acquisition of more than 10% was still in effect. Although these parties initially filed Reports of Beneficial Ownership stating that their purchases were for investment only, the final result has been a takeover battle of the type that the Board sought to avoid through imposition of a post-conversion acquisition restriction. 41 FR 50415 (Nov. 16, 1976). Moreover, in a number of cases, persons and entities have purchased blocks of stock and have acted together, even prior to the expiration of the one year restriction, to attempt to compel management of recently converted institutions to sell the institution to a takeover bidder.

This increasingly common course of events significantly undermines the efficacy of the one-year acquisition restriction and endangers a number of fundamental objectives of the conversion process. Instead of devoting itself to the orderly deployment of the conversion proceeds into productive assets and housing finance, management may spend the first year following conversion preparing for a takeover fight. Management may also feel compelled to take other steps that may not be in the best interests of the recently converted institution and all of its stockholders.

These developments have led the Board to conclude that one-year restriction on offers and acquisitions does not adequately accomplish the Board's objectives in limiting acquisitions of newly converted institutions. The one-year period is apparently not long enough to deter potential acquirors from setting takeover plans in motion before converted institutions have fully utilized their conversion proceeds. The potential for a takeover windfall has attracted speculators to savings and loan stocks and provided potential acquirors with a more receptive audience for their offers. Moreover, actions by potential acquirors during the year after conversion, whether in a "friendly" or "unfriendly" context, have serious negative implications for the conversion process.