

Therefore, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to the public interest.

Done at Washington, DC, on August 17, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

(FR Doc. 81-25376 Filed 8-28-81; 8:45 am)

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 211 and 212

[Docket No. ERA-R-81-8]

Tertiary Incentive Program and Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil; Technical Amendments

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a technical amendment to the final rule issued by ERA on July 9, 1981, which established an entitlements program clean-up mechanism. Today's amendment will correct the regulatory language of the post-clean-up procedures to make it clear when those procedures may be implemented following administrative orders for which there is no explicitly defined appeal period. Also, as a separate matter, the annual prepaid expenses report for the tertiary incentive program is being revised to require its submission by project operators, instead of individual producers.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055;

Daniel J. Thomas (Office of Program Operations), Economic Regulatory Administration, Room 7116, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4288;

Margaret Carroll (Office of Program Operations), Economic Regulatory

Administration, Room 7202-G, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3254;

David Welsh (Entitlements Program Office), Economic Regulatory Administration, Room 6212, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3459;

Eugene Glass (Crude Oil Production/Allocation Branch), Economic Regulatory Administration, Room 6318-G, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3453;

William Funk or Peter Schaumburg, Office of General Counsel, U.S. Department of Energy, Room 6A-113, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6736 (Funk); 252-6754 (Schaumburg).

SUPPLEMENTARY INFORMATION:

I. Amendments to Entitlements Cleanup Rule

On July 9, 1981, ERA issued a final rule, effective August 1, 1981, establishing a mechanism to liquidate rights and obligations of participants in the crude oil entitlements program that accrued before decontrol. (46 FR 36092, July 13, 1981). As part of that rule, we adopted a mechanism that does not require DOE participation for settling existing entitlements claims and obligations adjudicated by courts, DOE's Office of Hearings and Appeals (OHA) and the Federal Energy Regulatory Commission (FERC) after publication of the clean-up list.

This mechanism for settling post-clean-up claims and obligations provides in subsections (h)(1)(i) and (h)(2)(i) of § 211.69 that the post-clean-up procedures apply only to OHA, FERC and judicial orders "no longer subject to appeal." (46 FR 36099). The purpose of this limitation was to prevent multiple implementation of post-clean-up procedures as a single case moved through the administrative and judicial system.

However, there appear to be no express time limits for appealing a FERC decision or an OHA grant of entitlements exception relief. It therefore could be several years before such an order might be deemed to be final. In the interim, a firm which had a claim determined in such an order would not be able to implement the provisions of § 211.69(h). Similarly, firms with post-clean-up obligations determined in such orders could not be required to pay any monies until the order became final.

To redress this potential uncertainty under § 211.69(h), we are adding a new subsection (3) to that section which will provide, for purposes of the post-clean-up rule, for the treatment of orders for

which the period of appeal is not defined by statute or regulation. Specifically, such an order will be deemed to be "no longer subject to appeal" if the order is not appealed within 60 days of its issuance.¹ Therefore, 60 days after the order is issued, if no appeal is filed, a party will be able to implement the provisions of § 211.69(h)(1) to collect its claim, and the provisions of § 211.69(h)(2) may be implemented by other firms to collect their proportional shares of any obligation determined in that order. Of course, if an appeal subsequently is filed, the order resulting from such an appeal again could result in post-clean-up claims and obligations under § 211.69(h).

II. Tertiary Incentive Program Amendments

With respect to prepaid allowed expenses under the tertiary incentive program (originally set forth in 10 CFR 212.78), we have decided to amend the annual reporting requirement concerning such expenses. The existing 10 CFR 212.78 requires producers that have recovered prepaid allowed expenses to file annual reports with ERA until the producer has used all the goods or services to which the expenses relate. Since these reports concern the use of goods or services, a producer would have to obtain the information necessary to complete the report from the project operators of the enhanced oil recovery projects with respect to which it recovered the prepaid allowed expenses.

After reviewing the existing reporting procedure, we have determined that it will be less burdensome to have the project operators file the annual prepaid expenses reports directly. In addition, this action will reduce drastically the number of reports since there are many fewer project operators than producers. Accordingly, we are amending § 212.78 to require project operators, instead of producers, to file the prepaid allowed expense annual report. The information to be reported will remain the same, except that project operators will be required to indicate the identity of each qualified producer to which prepaid allowed expenses have been attributed and the amount of prepaid allowed expenses attributed to each such producer.

¹This amendment is being adopted solely for purposes of the post-clean-up rule. It is not intended to and will not bar any proper party from appealing an order more than sixty days after the issuance of an order subject to § 211.69(h)(3) if such an appeal would be permissible in the absence of § 211.69(h)(3).

IV. Procedural Matters

A. Executive Order 12291

Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any or all requirements of that Executive Order.

An exemption was requested of the Director for those regulations issued to implement Executive Order No. 12287. The request was granted.

B. Section 102 of NEPA

It has been determined by the Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness that this regulation does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, the preparation of an Environmental Impact Statement for this regulation is not required.

C. Section 501 of the DOE Act

Under section 501(c) of the Department of Energy Organization Act (DOE Act), DOE is not bound by the prior notice and hearing requirements of subsections (b)-(d) with respect to a rule upon DOE's determination that no substantial issue of law or fact exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no such substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 553 of the Administrative Procedure Act (APA).

DOE has made such a determination with respect to our actions here. Our action with respect to certain FERC and OHA orders merely removes an uncertainty that could have arisen with respect to when those orders became "no longer subject to appeal" so that the post-clean-up procedures could be implemented. This change preserves the intent of the clean-up regulations by eliminating an unintended ambiguity in the post-clean-up process. This is not a substantive issue nor will it have a substantial impact. Our action with respect to the reporting requirement does not represent a substantial change in the existing reporting requirement since project operators would have had to assemble the requested information for producers so that the producers

could have complied with the existing requirement. This amendment only removes the unnecessary step of passing the information through producers before it is sent to DOE.

Section 553(b) of the APA provides that the notice requirements contained therein are inapplicable when the agency for good cause finds that notice and public procedure on a rule are impracticable, unnecessary or contrary to the public interest. DOE finds that the notice and public procedures of section 553(b) are unnecessary in this case, given the nature of DOE's actions, as described above.

D. Regulatory Flexibility Act

Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) provides that the provisions of Sections 603 and 604 of that Act pertaining to the preparation of regulatory flexibility analyses shall not apply to any proposed or final rule if the head of the issuing agency certifies that the rule would not, if promulgated, have a significant impact on a substantial number of small entities.

In view of the nature of today's actions, as discussed previously, ERA is hereby certifying that the rule will not have a significant impact on a substantial number of small entities.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-97; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-81, Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations are amended as set forth below, effective September 30, 1981.

Issued in Washington, D.C., August 25, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

1. Section 211.69 is amended by

adding a new paragraph (h)(3) to read as follows:

§ 211.69 Entitlements adjustment mechanism.

(h) Post-clean-up claims and obligations.

(3) For purposes of subsections (h)(1) and (h)(2), an order for which there is no explicit statutory or regulatory time limit on appeals shall be deemed to be "no longer subject to appeal" if the order is not appealed within 60 days from the date of issuance of the order.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

2. Section 212.78 is revised to read as follows:

§ 212.78 Tertiary incentive crude oil.

Annual prepaid expenses report. By January 31 of each year after 1980, the project operator with respect to any enhanced oil recovery project for which a report had been filed previously with DOE pursuant to paragraph (h)(2)(i) of this section as that paragraph was in effect on January 27, 1981, shall file with DOE a report in which the operator shall certify to DOE (1) which of the expenses that had been reported previously to DOE pursuant to paragraph (h)(2)(i) of this section as that paragraph was in effect on January 27, 1981, were prepaid expenses; (2) the goods or services for which such expenses had been incurred and paid; (3) the dates on which such goods or services are intended to be used; (4) the dates on which such goods or services actually are used; (5) the identity of each qualified producer to which such prepaid expenses had been attributed; and (6) the percentage of such prepaid expenses attributed to each such qualified producer. An operator shall file an annual prepaid expenses report each year until it has reported the actual use of all the goods and services for which a prepaid expense had been incurred and paid. For purposes of this subsection, a prepaid expense is an expense for any injectant or fuel used after September 30, 1981, or an expense for any other item to the extent that IRS would allocate the deductions (including depreciation) for that item to the period after September 30, 1981.

[FR Doc. 81-25373 Filed 8-28-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 4

[Docket No. 81-16]

Description of Office, Procedures,
Public Information

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Comptroller of the Currency is amending the regulation that outlines the organizational structure of its field offices to reflect the consolidation of two regional offices, the change of address of one regional office, and the change of geographic boundaries for two regional offices. The consolidation of the two regional offices was prompted by significant changes in the banking industry and bank regulatory practices. Specifically, the expansion of multinational banking activity, particularly in the western United States, has created more direct supervision of certain activities from the Comptroller's headquarters. Further modifications in examination procedures have reduced the overall workload in that geographic area. The consolidation will combine, by year-end 1981, the Regional offices in Portland, Oregon, and San Francisco, California, and the resulting office will be located in San Francisco. The combined region will be designated as Region 13. National banks and affected parties will be notified when the consolidation is completed.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Craig M. Stirnweis, Director, Program Analysis Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, DC, 20219 (202) 447-1723.

SUPPLEMENTARY INFORMATION:

Special Studies

This is an amendment to an internal directive setting out the Office's procedures and, as such, is neither subject to Executive Order 12291 nor to the Regulatory Flexibility Act. The Comptroller has determined that this action does not significantly affect the environment. Therefore, no environmental impact statement is

required under the National Environmental Policy Act of 1969.

**PART 4—DESCRIPTION OF OFFICE
PROCEDURES, PUBLIC INFORMATION**

For the reasons given in this preamble, 12 CFR Part 4 is amended to read as follows:

1. The authority citation for 12 CFR Part 4 is:

Authority: 12 U.S.C. 1 *et seq.*, 5 U.S.C. 552, unless otherwise noted.

2. Section 4.1a, (b)(1) is revised to read as follows:

**§ 4.1a Central and field organizations;
delegations.**

(b) Field Offices. (1) Thirteen National Bank Regions cover the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The Office address and the geographic composition of each is as follows:

Region No.	Area within region	Office address
1	Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island.	Harbor Plaza, Eighth Floor, 470 Atlantic Avenue, Boston, Mass. 02110.
2	New York, New Jersey, Puerto Rico, Virgin Islands.	1211 Avenue of the Americas, Suite 4250, New York, N.Y. 10036.
3	Pennsylvania, Delaware.	Three Parkway, Suite 1800, Philadelphia, Pa. 19102.
4	Indiana, Ohio, Kentucky.	One Erieview Plaza, Cleveland, Ohio 44114.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	F & M Center, Suite 21-51, Richmond, Va. 23277.
6	South Carolina, Georgia, Florida.	Peachtree Cain Tower, Suite 2700, 229 Peachtree Street, N.E., Atlanta, Ga. 30303.
7	Illinois, Michigan (excluding the Upper Peninsula of Michigan).	Sears Tower, Suite 5750, 233 South Wacker Drive, Chicago, Ill. 60606.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	165 Madison Avenue, Suite 900, Memphis, Tenn. 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin, Upper Peninsula of Michigan.	600 Marquette Avenue, Suite 1100, Minneapolis, Minn. 55402.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main Street, Suite 2616, Kansas City, Mo. 64105.
11	Texas, Oklahoma.	1201 Elm Street, Suite 3900, Dallas, Tex. 75270.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1405 Curtis Street, Suite 3000, Denver, Colo. 80202.
13	Washington, Oregon, Idaho, Montana, Alaska, Nevada, California, Hawaii, Guam, and the Northern Mariana Islands.	One Market Plaza, Steuart Street Tower, Suite 2101, San Francisco, Calif. 94105.

Dated: August 26, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81-25313 Filed 8-28-81; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 532

[No. 81-492]

Ownership of NOW Accounts;
Postponement of Effective Date

Dated: August 26, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; postponement of effective date.

SUMMARY: On August 13, 1981 the Board issued a final rule regarding the eligibility of various types of depositors to maintain negotiable order of withdrawal ("NOW") accounts at member institutions (Resolution No. 81-460, 46 FR 42250, Aug. 20, 1981). The rule was to take effect on August 19, 1981; however, the effective date was postponed for a ten day period by a judicial order issued August 19, 1981 (see 46 FR 42651, Aug. 24, 1981). Due to pending litigation concerning Resolution No. 81-460, the Board has determined to postpone the effective date of the rule until September 15, 1981.

DATES: This Board action postponing the effective date of Resolution No. 81-460 takes effect on August 26, 1981. The effective date of Resolution No. 81-460 is postponed until September 15, 1981.

FOR FURTHER INFORMATION CONTACT:

Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-8444).

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980); 12 U.S.C. 1437, 1464, 1724, 1725, 1726, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 81-25374 Filed 8-28-81; 8:45 am]

BILLING CODE 6720-01-M