Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 210 and 235

National School Lunch Program and State Administrative Expense Fund; Assessment, Improvement and Monitoring System (AIMS), Extension of Public Comment Period

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of extension of public comment period.

SUMMARY: The interim Assessment, Improvement and Monitoring System (AIMS) rule was published in the Federal Register (45 FR 64068) on September 26, 1980. Public comments were requested to be postmarked by June 30, 1981. This notice extends the public comment period to December 31, 1981. This extension will enable the public to gain additional operational experience which will aid the Department in refining the final rule.

DATES: To be assured of consideration, comments must be postmarked on or before December 31, 1981.

ADDRESS: Comments should be sent to Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, USDA, Food and Nutrition Service, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley C. Garnett at the above address (202-447-9065).

SUPPLEMENTARY INFORMATION: *Classification:* The interim Assessment, Improvement and Monitoring System rule does not meet any of the three criteria identified in Executive Order 12291 and, as a result, would not be considered a major rule..

Background: The Department published AIMS as an interim rule to allow for further refinement after implementation of the system.

The effective date for interim AIMS was January 1, 1981 and the close of the public comment period was to be June 30, 1981. It was initally believed that six months would provide the public with sufficient operating experience on which to base its comments.

As State agencies began implementation of AIMS, the Department found that some State agencies and School Food Authorities would require more than six months to gain adequate operational insight. Furthermore, the FNS suggested AIMS guidance handbook, which would facilitate implementaton in some cases, was printed behind schedule. Consequently, the Department felt that an extension of the comment period would best serve the public.

For these reasons, the Department will continue to receive comments postmarked on or before December 31, 1981.

Dated: July 2, 1981.

G. William Hoagland,
Administrator, Food and Nutrition Service.

[FR Doc. 81-20043 Filed 7-9-81; 8:45 am]
BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 670, Amdt. 1; Valencia Orange Reg. 671]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 10-16, 1981, and increases the quantity of such oranges that may be so shipped during the period July 3-9, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective July 10, 1981, and the amendment is effective for the period July 3-July 9, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-227-5975.

The committee met again publicly on July 7, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is good on most sizes.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. § 908.971 is added as follows:

§ 908.971 Valencia Orange Regulation 671.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 10, 1981 through July 16, 1981, are established as follows:

(1) District 1: 400,000 cartons;
(2) District 2: 400,000 cartons;
(3) District 3: unlimited cartons.

2. § 908.970 Valencia Orange Regulation 670 (46 FR 34557), is hereby amended to read:

§ 908.970 Valencia Orange Regulation 670.

* * * * *

(1) District 1: 525,000 cartons;
(2) District 2: 525,000 cartons;
(3) District 3: unlimited cartons.

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

Dated: July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–20340 Filed 7–9–81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 313 and Lemon Reg. 312, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 12–18, 1981, and increases the quantity of lemons that may be shipped during the period July 5–11, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective July 12, 1981, and the amendment is effective for the period July 5–11, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on July 8, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.613 is added as follows:

§ 910.613 Lemon Regulation 313.

The quantity of lemons grown in California and Arizona which may be handled during the period July 12, 1981, through July 18, 1981, is established at 300,000 cartons.

2. Section 910.612 Lemon Regulation 312 (46 FR 34557) is revised to read as follows:

§ 910.612 Lemon Regulation 312.

The quantity of lemons grown in California and Arizona which may be handled during the period July 5, 1981, through July 11, 1981, is established at 375,000 cartons.

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

Dated: July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–20399 Filed 7–9–81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 1060

Payment of Travel Expenses of Persons Who Are Not Government Employees

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: By this rule, the Department of Energy is amending 10 CFR to establish a new Part 1060 which establishes policies on payment from Department funds of travel expenses of persons who are not Government employees (often referred to as "invitational travel"). The regulations will provide Department employees and members of the public with explicit guidelines with respect to authorization and approval of such payments.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Fonner, Attorney, Office of the Assistant General Counsel for Standards of Conduct, GC–45, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–1522.

SUPPLEMENTARY INFORMATION:

Classification

The Department of Energy has determined that no substantial issue of fact or law exists with respect to these regulations and that these regulations are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. The Department of Energy has further determined that these regulations relate to agency management and therefore are exempt from the requirements of 5 U.S.C. §§ 553, 603, and 604, and the requirements of Executive Order 12291.

Regulatory Analysis

Not required for this rulemaking.

Environmental Impact Statement

Not required for this rulemaking.

Background

The authority to provide payment from DOE funds for travel expenses of persons who are not Government employees is primarily based on provisions incorporated in chapter 57, title 5, United States Code, as amplified by Decisions of the Comptroller General. (See, for example, 4 Comp. Gen. 281, 8 Comp. Gen. 465; 21 Comp. Gen. 610; 27 Comp. Gen. 183; 38 Comp. Gen. 483; 40 Comp. Gen. 221; 41 Comp. Gen. 482; 48 Comp. Gen. 110; 51 Comp. Gen. 800; 54 Comp. Gen. 554; 56 Comp. Gen. 661.) Section 645 of the DOE Organization Act (42 U.S.C. 7255) provides statutory authority with respect to expenses of subpenaed persons.

Some Government agencies, including the Department of Energy, have internal rules that attempt to provide guidance to agency employees with respect to certain aspects of invitational travel. However, the lack of more explicit guidance has resulted in uncertainty on the part of both DOE employees and private individuals as to when payment for such travel is authorized. This rule will provide express guidelines for limiting invitational travel to specific categories of individuals and to certain invitations approved by high-level DOE officials.

Discussion of Comments

On March 20 1981, the Department of Energy published proposed regulations on invitational travel (46 FR 17787) and invited the public to offer comments on the proposed rule. Two telephone inquiries and one written comment were received with respect to the proposed regulations. In each case, concern was expressed that section 1060.201, which excludes contractors from the provision authorizing payment of travel expenses of persons invited to confer, might be construed to modify the terms of provisions covering travel expenses contained in DOE contracts. In addition, it was suggested that the provision could affect contractors with respect to matters extraneous to their contracts. To make clear that this is not the intent of Part 1060, the regulations were modified as discussed below.

Final Regulations

The regulations are adopted as proposed except for conforming changes in the headings of sections 1060.201 and 1060.301 and the following modifications in the text:

Section 1060.101—A new subsection (e) has been added to this section to make clear that these regulations are not intended to modify the terms of any DOE contract or assistance award. In addition, changes were made in subsection (c) to reflect recent changes in Departmental field structure. (See discussion of § 1060.501, below. In subsection (a)(4), the phrase "who cannot travel alone because of the handicap" has been substituted for "whose handicap prevents him from traveling alone", a non-substantive change.

Section 1060.201—Clause (b) has been amended to make clear that the regulations are not intended to affect contractors or their employees with respect to matters outside the scope of the contract. Further, to assure consistency of treatment in application of the regulations to different types of Departmental awards, the revised language makes reference to assistance awards as well as to contracts.

Section 1060.501—To reflect changes that have taken place in the Departmental field structure since the proposed rule was prepared, the term "DOE Field Organization" has been substituted for "regional or district office or a field installation (as defined in Part 1003 of Chapter X of this Title)". Similarly, because the Office of the Chief Financial Officer has been abolished, the reference to the "Chief Financial Officer" has been deleted from the definition of "principal departmental officer" in § 1060.501(f).

For the reasons set out in the preamble, Chapter X of Title 10 of the Code of Federal Regulations is amended by adding a new Part 1060 as set forth below.

Issued in Washington, D.C., July 2, 1981.

Harry L. Peebles,

Deputy Assistant Secretary, Management and Administration.

Part 1060 is added to 10 CFR Chapter X to read as follows:

PART 1060—PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

Authority: Section 644, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254).

§ 1060.101 Persons who may be paid.

(a) Payment may not be authorized or approved for transportation, lodging, subsistence, or other travel expenses from DOE funds to, or on behalf of, a person who is not a Government employee unless such payment is made—

(1) Pursuant to an invitation received by that person from the Department to confer with a DOE employee on matters essential to the advancement of DOE programs or objectives and (i) in the case of a person invited to confer at the post of duty of the conferring DOE employee, a designated official has approved and stated the reasons for the invitation in writing, or (ii) in the case of a person invited to confer at a place other than the post duty of the conferring DOE employee, a principal departmental official has approved and stated the reasons for the invitation in writing;

(2) Pursuant to an invitation for an interview to a prospective employee of the Department who is an applicant for (i) a position in the Department classified at GS-16 or above of the General Schedule or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16, (ii) a position for which a determination has been made that there is a manpower shortage pursuant to 5 U.S.C. 5723, or (iii) a DOE position for which the Department has the exclusive duties of recruitment and selection;

(3) In accordance with 28 U.S.C. 1821 or other applicable law, to a person who is subpoenaed by the Department to appear and testify or to appear and to produce documents at a designated place;

(4) To a person who serves as a travel attendant for a handicapped individual who is authorized to travel at DOE expense and who cannot travel alone because of the handicap; or

(5) Pursuant to a written determination of a principal departmental officer that it is in the interest of the Government to provide such payment, where the Counselor has

determined in writing that the payment is authorized under 5 U.S.C. ch. 57 or other statutory authority.

(b) The authority of a designated official or a principal departmental officer, as the case may be, to provide approval of an invitation to travel under subsection (a)(1) and of a principal departmental officer to determine that payment of travel expenses is in the interest of the Government under subsection (a)(5) may not be delegated.

(c) Within 30 days of providing written approval of an invitation under subsection (a)(1)(i), a designated official who is an Administrator of a power administration or the head of a Field Organization shall transmit a copy of the written approval to the principal departmental officer to whom the official or the official's organization reports.

(d) Payment of travel expenses may not be made pursuant to an invitation to travel under subsection (a)(1) or (a)(5) unless the written approval and statement of reasons required by subsection (a)(1), or the written determinations required by subsection (a)(5), are made before the travel to be authorized by the invitation takes place.

(e) Nothing in this section shall be interpreted to prohibit payment for travel expenses that are reimbursable or allowable by the Department under the terms of a DOE contract or assistance award.

§ 1060.201 Relatives, contractors, and assistance award recipients.

Notwithstanding any other provision in this part, a DOE employee may not authorize or approve, require another person to authorize or approve, or advocate the authorization or approval of, payment from DOE funds of travel expenses of a person who is not a Government employee and who is (a) the DOE employee's relative (except in the case of payment under § 1060.101(a)(4), or (b) in the case of payment under § 1060.101(a)(1), a DOE contractor or a DOE assistance award recipient or the employee of a DOE contractor or a DOE assistance award recipient unless the travel expenses are incurred with respect to matters outside the scope of the contract or assistance award, as the case may be. (See also § 1060.101(e)))

§ 1060.301 Government employees.

Nothing in this part shall be interpreted as being applicable to authorization or approval of payment of travel expenses of Government employees, including DOE employees.

§ 1060.401 Applicability of internal DOE rules.

Payment of travel expenses under § 1060.101(a)(1)–(5) shall be subject to other Department rules relating to authorization of travel.

§ 1060.501 Definition.

For purposes of this part—

(a) "Counselor" means the General Counsel of the Department or the General Counsel of the Federal Energy Regulatory Commission or their delegates, as appropriate.

(b) "Designated official" means (1) a principal departmental officer, (2) an individual who is appointed to a position in the Department by the President of the United States with the advice and consent of the Senate, (3) the Administrator of a power administration, or (4) the head of a Field Organization.

(c) "DOE" or "Department" means the Department of Energy established by the Department of Energy Organization Act, section 201, Pub. L. 95–91 (42 U.S.C. 7131).

(d) "Employee" means—

(1) An employee as defined by 5 U.S.C. 2105;

(2) A special Government employee as defined in 18 U.S.C. 202(a);

(3) A member of a Uniformed Service.

(e) "Handicapped individual" means a person who has a physical or mental disability or health impairment, and includes an individual who is temporarily incapacitated because of illness or injury.

(f) "Principal departmental officer" means the Secretary, Deputy Secretary, or Under Secretary, or, in the case of the Federal Energy Regulatory Commission, the Chairman or Executive Director of the Commission.

(g) "Relative" means, with respect to a DOE employee, an individual who is related to the employee, by blood, marriage, or operation of law, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandchild, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister, and shall also include the grandparent of an employee's spouse, an employee's fiance or fiancee, or any person residing in the employee's household.

[FR Doc. 81-20297 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Docket 39076, Amdt. No. 57; Regulation ER-1233]

Airlines; Special Tariff Permission

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Under Special Tariff Permission procedures, the CAB allows airlines to implement certain fare changes quickly instead of having to wait 30 to 60 days. This amendment relaxes the requirement that an airline notify competitors and civic parties in certain cases when it requests Special Tariff Permission. This action is at the CAB's initiative.

DATES: Adopted: June 25, 1981. Effective: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Moore, Domestic Fares & Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5038.

SUPPLEMENTARY INFORMATION: An airline that obtains Special Tariff Permission (STP) from the Board can then implement certain passenger fare changes as little as 1 day after it files a tariff reflecting the changes with the Tariffs Division. In ER–1171 and PS–91 (45 FR 20059, 20071, March 27, 1980) the Board liberalized its rules and policies on this subject so that STP requests will ordinarily be approved for fares that are within a statutory or Board-established zone of fare flexibility. In ER–1205 (45 FR 87008, December 31, 1980), the Board adopted a procedure for pre-filing tariff approval to further expedite the introduction of fare decreases. That procedure applies only to domestic fares.

The statutory fare flexibility zones are prescribed domestically by the Airline Deregulation Act of 1978, Pub. L. 95–504, and internationally by the International Air Transportation Competition Act, Pub. L. 96–192. The Board has only limited authority to suspend fares that are within those zones. As a policy matter, the Board has voluntarily established broader zones of flexibility within which it will ordinarily not suspend fares—for most domestic markets in Subpart C of 14 CFR Part 399 (PS–98, 45 FR 70431, October 24, 1980), and for international markets on Order 81–1–119, January 23, 1981.

This rulemaking addresses the notification that airlines must give when they file an STP request with the Board.

Once a fare change has become effective, the Board has no authority to suspend it, except in the case of certain international fares. Potential complainants therefore have an interest in being notified about an STP application quickly, so that they may file complaints and argue that a proposed fare should be suspended before the application is approved and the fare implemented. In deciding when to require notification, the Board must balance this interest against several factors. First, any advance notice requirement has an anticompetitive effect, which encourages price signalling and discourages the introduction of fare decreases. Second, there are costs imposed on travelers when fare decreases are delayed, and costs on airlines when increases are delayed. Finally, the notification requirement itself imposes costs on airlines. The balancing is also affected by the likelihood that the Board would suspend the fare.

In ER-1171 we balanced these factors and adopted the following scheme: Notification must be provided for fares that are outside the statutory zones of flexibility, and for any fare that an airline has reason to believe will be controversial (§ 221.191(e)). The notification must be provided to competing airlines and affected civic parties at the same time that the STP application is filed with the Board. It must be immediate and telegraphic, unless an alternative is approved by the Board's Tariffs Division. The notification is required for any fare that is outside the applicable statutory zone, even if it is within a Board-established zone of flexibility.

In EDR-418 (45 FR 87012, December 31, 1980) we proposed to amend § 221.19(e) to refer to the Board's broader flexibility zones, thus eliminating the notification requirement for such "between-zone" fares. In view of all the factors discussed above, especially the rarity of suspensions of filings within these broader zones, we tentatively concluded that any benefits of requiring notification for all such filings are outweighed by the costs and anticompetitive effects. The proposal noted that in any event, since granting STP is discretionary, we could protect procedural fairness by requiring notification in individual cases when it appeared that a complainant might persuade us to suspend a fare. Also, notification would still be required for controversial filings. A restatement of this requirement was proposed to reflect our interpretation in ER-1205 of "controversial" as not covering fare decreases—by referring to increases and rule changes instead of all tariffs—and extend that interpretation to cargo rate decreases.

No comments were filed in response to EDR-418. For the reasons discussed in that proposal and reiterated above, we have decided to amend Part 221 as proposed.

In Order 80-12-93, adopted along with EDR-418, we granted a blanket interim exemption from the notification requirement to the extent that we proposed to relax the requirement. This final rule makes continuation of the exemption unnecessary, and the exemption terminates by its terms.

Since this amendment relieves a restriction and creates no additional burden, the Board finds for good cause that it may become effective less than 30 days after publication.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for Part 221 is:

Authority: Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, as amended, Pub. L. 85-726, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482.

2. In § 221.191, paragraph (e) is revised to read:

§ 221.191 How to prepare and file applications for Special Tariff Permission.

* * * * *

(e) *When notice is required.* Notice in the manner set forth in paragraph (f) of this section is required when a carrier files an application for Special Tariff Permission—

(1) To offer passenger fares that would be outside a Board-established zone of fare flexibility or, in markets for which the Board has not established such a zone, outside the statutory zone of fare flexibility; or

(2) To file any price increase or rule change that the carrier believes is likely to be controversial.

* * * * *

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20303 Filed 7-9-81; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17913]

Non-member Market Makers; Rescission of Obsolete Rule

AGENCY: Securities and Exchange Commission.

ACTION: Rule rescission.

SUMMARY: The Commission today is rescinding, as obsolete, a Commission rule under the Securities Exchange Act of 1934 (the "Act") relating to non-member market makers. The Commission rule has been rendered obsolete by subsequent Commission rulemaking and by rule changes of the New York Stock Exchange ("NYSE").

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Michael J. Simon, Attorney, Securities and Exchange Commission, Room 391, 500 North Capitol Street, Washington, D.C., 202-272-2889.

SUPPLEMENTARY INFORMATION: On October 20, 1966, the Commission adopted Rule 19b-1 (17 CFR 240.19b-1) under the Act ("Rule"),[1] which provides certain filing and financial requirements for "qualified non-member market makers" in NYSE Rule 394(b). Since the adoption of the Rule, however, the Commission has engaged in further rulemaking which has obviated the need for those provisions of Rule 394(b) that make reference to qualified non-member market makers.[2] In response to these actions, the NYSE has amended its rules to remove all references to qualified non-member market makers. Therefore, it appears that the Rule no longer serves any useful purpose.

§ 240.19b-1 [Removed]

Accordingly, Chapter II of Title 17 of the Code of Federal Regulations is amended by removing § 240.19b-1.

The Commission finds, in accordance with Sections 5 U.S.C. 553(b)(B) and 553(d) of the Administrative Procedure Act that there is good cause that the rescission of the Rule take effect immediately because notice and public

[1] Securities Exchange Act Release No. 34-7981 (October 20, 1966) 31 FR 13990.

[2] *See e.g.*, Securities Exchange Act Release No. 14325 (December 30, 1977), 43 FR 1327, which amended Rule 19c-1 (17 CFR 240.19c-1) under the Act, to remove, with the exception of "in-house" agency cross transactions, all off-board agency trading restrictions.