Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 455; Lemon Regulation 454, 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 fresh California-Arizona lemons that may be shipped to market at 265,000 cartons during the period March 18–24, 1984, and increases the quantity of lemons that may be shipped to 275,000 cartons during the period March 11–17, 1984. 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 March 18, 1984, and the amendment is effective for the period March 11–17, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is 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 currently in effect. The committee met publicly on March 13, 1984, 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 is good.

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 opening 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 time.

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.755 is added as follows:

§ 910.755 Lemon Regulation 455.

The quantity of lemons grown in California and Arizona which may be handled during the period March 18, 1984, through March 24, 1984, is established at 265,000 cartons.

2. Section 910.754 Lemon Regulation 454 (49 FR 8906) is revised to read as follows:

§ 910.754 Lemon Regulation 454.

The quantity of lemons grown in California and Arizona which may be handled during the period March 11, 1984, through March 17, 1984 is established at 275,000 cartons.

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

Dated: March 14, 1984.

Russell L. Hawes,

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

[FR Doc. 84-7304 Filed 3-15-84; 8:45 am]

BILLING CODE 3410-02-M

FARM CREDIT ADMINISTRATION

12 CFR Part 605

Information Security

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: As required in Executive Order 12356 and Information Security Oversight Office Directive No. 1, the Farm Credit Administration is publishing a revision to Part 605 regarding the handling and use of classified documents. Since this part reflects only Agency policy, procedure, and practices concerning national security information in the possession of the Farm Credit Administration, it is found that notice of proposed rulemaking is not required nor necessary to the public interest.

EFFECTIVE DATE: March 16, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry L. Barringer, Office of the Governor, Farm Credit Administration, 490 L'Enfant Plaza, East, SW., Washington, DC 20578, (202) 755–6738.

SUPPLEMENTARY INFORMATION:

List of Subjects in 12 CFR Part 605

Classified information.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising Part 605 to read as follows:

PART 605—INFORMATION

Sec.
605.500 Policy.
605.501 Information Security Officer.
605.502 Program and Procedures.

Authority: Sec. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252).

§ 605.500 Policy.

It is the policy of the Farm Credit Administration to act in matters relating to national security information in accordance with Executive Order 12356 and directives issued thereunder by the Information Security Oversight Office (ISOO).

§ 605.501 Information Security Officer.

(a) The Information Security Officer of the Farm Credit Administration shall be responsible for implementation and oversight of the information security program and procedures adopted by the Agency pursuant to the Executive order. This officer shall be the recipient of questions, suggestions, and complaints regarding all elements of this program and shall be solely responsible for changes to it and for the assurance that it is at all times consistent with the Executive order and ISOO directive.

(b) The Information Security Officer shall be the Farm Credit Administration's official contact for requests for declassification of materials submitted under the Executive order, regardless of the point of origin of such requests, and shall assure that such requests for records in the Farm Credit Administration's possession that were originated by another agency shall be forwarded to the originating agency. The Farm Credit Administration shall include a copy of the records requested together with its recommendation for action. Upon receipt, the originating agency shall process the request in accordance with 32 CFR 2001.32(a)(2)(i). Upon request, the originating agency shall communicate its declassification determination to the Farm Credit Administration. The Farm Credit Administration shall inform the requester of the determination within 1 year from the date of receipt, except in unusual circumstances. If an appeal is made on a denial of a mandatory declassification review request, the originating agency's appellate authority shall normally make a determination within 30 working days following the receipt of an appeal. If additional time is required to make a determination, the originating appellate authority shall notify the requester of the additional time needed and provide the requester with the reason for extension. The originating agency's appellate authority shall notify the requester in writing of the final determination and of the reasons for any denial. Such officer shall also assure that requests for declassification submitted under the Freedom of Information Act are handled in accordance with that Act.

§ 605.502 Program and Procedures.

(a) The Farm Credit Administration has no authority for the original classification of information for national security purposes. Only those agencies described in the Executive order may so classify information.

(b) Derivative Classification. "Derivative Classification" means a determination that information is in substance the same information that is currently classified under a designated level of classification. Derivative application of classification markings shall be the responsibility of the Information Security Officer who shall assure that the use of this authority is in accordance with ISOO directives.

(c) Mandatory Review. All requests for review under the mandatory review provisions of the Executive order shall be handled by the Information Security Officer or his/her designee. Under no circumstances shall such official refuse to confirm the existence or nonexistence of a document requested under the Executive order or the Freedom of Information Act unless the fact of its existence or nonexistence would itself be classified under the Executive order.

(d) Handling of Classified Documents. All documents bearing the terms "Top Secret", "Secret", and "Confidential" shall be delivered to the Information Security Officer or his/her designee immediately upon receipt. As necessary, all potential recipients of such documents shall be advised of updated information and the names of such designees. In the event that the Information Security Officer or his/her designee is not available to receive such documents, they shall be turned over to the Personnel Security Officer, Human Resources Division, Office of Administration, FCA, and secured, unopened, in the combination safe located in the Human Resources Division until the Information Security Officer is available. Should the Personnel Security Officer not be available, the document shall be delivered to the Director of the Administrative Division, Office of Administration, FCA, for deposition in the combination safe located in the Budget and Accounts Section. All materials not immediately deliverable to the Director of the Administrative Division shall be redelivered to the Agency at the earliest opportunity. Under no circumstances shall classified materials that cannot be delivered to the alternate designees be stored other than in the two designated safes.

(e) Reproduction. Reproduction of classified materials shall take place only in accordance with section 4.1(b) of the Executive order and any limitations imposed by the originator. Should copies be made, they shall be subject to the same controls as the original document. Records showing the number and distribution of copies shall be maintained by the Information Security Officer or his/her designee, and the log stored with the original documents. These measures shall not restrict reproduction for the purposes of Mandatory Review.

(f) Storage. In accordance with 32 CFR 2001.43, all classified documents shall be stored in combination safes located at the primary headquarters of the Farm Credit Administration. The combination shall be changed as required by directives issued by the ISOO. The combination shall be known only to the Information Security Officer and his/her designees who have appropriate. security clearances.

(g) Employee Education. All employees who have been granted a security clearance and who have occasion to handle classified materials shall be advised of handling, reproduction, and storage procedures and shall be required to review the Executive order and appropriate ISOO directives.

(h) Agency Terminology. No official of the Farm Credit Administration shall use the terms "Top Secret", "Secret", or "Confidential" except in relation to materials classified for national security purposes. As a Federal regulatory agency, the Farm Credit Administration maintains certain internal documents that relate to its examination and supervision of the institutions of the Farm Credit System. Such documents are limited in use and distribution. Material that is of a sensitive nature to the Farm Credit Administration may be designated "Executive Document."

(i) Nondisclosure Agreement. In accordance with 32 CFR 2003.20, the Farm Credit Administration requires that any person whose position requires access to classified information must execute a nondisclosure agreement on Standard Form 189—Classified Information Nondisclosure Agreement. Persons not executing such nondisclosure agreements are subject to sanctions of Executive Order 12356. It is the policy of the Farm Credit Administration that any employee authorized access to classified information holds a personal responsibility for safeguarding against unlawful disclosures, and such employees are prohibited from disclosure without consent of the FCA Information Security Officer. Any such unauthorized disclosure will be reported to the Information Security Oversight Office, the Department of Justice, the Department of State, the Federal Emergency Management Agency, and to any other Federal agency for which the Farm Credit Administration has access to classified information, as such reportings are subject to interpretation as required by statute and Executive order. Any employee who knowingly disclosed classified information or who refuses to cooperate with an investigation may be subject to mandatory administrative sanctions, including as a minimum, denial of further access to classified information. Further sanctions could include demotion or dismissal depending on the circumstances of a particular case.

(j) Freedom of Information Request. All inquiries regarding requests for classified information under the Freedom of Information Act (5 U.S.C. 552), including those from the news media, shall be referred to the FCA FOI Officer, Congressional and Public Affairs Division, Office of Administration of the Farm Credit Administration, and shall be handled in accordance with provisions of that statute and applicable regulations.

Donald E. Wilkinson,

Governor.

[FR Doc. 84-7041 Filed 3-15-84; 8:45 am]

BILLING CODE 6705-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 201

[Economic Regulations Amdt. No. 9; Docket 40964; Regulation ER-1376]

Applications for Certificates of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB adopts a rule prohibiting sales or advertising of air transportation by applicants for new or amended certificates of public convenience and necessity until the application is approved but allowing advertising and accepting reservations after that time. Actual sales are prohibited until the certificate is effective or until the Board issues a notice authorizing sales. The Board's action is taken to ensure that applicants are able to operate safely and to prevent misuse of passenger's money or disruption of their travel plans.

DATES: Adopted: February 28, 1984. Effective: April 16, 1984.

FOR FURTHER INFORMATION CONTACT: John Craig Weller, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: By EDR-447, 47 FR 41759, September 22, 1982, the Board proposed several alternative rule changes to deal with the problem of advertising and sales of air transportation by persons who have not yet been found fit to be granted air carrier certificates. The Federal Aviation Act forbids any person to engage in air transportation without an effective certificate from the Board or an exemption from the certificate requirement. In addition, for foreign air transportation, section 403 of the Act requires that tariffs be filed with the Board before air transportation is sold to the public.

In addition to the legal problems of pre-certification sales, the Board foresaw serious policy problems. Advance ticket sales may be used to provide start-up money for a fledgling airline, with the risk of loss of that money if certification is denied or delayed significantly. Money paid for pre-certification sales may be seized by a new airline's creditors if financial difficulties arise. Potential passengers may also be misled about the certainty of their travel plans and their trips may be delayed or cancelled at the last moment. Furthermore, large numbers of pre-certification sales may be seen as pressuring the Board or the Federal Aviation Administration to act favorably on a pending application. These factors have been present in incidents of pre-certification sales occurring during the past year.

The six options proposed were:

(1) Complete prohibition. This option would ban all sales or advertising until a certificate was approved by the Board.

(2) Partial prohibition. This option would permit advertising but not sales before certification or, alternatively, would permit advertising and sales at some pre-determined point during the certification procedure.

(3) Escrow. This option would permit pre-certification sales but would require that all receipts be placed in a trust account similar to that required of charter operators under the Board's Public Charter rules. *See,* 14 CFR 380.34(b)(2).

(4) Notice. This option would permit pre-certification sales but would require notice to potential passengers that the airline had not yet received the authority necessary to actually operate.

(5) *Ad hoc* procedure. Under this option, the Board would deal with each applicant on an individual basis.

(6) No restriction. This option would provide a general exemption to all to allow pre-certification sales activity.

No commenter supported the complete elimination of restrictions on pre-certification sales. The Department of Transportation of the State of New Jersey supported a partial prohibition which would allow all sales activity except the actual collection of passenger funds. The New York State Department of Transportation favored a combination of Options (3) and (4), providing both for notice and the deposit of funds in an escrow account. The Minnesota Department of Transportation and Delta Airlines urged prohibition of all pre-certification sales efforts. Transamerica urged that any restrictions apply only to new applicants for authority, not to already-certificated carriers that may be seeking additional authority.

After consideration of the comments received in this docket and continuing experience with pre-certification sales since this proceeding began, the Board has decided an applicant should be permitted to advertise, list proposed schedules in the Official Airline Guide or computer reservations systems, and accept reservations after its certificate application has been approved but that sales should not begin until after an applicant has both Board and Federal Aviation Administration authority.

This means that an applicant cannot advertise or accept reservations for its proposed service until after the Board has examined its qualifications and found it to be fit. After such a determination, there should be little risk to the public in allowing this activity. In addition, all advertising and schedule listings must prominently state "This service is subject to receipt of government operating authority." However, because an applicant cannot actually provide transportation until it has both Board and FAA approval, actual sales should not begin until then.

By the Airline Deregulation Act of 1978, Congress eased many of the restrictions on domestic entry and operations in the airline industry. It chose, however, to continue the Board's role in screening new applicants to ensure the protection of the public. To allow an untested new applicant to collect money before the completion of this process would seriously undermine the protection of the traveling public afforded by the statutory licensing scheme.

There seems to be no ready way to devise a formula suitable for all new applicants that could be used to trigger the beginning of sales activity. Each applicant is different and there seems to be no way to determine the point in each application process where pre-certification sales would present no significant danger to the public.

The Board's certification process is sufficiently streamlined that the time required for the licensing review process is not of unreasonable length. The Board has adopted innovative procedures for processing applications that present no unusual issues. Subpart Q of Part 302 of the Board's Procedural Regulations, 14 CFR 302.1701–1790, provides for decisions on certificate applications in appropriate cases solely on the basis of written submissions, without the necessity of an oral evidentiary hearing.

In the Board's judgment, use of funds acquired from the pre-certification sales of tickets as seed capital is clearly unwarranted. Passengers who purchase airline tickets are unlikely to be willing to be the source of venture capital for a new entrant.

It is also questionable whether a prohibition on pre-certification sales will be a real impediment to the start-up of new carriers. The Board has licensed numerous new airlines since the beginning of deregulation; only a handful have attempted pre-certification sales.

The Board's experience with pre-certification sales since the beginning of this proceeding indicates that escrowing of funds from pre-certification sales does not provide adequate protection. While the bonding and escrow rules for charter operators have worked relatively well, there are important differences there from pre-certification sales. Escrow systems, whereby all receipts are required to be deposited into a restricted bank account, inherently depend on the cooperation of the sellers of the transportation. Charters are typically sold by retail agents and other intermediaries who are ongoing travel businesses, familiar with the requirements of the escrow rules and with little incentive to ignore them. On the other hand, scheduled service by new entrants is unlikely to be handled by such intermediaries. It is largely sold by direct contact with an air carrier, which thus has the potential for avoidance of the escrow system. The Board's enforcement staff recently obtained a Federal court order restricting pre-certification sales by a new applicant because of concern about the safety of passenger payments. Moreover, an escrow system would generate more regulatory activity and paperwork for both the Board and the applicant.

Finally, the Board is concerned about the expectations that pre-certification sales may produce in potential passengers. The progress of a certificate application can be difficult to predict, especially in its early stages. Communicating such uncertainty to a potential passenger would be difficult at best. Thus, it is doubtful that meaningful notice could be provided. Mere advice that approval is "pending" is insufficient in a situation where approval may well not be granted at all. Moreover, a large number of pre-certification sales generate expectations exerting pressure on the Board to complete the application process in time to meet the applicant's advertised schedule.

All of these reasons have convinced the Board that sales by applicants for authority before the completion of the Board's review process will have potential adverse consequences for the public that are not outweighed by possible impediments to new entry. As long as the statutory licensing process remains a requirement for new airlines, the benefits to the public of that process should not be circumvented by sales before the Board's review has been completed.

For applicants for certificates authorizing interstate or overseas air transportation, advertising or sales will be prohibited until the Board approves the application. (This approval, like other Board actions, is effective when posted in the Board's Docket Section.) A typical new applicant for domestic authority receives a Board certificate before receiving an air carrier operating certificate and operations specifications from the FAA, but the Board certificate does not become effective until after these FAA approvals are received. Between the time the application is approved and when the certificate actually becomes effective, an applicant may advertise, publish its proposed schedules, and accept reservations. Actual sales (i.e., the acceptance of payment or the issuance of tickets), however, may not begin until FAA approval is received and the certificate is effective.

For applicants for new or amended certificates to perform foreign air transportation (unlike domestic markets, foreign routes must still be applied for, approved by the Board, and added to certificates), the Board has decided on a slightly different procedure. When the Board approves a certificate to engage in foreign air transportation, section 801(a) of the Act requires that it be sent to the President for review. The President may then disapprove the Board's action only for foreign policy or national security reasons within 60 days. The certificate is not made effective until this review period is over or until the President notifies the Board that its action will not be disapproved, whichever is earlier. As with domestic certificates, a favorable FAA report is also required.

Like applicants for domestic authority, applicants for international routes will be allowed to advertise and accept reservations as soon as the Board approves the application. The Board then sends it to the President for review. The Board has also decided that an applicant that already has appropriate FAA authority, or obtains it during the Presidential review period, should be allowed to begin sales as well. The Board will issue a notice at that time advising the applicant that sales may begin. The Board's mandate to consider the applicant's fitness and ability to operate safely has been fulfilled at this point and there should be little risk to the public if sales begin, even though the applicant cannot actually begin operations until after the Presidential review is complete. Moreover, because the duration of the Presidential review period is fixed, there is less uncertainty about the timing of the start of operations.

For applicants that already have the FAA authority necessary to operate the route covered by the pending application, the Board will issue a notice annoucing that its decision has been sent to the President for review and authorizing advertising or sales. This notice will normally be issued 5 days after the Board's decision is sent to the President. Advertising or sales may then begin. Subsequently, when the Presidential review period ends or the President notifies the Board that its action will not be disapproved, the Board's decision will issue with an effective certificate attached.

Applicants who do not have the necessary FAA authority at the beginning of the Presidential review period may advertise and accept reservations but may not sell. However, if needed FAA approval is obtained during the review period, an applicant may have the FAA submit copies to the Board and be authorized to begin sales. The Board will review the carrier's operating certificate and operations specifications and, if that review is satisfactory, will issue a notice authorizing sales. The carrier may then begin selling tickets. As in the previous case, when the Presidential review is completed, the Board will issue its decision with an effective certificate attached.

Finally, some applicants may not obtain FAA authority until after the Presidential review is completed. In such cases, the Board will issue a notice announcing that it has sent its decision to the President for review. The applicant may then begin advertising and accepting reservations. When the Presidential review is completed, the Board will issue its decision. However, as with domestic carriers, the applicant's certificate will not become effective until 5 days after its air carrier operating certificate and operations specifications are received by the Board from the FAA. These carriers may not begin sales until the certificate is actually effective.

In its comments in this proceeding, Transamerica Airlines questioned whether the prohibition applied to pre-certification sales in new foreign markets applied for by current holders of certificate authority. The answer is that it does. While it is true that the fitness of current certificate holders is usually not as great a concern as for new applicants, several other concerns remain. There is still no ready way to predict the time necessary to process an application and thus no way to avoid possible disruption of passengers' travel plans and the resulting pressure on the Board to rush its review. Indeed, the likelihood of passenger disappointment may be greatest when several certificated carriers are competing for new authority. If all are free to sell prior to award of the authority, it is certain that some customers—those of the unsuccessful applicants—will not be accommodated. A prohibition on pre-certification sales does not impose a severe economic burden on an established carrier. The procedure provided, to allow established carriers to begin sales activity after a favorable decision by the Board, should provide sufficient time for these carriers to mount an effective sales campaign for new service.

The prohibition on pre-certification sales will apply, when effective, to the activities of those carriers that currently have certificate applications pending. For those few carriers that are currently holding money collected while their certification proceedings are pending, the Board's Enforcement Division (202-673-6060) will advise of the proper course of action.

The Board's action in this proceeding with respect to applicants for new or amended certificate authority is not intended, of course, to restrict the sales activities of those carriers holding valid exemption authority granted under section 416 of the Act.

Morales, Member Concurring and Dissenting

I concur with the decision to finalize rules limiting pre-certification sales by applicants for certificate authority. However, I do not agree with those provisions of this rule which would allow advertising and reservation taking before a certificate is effective.

The reasons supporting a ban on ticket sales prior to certificate effectiveness apply with equal force to the advertising and reservations areas. The majority, in describing this final rule, notes that "To allow an untested new applicant to collect their money before the completion of this process would seriously undermine the protection of the traveling public afforded by the statutory licensing scheme." (P. 3 Order) The purposes of advertising and accepting reservations are to solicit customers and assure the *sale* of seats on flights. I agree that the Board's certification process is sufficiently streamlined so as not to be an unreasonable and certainly not unnecessary barrier to new entrants. The *expectations* that advertising and the taking of reservations may produce in potential passengers are of little discernible difference from those expectations created by the taking of money. While it can be argued that at least a potential passenger will not be out of funds, opportunities to make other arrangements and reservations will certainly be lost if a hopeful traveler relies on advertisements of and reservations on an applicant which does not ultimately have an effective certificate.

The timing of the effectiveness of a certificate after the Board has approved the application is largely within the applicant's control. Effectiveness occurs when an applicant also obtains operational authority from the Federal Aviation Administration. That authority is essential to begin actual carrier operation. Some applicants, and most who wish to begin operations immediately, pursue both CAB and FAA authorization vigorously and simultaneously. I cannot imagine any case where, if the FAA did not grant operational authority, I would favor allowing that applicant to advertise, take reservations *or* accept funds, regardless of what the Board's own judgment on an applicant's fitness may have been.

I would therefore include advertising and reservation taking in the pre-certification ban.

Diane K. Morales.

Final Regulatory Flexibility Analysis

The discussion above is the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428; 202-673-5432, by referring to the "ER" number at the top of this document.

List of Subjects in 14 CFR Part 201

Advertising, Air carriers, Consumer protection.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 201, *Applications for Certificates of Public Convenience and Necessity*, as follows:

1. The authority for Part 201 is revised to read:

Authority: Secs. 204 401, 402, 403, 411, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 757, 758, 769, 771; 49 U.S.C. 1324, 1371, 1372, 1373, 1381, 1386.

2. A new § 201.6 is added to read:

§ 201.6 Advertising and sales by applicants.

(a) An applicant for a new or amended certificate of public convenience and necessity to engage in air transportation shall not:

(1) Advertise, list schedules, or accept reservations for the air transportation covered by its application until the application has been approved by the Board; or

(2) Accept payment or issue tickets for the air transportation covered by its application until the certificate or amended certificate has become effective or the Board issues a notice authorizing sales.

(b) An applicant for a new or amended certificate of public convenience and necessity may advertise or publish schedule listings for the air transportation covered by its application after the application has been approved by the Board only if such advertising or schedule listings prominently state. "This service is subject to receipt of government operating authority."

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-7083 Filed 3-15-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 35 and 301

[Docket No. RM81-41-000, Order No. 337]

Sales of Electric Power to Bonneville Power Administration, Methodology and Filing Requirements; Extension of Time for Parties to File Requests for Further Consideration on Pending Average System Cost Dockets

March 9, 1984.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule; notice of extension of time.

SUMMARY: On October 6, 1983, the Commission issued a Final Rule involving the sales of electric power to Bonneville Power Administration, methodology and filing requirements (48 FR 46971, October 17, 1983). The period