

raisins shall at least meet the requirements of U.S. Grade C of the said standards. Layer Muscat (including other raisins with seeds) raisins shall at least meet U.S. Grade B as defined for "Layer or Cluster Raisins With Seeds" in said standards, except for the provisions therein relating to moisture content.

(e) *Sultana Raisins*. Packed Sultana raisins shall at least meet the requirements of U.S. Grade C as defined in said standards.

(f) *Zante Currant Raisins*. Packed Zante Currant raisins shall at least meet the requirements of U.S. Grade B as defined in said standards.

(g) A handler may grind raisins which do not meet the minimum grade standards prescribed in paragraphs (a) through (f) of this section because of mechanical damage or sugaring, into a raisin paste.

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

Dated: August 23, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 84-22845 Filed 8-27-84; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 133

Display of Office of Management and Budget; OMB Control Numbers for Reporting and Recordkeeping Requirements

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration is amending its regulations to indicate Office of Management and Budget (OMB) approval of new and revised information collection requirements contained in or authorized by the regulations. This action is required by the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 94 Stat. 2812, Chapter 35 of Title 44).

EFFECTIVE DATE: August 28, 1984.

FOR FURTHER INFORMATION CONTACT: Elizabeth M. Zaic, Information Resources Management Branch, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416. Telephone No. 653-8538.

SUPPLEMENTARY INFORMATION: This amendment is administrative in nature and is intended to comply with the requirements of the Paperwork Reduction Act of 1980 as implemented

by 5 CFR Part 1320 that agencies display a current OMB control number assigned by the Director, OMB on each agency information collection requirement. This subpart collects and displays current OMB control numbers and expiration dates. Where the information collection requirement exists as a document separate from the regulations, the Small Business Administration will also display the current OMB number on the document.

Because this is a nonsubstantive amendment dealing with procedural matters, it is not subject to the provisions of the Administrative Procedure Act (5 U.S.C. 551 et seq.) requiring advance notice and comment.

List of Subjects in 13 CFR Part 133

OMB Control numbers assigned, Reporting and recordkeeping requirements.

PART 133—[AMENDED]

Therefore, 13 CFR Part 133 is amended by revising the table in paragraph (c) of § 133.1 to read as follows:

§ 133.1 Control numbers assigned by OMB under the Paperwork Reduction Act.

* * * * *

(c) * * *

Current OMB Control No.	Information collection requirement	Legal authority	Expiration date
3245-0003	SBA 745 (2-83 ed.)	13 CFR 125-9	4-30-85
	SBA 745A (2-83 ed.)	13 CFR 125-9	4-30-85
3245-0007	SBA 990	13 CFR 115.5	5-31-85
	SBA 994	13 CFR 115.5	5-31-85
	SBA 994B	13 CFR 115.5	5-31-85
	SBA 994F	13 CFR 115.5	5-31-85
	SBA 994H	13 CFR 115.5	5-31-85
	SBA 994J	13 CFR 115.5	5-31-85
3245-0012	SBA 770	13 CFR 123.9	7-31-84
3245-0013	SBA 74	13 CFR 125.5	3-31-86
	SBA 74A	13 CFR 125.5	3-31-86
	SBA 74B	13 CFR 125.5	3-31-86
	SBA 183	13 CFR 125.5	3-31-86
3245-0015	SBA 1010A	13 CFR 124	11-30-84
	SBA 1010B	13 CFR 124	11-30-84
	SBA 1010C	13 CFR 124	11-30-84
	SBA 1010D	13 CFR 124	11-30-84
	SBA 1010E	13 CFR 124	11-30-84
	SBA 1010F	13 CFR 124	11-30-84
3245-0016	SBA 4	13 CFR 122.309	12-31-86
	SBA 4I	13 CFR 122.309	12-31-86
	SBA 4 Sched. A	13 CFR 122.309	12-31-86
3245-0017	SBA 5	13 CFR 123	12-31-86
	SBA 739A	13 CFR 123	12-31-86
	SBA 136	13 CFR 123	12-31-86
3245-0018	SBA 5C	13 CFR 123.1	8-31-85
	SBA 739	13 CFR 123.9	8-31-85
3245-0019	SBA 1099	13 CFR 101.2-7	11-30-84
	SBA 933	13 CFR 101.2-7	11-30-84
	SBA 1107	13 CFR 101.2-7	11-30-84
	SBA 1100	13 CFR 101.2-7	11-30-84
3245-0020	SBA 1136	13 CFR 111.5	6-30-85
	SBA 1136A	13 CFR 111.5	6-30-85
3245-0023	SBA 2006	13 CFR 101.2-6	9-30-85
3245-0024	SBA 1167	13 CFR 125.10	3-31-87
	SBA 1167A	13 CFR 125.10	3-31-87
	SBA 1395	13 CFR 125.10	3-31-87
3245-0046	SBA 1174	13 CFR 101.2-7	9-30-86
3245-0053	SBA 24	13 CFR 101.2-7	2-28-85
	SBA 1351	13 CFR 101.2-7	2-28-85

Current OMB Control No.	Information collection requirement	Legal authority	Expiration date
3245-0062	SBA 415	13 CFR 107.102	3-31-85
	SBA 415A	13 CFR 107.102	3-31-85
	SBA 415B	13 CFR 107.102	3-31-85
3245-0063	SBA 468	13 CFR 107.1102	3-31-85
	SBA 468, parts 1, 2, 3	13 CFR 107.1102	3-31-85
3245-0070	SBA 18	13 CFR 101.2-7	9-30-86
3245-0071	SBA 1244	13 CFR 108.503	2-28-87
3245-0072	SBA 22	13 CFR 101.2-7	9-30-86
3245-0073	SBA 1246	13 CFR 108.503	4-30-87
3245-0074	SBA 1253	13 CFR 108.503	1-31-87
	SBA 1253A	13 CFR 108.503	1-31-87
	SBA 1253B	13 CFR 108.503	1-31-87
3245-0075	SBA 20	13 CFR 101.2-7	3-31-87
3245-0076	Non discriminatory requirements	13 CFR 112.113	4-30-85
	SBA 793	13 CFR 112.113	4-30-85
3245-0078	Small business investment company records and reports	13 CFR 107.1102	4-30-87
	SBA 684	13 CFR 107.1102	4-30-87
	SBA 1031	13 CFR 107.1102	4-30-87
3245-0080	SBA 1081	13 CFR 120.4	4-30-87
3245-0081	Funds to Licensee	13 CFR 107.201	4-30-87
	SBA 25-28, 33 34	13 CFR 107.201	4-30-87
	SBA 1022A, 1022B	13 CFR 107.201	4-30-87
	C.O. 158	13 CFR 107.201	4-30-87
	C.O. 159	13 CFR 107.201	4-30-87
3245-0083	Amendments to License	13 CFR 107.1105	7-31-84
	SBA 415C	13 CFR 107.1105	7-31-84
3245-0084	SBA 700	13 CFR 123	8-31-84
3245-0090	SBA 59	13 CFR 101.2-7	9-30-84
3245-0091	SBA 641	13 CFR 101.2-7	11-30-84
3245-0095	SBA 1175	13 CFR 101.2-7	11-30-84
3245-0096	SBA 883	Presidential proclamation designating small business week	12-31-86
3245-0097	SBA 1335		1-31-85
3245-0101	SBA 335, 1340	13 CFR 121	3-31-85
3245-0104	SBA 1356	13 CFR 101.2-7	5-31-86
3245-0108	SBA 1062	13 CFR 101.2-7	8-31-85
3245-0109	SBA 857	13 CFR 107.110.1	7-31-86
	SBA 858		
3245-0110	SBA 1368	13 CFR 123.17	3-31-87
	SBA 1391	13 CFR 123.42	3-31-87
3245-0112	SBA 1301	13 CFR 108.503	7-31-86
3245-0114	SBA 1302	13 CFR 108.503	7-31-86
3245-0116	SBA 860	13 CFR 107.1101	7-31-86
3245-0117	CO 266		6-30-86
3245-0118	SBA 856	13 CFR 107.1101	6-30-86
3245-0121	Governor's request for disaster declaration	13 CFR 123.24	6-30-86
3245-0122	Reconsideration request	13 CFR 123.11	7-31-86
3245-0123	SBA 888	13 CFR 101.2-7	9-30-85
3245-0124	Notice of duplication of benefits	13 CFR 123.22	6-30-86
3245-0125	SBA 898	P.L. 92-463	7-31-86
3245-0128	SBA 1160	13 CFR 123	8-31-86
3245-0129	SBA 1238A		8-31-86
3245-0130	SBA 1238		8-31-86
3245-0131	SBA 172	Agency's participant handbook	8-31-86
3245-0132	SBA 1149		8-31-84
3245-0133	SBA 2014A	P.L. 95-454	8-31-86
3245-0134	SBA 1369	13 CFR 101.2-7	9-30-86
3245-0135	SBA 1202	13 CFR 101.2-7	9-30-86
3245-0136	SBA 987	13 CFR 123.1	9-30-86
3245-0137	SBA contract requirements	OMB circulars A-110; A-21; A-102; A-122	8-31-86
3245-0140	SBA grants management program applications (SBA 1222, 1223, 1224)	OMB circulars A-110; A-21; A-102; A-122	8-31-86
3245-0141	SBA 843	SBA SOP 60 02	8-31-86
3245-0143	Request for eligibility reconsideration	13 CFR 124	11-30-85
3245-0144	SBA 1017	13 CFR 124	11-30-86
3245-0145	Notice of change in ownership	13 CFR 124	11-30-86
3245-0146	Request for approval of joint venture agreement	13 CFR 124	11-30-86
3245-0147	Request for fixed program participation term (FPPT)	13 CFR 124	11-30-86
3245-0148	Request for advance payment and schedule of advance payment requirements	13 CFR 124	11-30-86
3245-0149	Request for business development expense	13 CFR 124	11-30-86
3245-0151	Submission of business financial statement	13 CFR 124	11-30-86
3245-0152	SBA 1374	13 CFR 121	9-30-84
3245-0153	SBA 1375	Presidential proclamation designating small business week	12-31-86
3245-0155	Survey of Government contractors to assess level of subcontracting to small business	P.L. 95-507/94-305	2-28-85
3245-0156	SBA 1394	13 CFR 101.2-7	9-30-84
3245-0157	SBA 1388	P.L. 97-219	2-28-87
3245-0158	SBA 1183	SOP 50 50	3-31-87
3245-0159	SBA 712	15 USC 639	3-31-87
3245-0160	SBA 149	13 CFR 122.15	3-31-87
3245-0164	Liquidation activities	43 CFR 5	3-31-87
3245-0167	SBA 1104	13 CFR 101.2-7	2-28-87
3245-0168	Small Business Institute counseling case report	13 CFR 101.2-7	3-31-87
3245-0169	SBDC quarterly and financial reports	13 CFR 101.2-7	2-28-87
3245-0170	SBA 1385	E.O. 12138	2-28-85
3245-0171	Nominate a small business person or advocate of the year	P.L. 94-309	2-28-87
3245-0172	SBA 1405	13 CFR 107.1101	2-28-87
3245-0173	SBA 1396	13 CFR 101.2-7	9-30-84
3245-0175	Measuring the flow of capital and credit to small firms survey	15 CFR 634	12-31-84
3245-0176	Compliance review report	13 CFR 112, 113, 117	4-30-87
3245-0177	Survey of DOD contractors to determine whether veteran-owned small businesses are successful or not in obtaining DOD awards	P.L. 93-237/94-305	5-31-85
3245-0178	SBA 912	15 USC 6349(b)	3-31-87

Current OMB Control No.	Information collection requirement	Legal authority	Expiration date
3245-0179	Survey of research capabilities for historically black colleges and universities (HBCU-s).	E.O. 12320	9-30-84
3245-0180	The Vietnam-era veteran and entrepreneurship questionnaire	P.L. 93-237	10-31-84
3245-0181	Innovations embodied in BLS technological studies	15 CFR 634(b)	12-31-84
3245-0182	Survey of business school alumni to assess entrepreneurship and effect of veterans status.	P.L. 93-237	12-31-84
3245-0183	SBA 1419	13 CFR 101.2-7	6-30-87

(44 U.S.C. 3512)

Dated: August 17, 1984.

James C. Sanders,
Administrator.

[FR Doc. 84-22625 Filed 8-27-84; 8:45 am]

BILLING CODE 8025-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 320

Procedures for Awarding Japanese Charter Authorizations

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Approval of Application, Reporting and Recordkeeping Requirements by the Office of Management and Budget.

SUMMARY: The Civil Aeronautics Board has extended the application, reporting, and recordkeeping requirements in Part 320 of the Board's Procedural Regulations governing the award of Japanese charter authorizations. The Office of Management and Budget approved the extension of these requirements through July 31, 1987, under OMB No. 3024-0055. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Effective: August 9, 1984. Dated: August 21, 1984.

FOR FURTHER INFORMATION CONTACT: Bernard Stankus, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

List of Subjects in 14 CFR Part 320

Air carriers, Rules.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-22848 Filed 8-27-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR PART 520

Oral Dosage Form New Animal Drugs Not Subject To Certification; Diethylcarbamazine Citrate Syrup; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) for diethylcarbamazine citrate syrup from AMI, Inc., to Medico Industries, Inc. Medico submitted a supplemental NADA providing for the change.

EFFECTIVE DATE: August 28, 1984.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-62443.

SUPPLEMENTARY INFORMATION: Medico Industries, Inc., P.O. Box 338, Elwood, KS 66024, submitted supplemental NADA 92-837 (D.E.C. Sol™, diethylcarbamazine citric syrup) to provide for a change of sponsor from AMI, Inc. AMI informed the agency of the change. Both firms are subsidiaries of TechAmerica Group, Inc. Medico had previously been approved as an alternate manufacturer under the NADA.

This intracorporate transfer of sponsorship does not involve any changes in approved manufacturing facilities, equipment, procedures, or production personnel. The regulations are amended to reflect the change of sponsor.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.622b [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 [21 U.S.C. 360b(i)]) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), § 520.622b *Diethylcarbamazine citrate syrup* is amended in paragraph (c)(2) by removing the number "015563" and inserting in its place "013983".

Effective date: August 28, 1984.

(Sec. 512(i), 82 Stat. 347 [21 U.S.C. 360b(i)])

Dated: August 22, 1984.

Marvin A. Norcross,
Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-22755 Filed 8-27-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

28 CFR Part 56

International Energy Program

AGENCY: Antitrust Division, Justice.

ACTION: Final rule.

SUMMARY: Section 252(e)(2) of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, 89 Stat. 871 (1975), requires the Attorney General, in consultation with the Federal Trade Commission and the Secretary of Energy, to promulgate rules concerning the maintenance of necessary and appropriate records related to the development and carrying out of voluntary agreements and plans of action pursuant to the Agreement of an International Energy Program (IEP), T.I.A.S. 8278 (1974). The Department of Justice is hereby issuing as its own, rules previously promulgated by the Department of Energy ("DOE") in consultation with the Attorney General, the Federal Trade Commission and the Department of State. See 10 CFR 209.24, 209.34.

EFFECTIVE DATE: August 28, 1984.

FOR FURTHER INFORMATION CONTACT:

Melanie Stewart Cutler, Chief, Energy Section, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, telephone (202) 724-6410.

SUPPLEMENTARY INFORMATION: Section 252 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6272 (1983) delegates to the Attorney General and other concerned agencies certain responsibilities for approving, reviewing, and monitoring voluntary agreements and plans of action developed and executed by individuals and business entities in order to assist in the implementation of the IEP. The IEP was entered into, *inter alia*, in order to create a vehicle to allocate equitably petroleum and petroleum products among signatory countries in the event of specified shortages of such materials in world markets and to develop information systems concerning international supplies of petroleum and petroleum products.

To encourage oil companies to participate in implementing the IEP, Section 252(f) of EPCA, 42 U.S.C. 6272(f), makes available to any person engaged in the petroleum business a defense "to any civil or criminal action brought under the antitrust laws * * * for actions taken to develop or carry out a voluntary agreement or plan of action to implement the IEP. The availability of that defense is dependent on compliance with requirements of Section 252 and rules promulgated under it. Section 252(b) of EPCA, 42 U.S.C. 6272(b), requires the Secretary of Energy, with the approval of the Attorney General, after each of them has consulted with the Federal Trade Commission and the Secretary of State, to prescribe procedures and standards under which oil companies may develop and carry out voluntary agreements and plans of action required to implement the allocation and information provisions of the IEP. DOE, in consultation with the Attorney General, the Federal Trade Commission and the Department of State, has already promulgated the procedures and standards required by Section 252 including regulations for keeping records. See 10 CFR Part 209.

Because of the separate statutory requirement in Section 252(e)(2) of EPCA, however, the Department of Justice must promulgate its own rules regarding the maintenance of necessary and appropriate records related to the development and carrying out of voluntary agreements and plans of action. The DOE recordkeeping regulations fully meet the needs of the Department of Justice to maintain the

necessary and appropriate records required under Section 252(e)(2) of EPCA. Accordingly, the Department of Justice is formally issuing as its own, previously promulgated DOE regulations on recordkeeping to satisfy its own statutory obligation. The Attorney General delegated his authority under Sections 252 and 254 of EPCA to the Assistant Attorney General in charge of the Antitrust Division. See 28 CFR 0.41(g). Thus, this rule is being issued by the Assistant Attorney General in charge of the Antitrust Division. This action imposes no new reporting or recordkeeping obligations.

It is the policy of the Department of Justice to allow time for interested parties to participate in the rulemaking process. These regulations, which the Department of Justice is issuing as its own, have already been promulgated by notice and comment rulemaking conducted by the DOE (see 41 FR 6752 and 41 FR 13998) and will have no effect other than to satisfy a Department of Justice statutory obligation. Because of these factors, the Department of Justice finds that notice and a public hearing on these rules are unnecessary and, therefore, these regulations are being promulgated as a final rule pursuant to the provisions of 5 U.S.C. 553(b)(3). Neither is this a rule within the meaning of Executive Order 12291, Section 1(a), or the Regulatory Flexibility Act, 5 U.S.C. 601-612 (1982).

By the authority vested in me by 42 U.S.C. 6272(e)(2) and 28 CFR 0.41(g) and for the reasons set out in the preamble, Part 56 is added to Title 28 of the Code of Federal Regulations, Chapter 1.

List of Subjects in 28 CFR Part 56

Energy, International organizations, Oil imports, Petroleum, Reporting and recordkeeping requirements, Trade agreements, Treaties.

Part 56 is added to read as follows:

PART 56—INTERNATIONAL ENERGY PROGRAM

Sec.

- 56.1 Purpose and scope.
- 56.2 Maintenance of records with respect to meetings held to develop voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.
- 56.3 Maintenance of records with respect to meetings held to develop and carry out voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

Authority: Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 (42 U.S.C. 6201), unless otherwise noted.

§ 56.1 Purpose and scope.

These regulations are promulgated pursuant to section 252(e)(2) of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6272(e)(2). They are being issued by the Assistant Attorney General in charge of the Antitrust Division to whom the Attorney General has delegated his authority under this section of EPCA. The requirements of this part do not apply to activities other than those for which Section 252 of EPCA makes available a defense to actions brought under the federal antitrust laws.

§ 56.2 Maintenance of records with respect to meetings held to develop voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

(a) The Administrator of the Department of Energy shall keep a verbatim transcript of any meeting held pursuant to this subpart.

(b)(1) Except as provided in paragraphs (b) (2) through (4) of this section, potential participants shall keep a full and complete record of any communications (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of developing a voluntary agreement under this part. When two or more potential participants are involved in such a communication, they may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the organizations, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(2) Where any communication is written (including, but not limited to, telex, telegraphic, telecopied, microfilmed and computer printout material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to the Office of International Affairs, Department of Energy with the notation "Voluntary Agreement" marked on the first page of the document, no participant need record such a communication or send a further copy to the Department of Energy. The Department of Energy may, upon written notice to potential participants, from time to time, or with reference to particular types of documents, require deposit with other offices or officials of the Department of Energy. Where such communication demonstrates that it was sent to the Office of International

Affairs, Department of Energy with the notation "Voluntary Agreement" marked on the first page of the document, or such other offices or officials in the Department of Energy has designated pursuant to this section it shall satisfy paragraph (c) of this section, for the purpose of deposit with the Department of Energy.

(3) To the extent that any communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place of a meeting, travel arrangements, or similar matters,) only a brief notation of the date, time, persons involved and description of the communication need be recorded.

(4) To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the substance of such matters shall be identified, but need not be recorded in detail, provided that reference is made to the record and the portion thereof in which the substance is fully set out.

(c) Except where the Department of Energy otherwise provides, all records and transcripts prepared pursuant to paragraphs (a) and (b) of this section, shall be deposited within fifteen (15) days after the close of the month of their preparation together with any agreement resulting therefrom, with the Department of Energy, and shall be available to the Department of Justice, the Federal Trade Commission, and the Department of State. Such records and transcripts shall be available for public inspection and copying at the Department of Energy. Any person depositing material with the Department of Energy pursuant to this section shall indicate with particularity what portions, if any, the person believes are subject to disclosure to the public pursuant to 5 U.S.C. 552 and the reasons for such belief.

(OMB Control No. 1105-0029)

§ 56.3 Maintenance of records with respect to meetings held to develop and carry out voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

(a) The Administrator of the Department of Energy or his delegate shall keep a verbatim transcript of any meeting held pursuant to this subpart except where: (1) Due to considerations of time or other overriding circumstances, the keeping of a verbatim transcript is not practicable, or (2) principal participants in the meeting are representatives of foreign governments. If any such record other than a verbatim transcript, is kept by a designee who is not a full-time Federal

employee, that record shall be submitted to the full-time Federal employee in attendance at the meeting who shall review the record, promptly make any changes he deems necessary to make the record full and complete, and shall notify the designee of such changes.

(b)(1) Except as provided in paragraphs (b) (2) through (4) of this section, participants shall keep a full and complete record of any communication (other than in a meeting held pursuant to this subpart) between or among themselves or with any other member of a petroleum industry group created by the International Energy Agency (IEA), or subgroup thereof for the purpose of carrying out a voluntary agreement or developing or carrying out a plan of action under this subpart, except that where there are several communications within the same day involving the same participants, they may keep a cumulative record for the day. The parties to a communication may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the organizations, if any, which they represent; the date of communication; the means of communication, and a description of the communication in sufficient detail to convey adequately its substance.

(2) Where any communication is written (including, but not limited to, telex, telegraphic, telecopied, microfilmed and computer printout material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to the Office of International Affairs, Department of Energy with the notation "Voluntary Agreement" on the first page of the document, no participants need record such a communication or send a further copy to the Department of Energy. The Department of Energy may, upon written notice to participants, from time to time, or with reference to particular types of documents, require deposit with other offices or officials of the Department of Energy. Where such communication demonstrates that it was sent to the Office of International Affairs, Department of Energy with the notation "Voluntary Agreement" on the first page of the document, or such other offices or officials as the Department of Energy has designated pursuant to this section, it shall satisfy paragraph (c) of this section, for the purpose of deposit with the Department of Energy.

(3) To the extent that any communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place of a meeting, travel

arrangements, or similar matters) only a brief notation of the date, time, persons involved and description of the communication need be recorded; except that during an IEA emergency allocation exercise or an allocation systems test such a non-substantive communication between members of the Industry Supply Advisory Group which occur within IEA headquarters need not be recorded.

(4) To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the substance of such matters shall be identified, but need not be recorded in detail, provided that reference is made to the record and the portion thereof in which the substance is fully set out.

(c) Except where the Department of Energy otherwise provides, all records and transcripts prepared pursuant to paragraphs (a) and (b) of this section, shall be deposited within seven (7) days after the close of the week (ending Saturday) of their preparation during an international energy supply emergency or a test of the IEA emergency allocation system, and within fifteen (15) days after the close of the month of their preparation during periods of non-emergency, together with any agreement resulting therefrom, with the Department of Energy and shall be available to the Department of Justice, the Federal Trade Commission, and the Department of State. Such records and transcripts shall be available for public inspection and copying to the extent set forth in 5 U.S.C. 552. Any person depositing materials pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to disclosure to the public pursuant to 5 U.S.C. 552 and the reasons for such belief.

(d) During international oil allocation under Chapter III and IV of the IEP or during an IEA allocation systems test, the Department of Justice may issue such additional guidelines amplifying the requirements of these regulations as the Department of Justice determines to be necessary and appropriate.

(OMB Control No.: 1105-0029)

J. Paul McGrath,
Assistant Attorney General, Antitrust
Division.

[FR Doc. 84-22804 Filed 8-27-84; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Approval of Amendment to the Oklahoma Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 936 by (1) removing certain conditions of the Secretary of the Interior's approval of the Oklahoma permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and (2) approving certain additional amendments to the Oklahoma program. The conditions being removed by the Secretary pertain to citizens' access to courts; the public participation aspects of Oklahoma's rules of practice and procedure and the award of costs and expenses. The three additional amendments being approved by the Secretary pertain to transfer or sale of rights under a permit; inspection frequency and public notification of blasting schedule.

After providing opportunity for public comment and conducting a thorough review of the program amendments and related material, the Secretary has decided to approve certain of the modifications and remove some of the conditions of approval.

EFFECTIVE DATE: The removal of these conditions and the approval of these program amendments are effective on August 28, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markey, Director, Tulsa Field Office, Office of Surface Mining, 333 West Fourth Street, Room 342, Tulsa, Oklahoma 74103, Telephone: (918) 581-7927.

ADDRESSES: Copies of the amendments to the Oklahoma program and all written comments received on the proposed amendments are available for public review at the OSM Headquarters Office, the OSM Tulsa Field Office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 333 West Fourth Street, Room 3422, Tulsa, Oklahoma 74103.

Office of Surface Mining Reclamation and Enforcement 1100 "L" Street, NW.,

Room 5124, Washington, D.C. 20240, Telephone (202) 343-7896.

Oklahoma Department of Mines, Suite 107, 4040 N. Lincoln, Oklahoma City, Oklahoma 73105.

SUPPLEMENTARY INFORMATION: On January 19, 1981 following a review of the proposal program as outlined in 30 CFR Part 732, the Secretary of the Interior conditionally approved Oklahoma's program to administer and enforce the permanent regulatory program under SMCRA.

The approval was effective upon publication of the notice of conditional approval in the January 19, 1981, *Federal Register* (46 FR 4910).

Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission as well as the Secretary's findings the disposition of comments, and a detailed explanation of the conditions of approval of the Oklahoma program can be found in the January 19, 1981 *Federal Register* (46 FR 4910), in the April 2, 1982 *Federal Register* (47 FR 14152) and in the May 4, 1983 *Federal Register* (48 FR 20050).

Additional information pertinent to the action taken by the Director, OSM, under the authority of 30 CFR Part 733 with regard to the status of Oklahoma's permanent regulatory program was published in the April 12, 1984 *Federal Register* (49 FR 14674).

Background

On May 13, 1983, OSM received from the State of Oklahoma material intended to satisfy four program conditions concerning citizens' access to courts, award of costs and attorney fees, authority to administer a small operator assistance program and the Oklahoma Rules of Practice and Procedure. The State also submitted certain revisions to the State regulations unrelated to the program conditions concerning transfer, sale or assignment of rights under permits, public notification of blasting schedules and inspection and enforcement requirements.

OSM published a notice in the June 3, 1983 *Federal Register* announcing receipt of the provisions and inviting public comment on whether the proposed program amendment corrected the deficiencies, and whether the Secretary should approve the additional amendments to the State program (48 FR 24928).

A public hearing scheduled June 28, 1983 was not held because no one expressed a desire to present testimony. The public comment period closed July 5, 1983.

The Director, pending his decision on the status of the Oklahoma program pursuant to 30 CFR Part 733, delayed action on the entire program amendment package submitted by Oklahoma. The Director announced in the April 12, 1984 *Federal Register* that OSM would substitute direct Federal enforcement for portions of Oklahoma's permanent program, specifically the inspection and enforcement functions. (49 FR 14674-14689). The Director also stated that OSM would continue processing the May 13, 1983 amendment package.

Background on the Secretary's Conditional Approval

The Secretary of the Interior determined the Oklahoma permanent regulatory program, as submitted for his approval, contained four deficiencies. The deficiencies are as follows.

1. The Oklahoma program did not provide citizens with the same access to courts for citizen suits as provided under section 520 of SMCRA.

2. The Oklahoma Department of Mines (ODOM) did not have statutory authority to award appropriate costs and expenses including attorneys' fees to (a) any person other than a permittee or his representative and (b) a permittee in administrative proceedings consistent with 43 CFR 4.1294 (b) and (c).

3. The Oklahoma Department of Mines did not have authority to administer the Small Operator Assistance Program (SOAP) consistent with section 507(c) of SMCRA and 30 CFR Part 795.

4. The Oklahoma Rules of Practice and Procedure were not consistent with the public participation aspects of SMCRA, 30 CFR Chapter VII and 43 CFR Part 4.

Secretary's Findings

Set forth below pursuant to 30 CFR 732.15 and 732.17, are the Secretary's findings concerning the program modifications submitted by Oklahoma which satisfy existing program conditions.

1. As addressed in Finding 4(K)(1) of the January 19, 1981 *Federal Register*, the Secretary found that the Oklahoma program did not provide citizens with the same access to courts as does the Federal Act. Therefore, the Secretary conditioned his approval upon Oklahoma amending section 41.C of the Oklahoma Coal Reclamation Act (OCRA) so that citizens, under OCRA, have the same access to courts as provided under section 520 of SMCRA. Oklahoma amended its statute at 45 O.S. 1981, section 774 with the passage of section 2 of Senate Bill No. 205. The

amended statute removes the restriction that actions concerning a violation of the Act be brought only pursuant to the Administrative Procedures Act. The revised Oklahoma Statute therefore provides any person having an interest which is or may be adversely affected access to State courts. The Secretary finds that in its amended form, 45 O.S. 1981 section 774 is consistent with section 520 of SMCRA and satisfies condition (a) of his approval of the State's program.

2. As addressed in Finding 4(K)(2) of the January 19, 1981 *Federal Register*, the Secretary found that the Oklahoma program did not contain provisions that would provide for the award of appropriate costs and expenses from the ODOM (1) to any person other than a permittee or his representative and (2) to a permittee after making necessary demonstrations and findings. In an opinion dated December 12, 1980, the Attorney General of Oklahoma rules that the ODOM lacked statutory authority to promulgate regulations requiring such award from ODOM (see Administrative Record Document OK-273). The Secretary, for the above reasons, conditioned his approval upon Oklahoma enacting a statute that authorized the award of costs and expenses against the ODOM in appropriate cases, and upon the promulgation of regulations consistent with 43 CFR 4.1294 (b) and (c). Oklahoma amended its statute at 45 O.S. 1981, section 786(E) with the passage of section 3 of Oklahoma Senate Bill No. 205. The amended section provides that assessments of costs and expenses, including attorney fees, may be made against any party or ODOM. The Secretary finds that in its amended form, 45 O.S. 1981 section 786 is consistent with 43 CFR 4.1294 and section 525(e) of SMCRA and satisfies condition (c) of his approval of the Oklahoma program.

3. As discussed in Finding 4(K)(3) of the January 19, 1981 *Federal Register*, the Secretary found that the Oklahoma program did not provide for meaningful participation by operators and the public in the enforcement of the Oklahoma program because it did not establish procedures with sufficient specificity to enable operators or others to prepare their arguments and participate in proceedings with an understanding of what is expected in such proceedings. Because of the lack of detail and clarity of the Oklahoma Rules and because of the inconsistencies between OCRA and 43 CFR Part 4, the Secretary found that the "Rules of Practice for Hearings" did not allow

citizens, operators, and attorneys practicing before the Chief Mine Inspector of ODOM to exercise fully the rights to administrative hearings granted by SMCRA and OCRA, and found that they were inconsistent with the public participation provisions of SMCRA, 30 CFR Chapter VII, and 43 CFR Part 4. The Secretary conditioned his approval upon Oklahoma amending the Rules of Practice for Hearings to make the public participation aspects of those rules consistent with the public participation provisions of SMCRA, 30 CFR Chapter VII, and 43 CFR Part 4. The Oklahoma Department of Mines revised completely the Rules of Practice and Procedure by adopting language at sections 4.1000 through 4.1400 that, among other things, provides for meaningful public participation in the enforcement of Oklahoma's program. The Secretary finds that Oklahoma has amended its Rules of Practice and Procedure at sections 4.1000 through 4.1400 and that they are now consistent with the public participation provisions of SMCRA, 30 CFR Chapter VII, and 43 CFR Part 4, and thus removes condition (b).

Set forth below are the Secretary's findings concerning the program modification submitted by Oklahoma which partially satisfies an existing program condition.

1. As discussed in Finding 4(n) of the January 19, 1981 *Federal Register* notice the Secretary found that ODOM had no authority under State law and regulations to operate a Small Operator Assistance Program (SOAP). According to the May 27, 1980, opinion of the Oklahoma Attorney General (see Administrative Record Document No. OK-85), the payment of State tax dollars to mine operators pursuant to 45 O.S. Supp. 1979, § 745.16 violates Article X Section 15 of the Oklahoma Constitution and is therefore invalid because it constitutes a "gift". Therefore, the Secretary found the absence of valid SOAP provisions to be inconsistent with section 507(c) of SMCRA and less effective than 30 CFR Part 795 and conditioned his approval by requiring Oklahoma to obtain authority to promulgate regulations consistent with 30 CFR Part 795. Oklahoma amended its statute at 45 O.S. 1981 § 745.16 by passage of Oklahoma Senate Bill No. 205.

Section 6 of this Bill repeals Oklahoma's existing SOAP statute. Section 5 of the Bill then provides authority to ODOM to operate SOAP to the extent required by Federal law and to provide such services as are necessary to comply with the permanent regulatory program. Oklahoma adopted

regulations at section 795 to implement the Small Operators Assistance Program. The Oklahoma rule at section 795 provides for Oklahoma to perform all functions required under SOAP except for contracting and funding. Section 795.9(e) of the Oklahoma rules provides that a cooperative agreement be entered into between ODOM and the Department of the Interior for disbursement of funds to qualified laboratories providing the determination and statement required under the SOAP program.

Therefore, the Secretary finds that the Oklahoma Department of Mines has authority under the Oklahoma Coal Reclamation Act at 45 O.S. 1981 § 745.16 and section 795 of its regulations to operate a Small Operators Assistance Program consistent with section 507(c) of SMCRA and no less effective than 30 CFR Part 795 with the following exception.

The funding provisions at § 795.9(e) of the Oklahoma rules are not as effective as the provisions at 30 CFR Part 795 in that they do not provide the ODOM with authority to enter into contracts with qualified laboratories for the provision of SOAP services but rather calls for a cooperative agreement between ODOM and the Department of the Interior. Under such an agreement contracting and funding of SOAP services would be undertaken by OSM.

In that the statutory and regulation changes adopted by the State of Oklahoma provide authority to the ODOM to operate a SOAP program with the exception noted above the Secretary has approved the changes made by ODOM to the Statute and rules regarding SOAP.

The condition of approval placed on the Oklahoma program is being modified to reflect the changes made by Oklahoma to satisfy condition (d).

Further, the Secretary finds that the State has acted in good faith to satisfy condition (d) by amending its statute and rules. Accordingly, the Secretary has decided to extend the deadline for Oklahoma to satisfy the modified condition (d) until August 28, 1985. The Office of Surface Mining will work with the ODOM to develop a cooperative agreement as provided in § 795.9(e) of the Oklahoma rules for the provision of SOAP assistance during the period necessary for Oklahoma to complete program changes necessary to satisfy the modified condition (d).

The May 13, 1983 amendment from ODOM contained revisions unrelated to conditions placed upon the program. Set forth below pursuant to 30 CFR 732.15 and 732.17 are the Secretary's findings

concerning these additional State program modifications.

1. Oklahoma proposes to amend the statute at 45 O.S. 1981 § 745.2 and the rules at §§ 788.17 through 788.19 as they pertain to the transfer, sale or assignment of rights under permits. Section 745.2 previously provided that permits were not transferable. The Secretary finds that the proposed amendment to § 745.2 allows for the transfer, sale or assignment of rights under permits on the same terms as section 506(b) of SMCRA and 30 CFR Part 774 and as such finds 45 O.S. 1981 § 745.2 to be no less effective than 30 CFR Part 774.

2. Oklahoma proposes to amend § 816.64(a)(1) of the State's rules to clarify an ambiguous statement concerning blasting notices. Previous State rule 816.64(a)(1) required the publication of a blasting notice for at least ten days prior to blasting. This statement could have been misinterpreted to require publication of a notice only *once* ten days prior to blasting. Oklahoma has received its regulations to require one notice to be published for each of at least ten consecutive days prior to blasting. The Secretary finds that the amendment to § 816.64(a)(1) of the State rules is no less effective than the Federal regulations at 30 CFR 816.64(a)(1).

3. Oklahoma proposes to amend Parts 842, 843 and 845 of the State's rules. Part 842 sets forth general provisions governing State inspections. This part specifically addresses State inspection frequency and monitoring, procedures for requesting a State inspection, right of entry provisions and requirements for managing records. Part 843 sets forth general rules regarding enforcement by ODOM of the State Act and regulations. This part specifically addresses information collection, notices of violation, cessation orders, suspension or revocation of permits and hearing and conference procedures. Part 845 sets forth procedures for the assessment of civil penalties. This part specifically covers how and when assessments are made, amount of penalties, point systems to be used, procedures for assessments conferences and hearings and procedures for payment of penalties. The State amended Parts 842, 843 and 845 of its rules to reflect the changes made to the comparable Federal rules at 30 CFR Parts 842, 843 and 845 which became effective September 15, 1982. The Secretary finds that the proposed amendments are consistent with the Federal regulations at 30 CFR Parts 842, 843 and 845.

Public Comments

Of those Federal agencies invited to comment on the proposed amendments, responses were received from the Bureau of Land Management, the Bureau of Reclamation, the Mine Safety and Health Administration, the Fish and Wildlife Service, the Department of the Army and the Department of Agriculture.

The Bureau of Land Management recommended that § 4.1390 of the Oklahoma Rules of Practice and Procedure be revised as follows: insert "12" between "within" and "months". The Secretary finds that the time frames in Oklahoma's Rules of Practice and Procedure at § 4.1390 are identical to the time frames in 43 CFR Part 4. Therefore, no additional changes are necessary.

The disclosure of Federal agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

No other comments were received.

Summary of the Secretary's Decision

Based on his findings, the Secretary is removing conditions (a), (b) and (c) of his approval of the Oklahoma program. The Secretary is also approving the statutory and rule changes relating to SOAP and modifying the wording and extending the deadline for satisfying condition (d). In addition, the Secretary is approving the three amendments submitted by Oklahoma which are unrelated to the conditions of approval. These amendments are the revision to § 745.2 of 45 O.S. 1981 and the accompanying rules at §§ 788.17 through 788.19, revision to § 816.64(a)(1) of the rules, and revisions to Parts 842, 843 and 845 of the State rules.

Procedural Matters

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of Interior has determined that this rule will not have a

significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 936

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: August 22, 1984.

Garrey E. Carruthers,
Assistant Secretary, Land and Minerals
Management.

PART 936—OKLAHOMA

Part 936 of Title 30 is amended as follows:

1. 30 CFR 936.11 is amended by removing and reserving paragraphs (a), (b) and (c), and paragraph (d) is revised to read as follows.

§ 936.11 Conditions of State regulatory program approval.

(a)-(c) [Reserved]

(d) Steps will be taken to terminate the approval found in § 935.10 unless Oklahoma submits to the Secretary by August 28, 1985, copies of promulgated regulations or other program changes which remove the limitation on the authority of ODOM regarding funding to qualified laboratories that provide services to eligible small operators.

2. 30 CFR Part 936.15 is amended by adding a new paragraph (c) as follows.

§ 936.15 Approval of amendments to State regulatory program.

(c) The following amendments to the Oklahoma permanent regulatory program submitted to OSM on May 13, 1983 are approved effective August 28, 1984:

(1) Revision to Oklahoma statute at 45 O.S. 1981, section 774(c) governing citizen access to State courts;

(2) Revision to Oklahoma statute at 45 O.S. 1981, section 786(E) concerning award of costs and expenses;

(3) Adoption by Oklahoma of new rules of practice and procedure at § 4.1000 through 4.1400;

(4) Revision to Oklahoma statute at 45 O.S. 1981, § 746.16 concerning authority to administer Small Operator Assistance

Program and the implementing State rules at section 795 with the exception of § 795.9(e).

(5) Revision to Oklahoma statute at 45 O.S. 1981, § 745.2 governing transfer of permits;

(6) Adoption by Oklahoma of new rules at § 788.17 through 788.19 governing the transfer, sale or assignment of rights under permits;

(7) Revision to Oklahoma rule at § 816.64 concerning public notification of proposed blasting schedules; and

(8) Revision to Oklahoma rules at Parts 842, 843 and 845 concerning inspection and enforcement provisions.

Authority: Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*

[FR Doc. 84-22823 Filed 8-27-84; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 770

National Defense; Rules Limiting Public Access to Particular Installations; Entry Regulations for Portsmouth Naval Shipyard, Portsmouth, NH

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is adding Subpart G to 32 CFR Part 770 to set forth regulations governing entry upon Portsmouth Naval Shipyard, Portsmouth, New Hampshire. It is intended that these regulations will apprise members of the public of the rules governing access to Portsmouth Naval Shipyard, Portsmouth, New Hampshire.

EFFECTIVE DATE: January 17, 1984.

FOR FURTHER INFORMATION CONTACT: Commander John D. Hutson, JAGC, U.S. Navy (Code 107), Portsmouth Naval Shipyard, Portsmouth, New Hampshire 03801, Telephone (207) 439-1000 (ext. 2703).

SUPPLEMENTARY INFORMATION: Pursuant to the authority cited below, the Commander, Portsmouth Naval Shipyard, Portsmouth, New Hampshire, on January 6, 1984, adopted entry regulations entitled "Entry Regulations for Portsmouth Naval Shipyard" [NAVSHIPYD PTSMHINST 5510.25A (107)]. Portsmouth Naval Shipyard is a major naval ship-repair facility, with operational requirements to complete repairs and overhaul of conventionally powered and nuclear-powered naval vessels. It is vital to national defense that the operation and use of the

shipyard be continued without undue or unnecessary interruptions. Additionally, most of Portsmouth Naval Shipyard is dedicated to heavy industrial activity where potentially hazardous conditions exist. Accordingly, these regulations limit entry upon Portsmouth Naval Shipyard to authorized personnel and those persons who have obtained advance consent pursuant to these regulations. It has been determined in accordance with the public rulemaking provisions of 32 CFR Parts 296 and 701, that publication of these regulations prior to adoption would be impracticable, unnecessary, and contrary to the public interest since the nature and national importance of Portsmouth Naval Shipyard mandate the immediate and uninterrupted effectiveness of these regulations.

List of Subjects in 32 CFR Part 770

Federal buildings and facilities, National defense, Restricted access areas, Security measures.

Accordingly, 32 CFR Part 770 is amended by adding a new Subpart G as follows:

PART 770—[AMENDED]

* * * * *

Subpart G—Entry Regulations for Portsmouth Naval Shipyard, Portsmouth, New Hampshire

Sec.	Purpose.
770.53	Purpose.
770.54	Background.
770.55	Responsibility.
770.56	Entry restrictions.
770.57	Entry procedures.
770.58	Violations.

Authority: 5 U.S.C. 301; 10 U.S.C. 6011, 18 U.S.C. 1382; 50 U.S.C. 797; DOD Directive 5200.8 of July 29, 1980; 32 CFR 700.702; 32 CFR 700.714; SECNAVINST 5511.36 of December 20, 1980; OPNAVINST 5530.14 of June 10, 1983; COMNAVSEASYS COMINST 5510.2A of June 19, 1981.

Subpart G—Entry Regulations for Portsmouth Naval Shipyard, Portsmouth, New Hampshire

§ 770.53 Purpose.

To promulgate regulations and procedures governing entry upon Portsmouth Naval Shipyard, and to prevent the interruption of the functions and operations of Portsmouth Naval Shipyard by the presence of any unauthorized person within the boundaries of Portsmouth Naval Shipyard.

§ 770.54 Background.

(a) Portsmouth Naval Shipyard maintains and operates facilities "to provide logistic support for assigned

ships and service craft; to perform authorized work in connection with construction, conversion, overhaul, repair, alteration, drydocking, and outfitting of ships and craft, as assigned; to perform manufacturing, research, development, and test work, as assigned; and to provide services and material to other activities and units, as directed by competent authority."

(b) Portsmouth Naval Shipyard is a major naval ship repair facility, with operational requirements to complete repairs and overhaul of conventionally powered and nuclear-powered naval vessels. It is vital to national defense that the operation and use of the shipyard be continued without undue or unnecessary interruptions. Additionally, most of Portsmouth Naval Shipyard is dedicated to heavy industrial activity where potentially hazardous conditions exist.

(c) For prevention of interruption of the stated use of the base by the presence of any unauthorized person within the boundaries of Portsmouth Naval Shipyard, and prevention of injury to any such unsupervised person as a consequence of the dangerous conditions which exist, as well as for other reasons, it is essential to restrict entry upon Portsmouth Naval Shipyard to authorized persons only.

§ 770.55 Responsibility.

The responsibility for proper identification and control of personnel and vehicle movement on the Portsmouth Naval Shipyard is vested with the Shipyard Security Manager (Code 830).

§ 770.56 Entry Restrictions.

Except for military personnel, their authorized dependents, or guests, and civilian employees of the United States in the performance of their official duties, entry upon Portsmouth Naval Shipyard, or remaining thereon by any person for any purpose without the advance consent of the Commander, Portsmouth Naval Shipyard, or his authorized representative, is prohibited. In many instances, Commander, Naval Sea Systems Command, approval is required.

§ 770.57 Entry procedures.

(a) Any person or group desiring the advance consent of the Commander, Portsmouth Naval Shipyard, or his authorized representative, shall, in writing, submit a request to the Commander, Portsmouth Naval Shipyard, at the following address: Commander, Portsmouth Naval Shipyard, Portsmouth, New Hampshire