

Lowering the standard to 50 percent would, in CAAA's view, increase the need for subsidy and reduce the scheduling flexibility of airline management. It would also put an unsubsidized commuter airline in the difficult position of having to either increase its service at a point to meet the higher seat guarantee or compete with a subsidized carrier that the Board brings in to make up the service shortfall in that market. CAAA asked that the Board, in establishing a load factor standard, consider not only the likelihood that a given standard would result in passengers being denied reservations or boarding but also the possibility that that standard might be too low for profitable commuter operations, thereby increasing the government's subsidy bill. CAAA also questioned whether there was as much variation in demand in the small markets as in the large ones. When demand is relatively constant, there are no peak periods when a reservation would be hard to obtain even with higher load factors.

The Texas Aeronautics Commission also commented, but its views were directed toward the Board's implementation of the essential air service program in general rather than to the specific matter, the load factor standard, in issue here.

We agree with Frontier and CAAA that a 50-percent load factor standard may not make sense in all cases and our intention was not to apply it rigidly. In its study, OEA stated (page 22) that its data were "not sufficient for the purpose of fine tuning the load factor standards used in essential air service determinations." It did not find that a 50-percent load factor was the proper level for all communities. It merely found that a 65-percent load factor standard would usually be too high for essential air service determinations involving markets served by small aircraft and would usually result in more people being denied reservations or seats than in areas served by large carriers. As we have repeatedly emphasized, the provisions of Part 398 are merely guidelines that are used in evaluating the essential air service needs of individual communities. These needs vary from case to case. The load factor standard, like the other guidelines in Part 398, must be varied accordingly.

Although we remain committed to the 50-percent standard as a general guideline, there are several situations where the Board may deviate from it. For the reasons stated above by Frontier and CAAA, we may sanction higher load factors in some markets as larger

aircraft are employed. As the size of the aircraft used increases, the chance that one would be denied a reservation or seat during peak travel periods diminishes. In those cases there is no reason to require the lower load factor. We may consider load factors above 50 percent justified if the aircraft used has more than eight seats. Of course, the increase in load factor we would sanction would depend on the increase in the size of aircraft employed.

The size of aircraft that a carrier operates at a point, when considered with the number of seats that the Board has guaranteed for that point, may also affect the load factor standard. For example, if a carrier proposes to operate 15-seat aircraft at a point for which the Board has guaranteed 32 seats per day, the Board would generally not require more than two flights per day with that aircraft. To provide the two additional seats with a third flight would be unnecessary and wasteful. Since the 32-seat guarantee would have been based on average daily enplanements of 16 passengers, the provision of two flights would still leave enough room for growth in the market and accommodation of all passengers at times of peak travel demand, even though the service would be provided at slightly more than a 50-percent load factor. Requiring a third flight with 15-seat aircraft would force the carrier to serve at unacceptably low load factors.

While finding another carrier with different-sized aircraft to provide the service would be another approach to this problem, that may not always be the best solution. Even if such a carrier were available, that carrier may not be as reliable or efficient or may not have community support. Varying the load factor guideline for the point involved would be consistent with the spirit of Part 398 and might be the most practical solution to the problem.

The nature of the service at the eligible point might also warrant the application of a different load factor standard there. If a point were an intermediate stop on a linear route to the designated hub, it might be impractical for a carrier to serve that point at the load factor that would usually be required. Nevertheless, we would require the carrier to accommodate traffic at the eligible point and would expect the community to inform us if the carrier were not meeting its obligation.

We are amending Part 398 to set forth some of the situations where the Board may deviate from the load factor guideline. This amendment will not require us to change existing essential air service determinations. It is only

meant to clarify that the 50-percent load factor standard, like any other guideline in Part 398, may be altered for individual communities as circumstances warrant.

Since this rule is interpretative in nature, we find that it may take effect immediately.

Accordingly, the Board amends 14 CFR Part 398, *Guidelines for Individual Determinations of Essential Air Transportation*, as follows:

1. The authority for Part 398 is:

Authority: Secs. 204 and 419, Pub. L. 85-726, as amended, 72 Stat. 743, 92 Stat. 1732, 49 U.S.C. 1324, 1389.

2. The Table of Contents is amended by adding a new § 398.9, to read:

Sec.

398.9 Load factor standard.

3. A new § 398.9 is added to read:

§ 398.9 Load factor standard.

The load factor guideline used in this part may be raised for individual eligible points under one or more of the following circumstances.

(a) The aircraft providing the essential air transportation there has more than eight seats;

(b) There is little likelihood that there will be periods of higher-than-normal demand for air transportation at that point;

(c) The number of seats on the aircraft operated at that point is not evenly divisible into the number of seats that the Board has guaranteed for that point;

(d) The point is served by the carrier as part of a linear route; or

(e) It would be in the interest of the community, the carrier, or the general public to increase the load factor standard for that point.

By the Civil Aeronautics Board,  
Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-6189 Filed 2-23-81; 8:45 am]

BILLING CODE 6320-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 154

#### Blanket Waiver of Regulations for Specified Period

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interpretation of final rule.

SUMMARY: On December 19, 1980, the Commission issued an order captioned "American Natural Gas Production

Company, *et al.*—Rate Schedule No. 51, *et al.* which granted a blanket waiver of § 154.94(h)(2)(iii) of the Commission's regulations in Title 18 regarding the 30 day filing requirements for certain notices of change in rate. The Commission waived the requirements of that section to permit untimely filed notices of change in rate for sales of gas governed by Sections 102(d) and 108 of the Natural Gas Policy Act to become effective on either the date of final determination or the date of initial delivery, whichever is later. The Commission intended that the waiver apply to all sales of Section 102(d) and 108 gas for which notices of change in rate, filed pursuant to a final determination, are now on file with the Commission, or are filed within 60 days of the date of issuance of the above order (i.e., February 17, 1981). The Commission emphasized in the order that the waiver applies only to producers whose filings fall into the above categories and noted that all producers are expected to comply with the 30-day filing requirement in the future.

**EFFECTIVE DATE:** The Commission's interpretation is effective December 19, 1980.

**FOR FURTHER INFORMATION CONTACT:** Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-357-8400.  
Kenneth F. Plumb,  
Secretary.

#### Notice of Commission Action Granting Blanket Waiver of § 154.94(h)(2)(iii) of the Regulations for Specified Period

Issued: December 19, 1980.

Take notice that on December 19, 1980, the Commission issued an order captioned "American Natural Gas Production Company, *et al.*—Rate Schedule No. 51, *et al.*" which granted a blanket waiver of § 154.94(h)(2)(iii) of the Commission's regulations regarding the 30 day filing requirements for certain notices of change in rate. The Commission waived the requirements of § 154.94(h)(2)(iii) in order to permit untimely filed notices of change in rate for sales of gas governed by Sections 102(d) and 108 of the NGPA to become effective on either the date of final determination or the date of initial delivery, whichever is later. The Commission intended that the waiver apply to all sales of Section 102(d) and 108 gas for which notices of change in rate, filed pursuant to a final determination, are now on file with the Commission, or are filed within 60 days of the date of issuance of the above

order (i.e., February 17, 1981). The Commission emphasized in the order that the waiver applies only to producers whose filings fall into the above categories and noted that all producers are expected to comply with the 30-day filing requirement of § 154.94(h)(2)(iii) in the future.

Kenneth F. Plumb.

Secretary.

[FR Doc. 81-6108 Filed 2-23-81; 8:45 am]

BILLING CODE 8450-85-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 14

[Docket No. 80N-0345]

#### Public Hearing Before a Public Advisory Committee; Advisory Committee Annual Reports

##### Correction

In FR Doc. 80-40284 appearing on page 85724 in the issue of Tuesday, December 30, 1980, on page 85725, first column, the "Effective date" at the bottom should read "December 30, 1980.", and the FR Doc. line should read as set forth below:

"[FR Doc. 80-40284 Filed 12-29-80; 8:45 am]"

BILLING CODE 1505-01-M

#### 21 CFR Part 131

[Docket No. 77N-0143]

#### Cultured and Acidified Milks, Cultured and Acidified Buttermilks, Yogurts, and Eggnog; Standards of Identity

##### Correction

In FR Doc. 81-3139, appearing at page 9924 in the issue for Friday, January 30, 1981, make the following corrections on page 9926 in the third column:

(1) In section 5.6, *Date marking*, in the next to last line " \* \* \* date of minimum \* \* \* " should have read " \* \* \* date or minimum \* \* \* ".

(2) Section 5.7, *Lot identification*, should be followed by a double asterisk footnote reference " \* \* \* ".

(3) At the bottom of the column, the last footnote should be designated " \* \* \* " instead of " \* \* \* ".

BILLING CODE 1505-01-M

#### 21 CFR Part 178

[Docket No. 80F-0169]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antistatic and/or Antifogging Agents in Food-Packaging Materials

##### Corrections

In FR Doc. 80-40506 appearing on page 85726 in the issue of Tuesday, December 30, 1980, on page 85727, first column, paragraph (b) of § 178.3130, first column of the table, third line, "C<sub>10-12</sub>" should read "C<sub>10-C<sub>12</sub></sub>"; and in the fifth line, "C<sub>14-16</sub>" should read "C<sub>14-C<sub>16</sub></sub>".

BILLING CODE 1505-01-M

#### 21 CFR Part 510

#### Change of Sponsor Name; New Animal Drugs

##### Correction

In FR Doc. 80-40283 appearing on page 85727 in the issue of Tuesday, December 30, 1980, third column, the "Effective date" should read "December 30, 1980."

BILLING CODE 1505-01-M

#### 21 CFR Part 510

#### New Animal Drugs; Change of Sponsor

##### Correction

In FR Doc. 81-3951, appearing on page 10462 in the issue for Tuesday, February 3, 1981, in the middle column, in the second paragraph of the "Supplementary Information", in the seventh line, "42 FR 64357" should have read "42 FR 64367".

BILLING CODE 1505-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 15A

[T.D. 7768]

#### Temporary Income Tax Regulations; Installment Sales—General Rules

##### Correction

In FR Doc. 81-4141 appearing at page 10708 in the issue for Wednesday, February 4, 1981, make the following corrections on page 10718, in the third column:

(1) In paragraph (5) (§ 15A.453-1(d)(5)), in the 16th and 17th lines, "February 19, 1981" should have read "May 5, 1981".

(2) In the same paragraph, in the last line, "February 19, 1981", should have read "May 5, 1981".

BILLING CODE 1505-01-M

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Part 2608

#### Allocation of Assets in Non-Multiemployer Plans

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule; amendment.

**SUMMARY:** This document amends the final rule published in the *Federal Register* on January 28, 1981 as FR Doc. 81-2982 (46 FR 9480) to defer the effective date of 29 CFR Part 2608 to April 1, 1981. This action is necessary to comply with a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. This action will prevent confusion concerning the effective date of the final rule on Allocation of Assets in Non-Multiemployer Plans.

**EFFECTIVE DATE:** The effective date of Part 2608 published at 46 FR 9480, as corrected at 46 FR 10720, February 4, 1981 is April 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Renae R. Hubbard, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4895.

**SUPPLEMENTARY INFORMATION:** On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published its final regulation on Allocation of Assets in Non-Multiemployer Plans, 29 CFR Part 2608, at 46 FR 9480, and corrected at 46 FR 10720, February 4, 1981 to become effective March 1, 1981. On January 29, 1981, President Ronald Reagan issued a memorandum (46 FR 11227), requesting that executive agencies, by notice published in the *Federal Register*, postpone for at least 60 days from the date of the memorandum the effective date of all regulations scheduled to become effective during that time period. The PBGC is publishing such a notice; however, without an amendment to FR Doc. 81-2982, 46 FR 9480, January 28, 1981, as corrected at 46 FR 10720, confusion as to the effective date of the final regulation, 29 CFR Part 2608, will arise. Therefore, in order to change the effective date, FR Doc. 81-2982 is amended by changing "March 1" to "April 1" on page 9480, first column, "EFFECTIVE DATE" paragraph; on page

9482, third column, first full paragraph, line 9 as corrected at 46 FR 10720, February 4, 1981; on page 9485, third column, first full paragraph, line 2; and on page 9489, third column, fourth full paragraph "Effective date", line 2.

Issued at Washington, D.C. on this 17th day of February 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-6155 Filed 2-23-81; 8:45 am]

BILLING CODE 7708-01-M

### 29 CFR Part 2610

#### Valuation of Plan Benefits in Non-Multiemployer Plans

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule; Interim rule with request for comments; amendment.

**SUMMARY:** This document amends the final and interim rules published in the *Federal Register* on January 28, 1981 as FR Doc. 81-2983 (46 FR 9492) to defer the effective date of 29 CFR Part 2610 to April 1, 1981. This action is necessary to comply with a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. This action will prevent confusion concerning the effective date of the final and interim rules on Valuation of Plan Benefits in Non-Multiemployer Plans.

**EFFECTIVE DATE:** The effective date of Part 2610 published at 46 FR 9492 is April 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-3010.

**SUPPLEMENTARY INFORMATION:** On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published its final regulation on Valuation of Plan Benefits in Non-Multiemployer Plans, including an interim rule with request for comments, 29 CFR Part 2610, at 46 FR 9492, to become effective March 1, 1981. On January 29, 1981, President Ronald Reagan issued a memorandum (46 FR 11227) requesting that executive agencies, by notice published in the *Federal Register*, postpone for at least 60 days from the date of the memorandum the effective date of all regulations scheduled to become effective during that time period. The PBGC is publishing such a notice; however, without an

amendment to FR Doc. 81-2983, 46 FR 9492, January 28, 1981, confusion as to the effective date of the final and interim rules, 29 CFR Part 2610, will arise. Therefore, in order to change the effective date, FR Doc. 81-2983 is amended by changing "March 1" to "April 1" on page 9492, first column, "DATES" paragraph, lines 1 and 3; on page 9498, first column, first full paragraph (§ 2610.1(b)), line 7; and on page 9517, third column, fifth full paragraph "Effective date."

Issued at Washington, D.C. on this 17th day of February 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-6156 Filed 2-23-81; 8:45 am]

BILLING CODE 7708-01-M

### 29 CFR Part 2613

#### Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule; amendment.

**SUMMARY:** This document amends the final rule published in the *Federal Register* on January 28, 1981 as FR Doc. 81-2984 (46 FR 9520) to defer the effective date of 29 CFR Part 2613 to April 1, 1981. This action is necessary to comply with a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. This action will prevent confusion concerning the effective date of the final rule on Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans.

**EFFECTIVE DATE:** The effective date of Part 2613 published at 46 FR 9520 is April 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** David Weingarten Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-3010.

**SUPPLEMENTARY INFORMATION:** On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published its final regulation on Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One