receipt of such notice must be acknowledged in writing whenever a deposit or credit relationship is first established with the IBF.

(c) *Exemption from reserve requirements.* An institution that is subject to the reserve requirements of this Part is not required to maintain reserves against its IBF time deposits or IBF loans. Deposit-taking activities of IBFs are limited to accepting only IBF time deposits and lending activities of IBFs are restricted to making only IBF loans.

(d) *Establishment of an international banking facility.* A depository institution, an Edge or Agreement Corporation or a United States branch or agency of a foreign bank may establish an IBF in any location where it is legally authorized to engage in IBF business. However, only one IBF may be established for each reporting entity that is required to submit a Report of Transaction Accounts, Other Deposits and Vault Cash (Form FR 2900).

(e) *Notification to Federal Reserve.* At least fourteen days prior to the first reserve computation period that an institution intends to establish an IBF it shall notify the Federal Reserve Bank of the district in which it is located of its intent. Such notification shall include a statement of intention by the institution that it will comply with the rules of this Part concerning IBFs, including restrictions on sources and uses of funds, and recordkeeping and accounting requirements. Failure to comply with the requirements of this Part shall subject the institution to reserve requirements under this Part and to interest payment limitations that may be applicable under Regulation Q (12 CFR part 217) on its IBF time deposits, or result in the revocation of the institution's ability to operate an IBF.

(f) *Recordkeeping requirements.* A depository institution shall segregate on its books and records the asset and liability accounts of its IBF and submit reports concerning the operations of its IBF as required by the Board.

§ 204.3 and 204.4 [Amended]

5. In §§ 204.3(a), 204.3(a)(1)(ii), 204.3(a)(2)(ii), 204.3(c), 204.4(b)(1), 204.4(b)(1)(ii), 204.4(b)(2), 204.4(b)(2)(ii), 204.4(d), 204.4(g)(2)(ii)(A), 204.4(g)(2)(ii)(B), and 204.4(g)(2)(iii), references to §§ "204.8," "204.8(a)," or "204.8(b)" are redesignated as references to §§ "204.9," "204.9(a)," or "204.9(b)," respectively.

6. In Regulation Q (12 CFR Part 217), paragraphs (a) and (b) of § 217.1 are revised to read as follows:

§ 217.1 Definitions.

For purposes of this Part, the following definitions apply unless otherwise specified:

(a) *Demand deposit.* The term "any deposit which is payable on demand," hereinafter referred to as a "demand deposit," includes every deposit that is not a "time deposit," "international banking facility time deposit," or "savings deposit," as defined in this section.

(b) *Time deposit.* The term "time deposit" means "time certificates of deposit," "time deposits, open account," and "international banking facility time deposit," as defined in this section.

* * * * *

7. Section 217.1 is amended by adding a new paragraph (l) as follows:

§ 217.1 Definitions.

* * * * *

(l) *"International banking facility time deposit"* or *"IBF time deposit"* means a deposit, placement, borrowing or similar obligation represented by a promissory note, acknowledgement of advance, or similar instrument that is not issued in negotiable or bearer form and

(1) That is payable

(i) On a specified date not less than two business days after the date of deposit;

(ii) Upon expiration of a specified period of time not less than two business days after the date of deposit; or

(iii) Upon written notice that actually is required to be given by the depositor not less than two business days prior to the date of withdrawal;

(2) That represents funds deposited to the credit of a non-United States resident or a foreign branch, office, subsidiary, affiliate, or other foreign establishement ("foreign affiliate") controlled by one or more domestic corporations provided that such funds are used only to support the operations outside the United States of the depositor or of its affiliates located outside the United States; and

(3) That is held under an agreement or arrangement under which no deposit or withdrawl of less than $100,000 is permitted, except that a withdrawal of less than $100,000 is permitted if such withdrawal closes an account.

8. In § 217.7, paragraph (a) is revised to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(a) *Time deposits of $100,000 or more and IBF time deposits.* There is no maximum rate of interest presently prescribed on any time deposit of $100,000 or more or on IBF time deposits issued under section 217.1(1).

* * * * *

By order of the Board of Governors, June 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-18533 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Revision 6, Amendment 6]

Business Loan Policy; Correction

AGENCY: Small Business Administration.

ACTION: Correction of final rule.

SUMMARY: This notice corrects the final rule that revised § 120.5(a)(5) which was published May 5, 1981, at 46 FR 25083. The omission of the word "by" in the first sentence made the meaning unclear. Only the first sentence is corrected and the remainder of the section is unchanged as published.

DATE: Effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Questions about this correction can be addressed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653-6470.

In FR Doc. 81-13591 at page 25084, first column, in the issue for Tuesday, May 5, 1981, in § 120.5(a)(5), the first sentence is corrected by inserting the word "by" between "made" and "the lender" to read as follows: The "Associate" relationship defined in paragraph (d) (1), (2) and (3) of 120.1 is prohibited during the life of any loan made by the lender in which SBA participates.

Dated: June 15, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-18439 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 377, and 399

Petroleum Products Under Short Supply Export Controls; Interim Regulations to Increase Efficiency of Controls and Administration of Exports

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with invitation to comment.

SUMMARY: This rule amends the regulations governing exports of petroleum products under short supply export controls.

This rule expands and clarifies the provisions of several general license authorizations to permit more extensive exports without prior written authorization from the Office of Export Administration, and reduces certain reporting requirements.

DATE: These rules are effective on publication, but may be revised after comments are received. Comments to be received by the Department by August 24, 1981.

ADDRESS: Written comments (five copies) should be sent to: Mr. Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3795.

SUPPLEMENTARY INFORMATION: The Department has recently examined its petroleum short supply export licensing program with a view toward simplifying and streamlining its procedures wherever practicable, in compliance with section 12(e) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. App. 2401 *et seq.*) ("the Act") and with the Administration's policy of easing the regulatory burden. During this review it was noted that a large number of validated export licenses are being issued for quantities that do not significantly reduce domestic supplies of a particular commodity. While the purpose of short supply export control programs is "to protect the domestic economy from an excessive drain of scarce materials" through export, the Department does not believe that this goal is furthered or any other useful purpose served by the maintenance of controls that require validated licenses for the export of insignificant quantities of materials which, in the aggregate, are in short supply.

General License GLV. The GLV dollar value limit for three commodity control list entries is being raised from $250 to $1,000, in order to reduce industry and Government paperwork associated with export shipments of certain petroleum commodities under short supply export control. The Department believes that petroleum exports of such limited value will not significantly reduce domestic supplies. This change will permit general license shipments of many exports that previously required validated export licenses.

General License G-NNR. After reviewing its petroleum licensing records, the Department believes a revision of General License *G-NNR* is warranted to accommodate the numerous small quantity drummed shipments of specialty petroleum products intended for non-fuel usage, and of petroleum reference fuels for use as reference standards in petroleum refineries shipped in quantities of 10,000 gallons or less. Because of the high purity of some of these products, they frequently sell for prices from five to twenty-five times the selling price of similar mass-marketed commercial grade fuels. Therefore, export shipments of as few as two or three barrels often exceed the new dollar value limit of $1,000. To avoid the continuation of case-by-case licensing of numerous small quantity shipments of these high-value, low-volume specialty products, the Department has moved them to Petroleum Group Q. This addition will allow exports of these products under General License *G-NNR.*

Exporters are put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that these rules pertaining to shipping quantities are complied with. This change in the regulations is not to be interpreted to represent a liberalization of petroleum export controls, as all these types of shipments have been licensed in the past without being subject to quantitative limitations as either an N-2 product or as a recognized exception.

General License GPCC. The regulations concerning General License *GPCC* are amended to clarify that petroleum products exported to the Panama Canal Commission under that general license must be intended for use by the Commission and not for export resale.

General License Ship Stores. The regulations concerning this general license are revised to indicate that crude petroleum and blends of unrefined crude petroleum with a petroleum product may not be used to bunker a vessel under General License *Ship Stores.* Because many ports are not capable of servicing Super Tankers within the port itself, General License *Ship Stores* is revised to authorize the bunkering of these large vessels in U.S. or international waters under limited circumstances.

General License RCS. The regulations concerning General License *RCS* are revised to indicate that crude petroleum and blends of unrefined crude petroleum with a petroleum product may not be used to bunker a vessel under this general license. The regulations covering this general license are also revised to rescind authority to export unlimited quantities of aviation fuel to a U.S. or Canadian Airline's installation or agent abroad, but continue to allow exports of ship's bunker and aviation fuel for use of a specific vessel or aircraft of U.S. or Canadian registry, in unusual circumstances and in quantities necessary for a single onward voyage or flight.

Documentation for Special Exception. The special rule which permits applicants for petroleum export licenses to substitute an affidavit for an export order is clarified to ensure that all required information and affidavits are submitted when no formal contract exists.

Affidavit for non-Naval Petroleum Reserve-Origin. The affidavit in § 377.6(e)(1)(iv) certifying the non-Naval Petroleum Reserve-Origin of a petroleum product which is required to accompany each application for a license to export such product is revised by lengthening from 90 to 180 days the time periods used in calculating (a) the volume of products produced in a refinery utilizing any Naval Petroleum Reserves feedstock which are attributable to other feedstocks, and (b) the total volume of products attributed to such feedstock to be exported during the comparable future time period. This eliminates the need to restrict the validity of each license to 90 days from the date the affidavit was executed, and permits the issuance of licenses which will remain valid until 30 days following the end of the calendar quarter in which issued. The suggested affidavit is also revised to include alternative statements that may be used concerning the origin of the commodities.

Affidavit Identifying Refiner. As a result of the termination of the crude oil price control program of the Department of Energy, refiners are no longer required to take an adjustment of the volume of crude oil runs to stills. Because these adjustments are no longer

required, the affidavits required by §§ 371.7(b)(4) and 377.6(e)(2)(ii) are also unnecessary, and the sections are deleted.

Validity Period. Section 377.6(g) is revised to indicate that the Office of Export Administration may issue licenses to export petroleum products with validity periods longer than one calander quarter.

Rulemaking Procedure and Invitation to Comment

Section 13(a) of the Act exempts regulations promulgated under it from the public participation in rulemaking procedures of the Administrative Procedure Act. It has been determined that this rule:

(1) Is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981);

(2) Will not have a significant economic impact on a substantial number of small business entities because it does not impose any additional costs or other regulatory burden on them; and

(3) Does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

Because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations.

The period for submission of comments will close August 24, 1981. However, in order that comments may be given maximum consideration, persons wishing to comment are urged to submit their comments as soon as possible. Although comments received after the end of the comment period will be considered if possible, this consideration cannot be assured. Public comments which are accompanied by a request that part or all of the material be treated confidentially, because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda (in five copies) which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Accordingly, the *Export Administration Regulations are amended as follows:*

PART 371—GENERAL LICENSES

1. In § 371.7(b), paragraphs (2)(i) and (ii) are revised; paragraph (2)(iii) is removed, and paragraph (4) is removed.

§ 371.7 General license G-FTZ: Exports of petroleum commodities from U.S. foreign-trade zones and from Guam.

* * * * *

(b) * * *

(2) * * *

(i) Did not become available for export as a result of an exchange for commodities which would not qualify for export under General License *G-FTZ*, and will not be replaced within the exporter's customary domestic marketing area by commodities which do not so qualify; and

(ii) Were refined exclusively from foreign-origin crude petroleum in a Foreign-Trade Zone or Guam.

(iii) (Removed).

* * * * *

(4) (Removed).

* * * * *

2. Section 371.8(a) is revised to read as follows:

§ 371.8 General license GPCC; Export of petroleum products to the Panama Canal Commission.

(a) *Scope.* A general license designated *GPCC* is established subject to the provisions of this section authorizing the export to the Panama Canal Commission, under a Commission-issued contract or purchase order, of refined petroleum products listed in Supplement No. 2 to Part 377 for use by the Commission and not for export resale

* * * * *

3. Section 371.9 is revised to read as follows:

§ 371.9 General license ship stores.

(a) *Scope.* A general license designated *Ship Stores* is established, subject to the provisions of §371.9, authorizing the export, under certain circumstances, of usual and reasonable kinds and quantities of the commodities indicated in paragraphs (a) (1) and (2) of this section, provided such commodities are not intended for unlading in a foreign country and are not exported under a bill of lading as cargo. [1] Exports under this general license may be made on vessels of any registry, except as provided for in paragraph (a)(3) of this section, departing from the United States. Additionally, exports under this general license may be made on lighters servicing vessels too large to enter a U.S. port to allow for the refueling of super tankers, *e.g.*, Ultra Large Crude Carriers (ULCC) and Very Large Crude Carriers (VLCC), provided such vessels are lading or unlading, in U.S. or international waters, cargo destined for or coming from a U.S. port.

(1) Dunnage necessary and appropriate to stow or secure cargo on the outgoing and immediate return voyage of an exporting carrier, when exported solely for use as dunnage, may be exported to any destination under this General License *Ship Stores.*

(2) The items listed below may be exported subject to the conditions set forth in (b) of this section for use or consumption on board a vessel of any registry during the outgoing and immediate return voyage—

(i) Bunker fuel, except crude petroleum and blends of unrefined crude petroleum with a petroleum product, provided it is not of Naval Petroleum Reserve origin or derivation;

(ii) Deck, engine, and steward department stores, provisions, and supplies for both port and voyage requirements, provided they are not of Naval Petroleum Reserves origin or derivation if listed in Supplement No. 3 to Part 377;

(iii) Medical and surgical supplies;

(iv) Food stores;

(v) Slop chest articles; and

(vi) Saloon stores or supplies.

(3) Equipment and spare parts for permanent use on a vessel may be exported for use on board a vessel of any registry, when necessary for the

[1] Where a validated license is required, see §§ 372.4 and 376.9.

proper operation of such vessel, except a vessel registered in Country Group P, Q, W, Y, or Z, or owned or controlled by, or under charter or lease to any of these countries or their nationals. Notwithstanding the above, equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel registered in, owned or controlled by, or under charter or lease to a country in Country Group P, Q, W or Y, or a national of such country, if the equipment or spare parts are authorized to be exported to a destination in Country Group P, Q, W, or Y under General License *G-DEST*. In addition, other equipment and services for necessary repair to fishing and fishery support vessels of PQWY countries or Cuba may be exported for use on board such vessels when admitted into the United States under governing international fishery agreements.

(b) *Restrictions on exports of petroleum and petroleum products.* Crude petroleum and blends of unrefined crude petroleum with petroleum products may not be exported under this general license. Export of any petroleum product listed in Supplement No. 3 to Part 377 may be made under this general license provided the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377 that was made under General License *Ship Stores*. Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1). Any other petroleum commodity listed in Supplement No. 3 to Part 377 which does not meet the conditions for export under General License *Ship Stores* may be exported only under a validated license issued pursuant to § 377.6(d)(6).

4. Section 371.12 is amended by revising paragraphs (b)(3), (b)(4), the introductory paragraph to (c), (c)(4), the introductory paragraph to (d), (d)(1) and (e) to read as follows:

§ 371.12 General license RCS: Shipments to U.S. or Canadian vessels, planes and airline installations or agents.

* * * * *

(b) * * *

(3) In usual and reasonable kinds and quantities during times of extreme need, except that usual and reasonable quantities of ship's bunkers or aviation fuel are considered to be only that quantity necessary for a single onward voyage or flight;

(4) Shipped as cargo for which a Shipper's Export Declaration (SED) is filed with the carrier, except that an SED is *not* required when any of the commodities, other than fuel, is exported by *U.S. airlines* to their own aircraft abroad for their use.

* * * * *

(c) *Exports to U.S. or Canadian Airline's Installation or Agent.* Exports of the commodities set forth in paragraph (d) of this section, except fuel, may be made to a U.S. or Canadian airline's [2] installation or agent in any foreign destination except Country Group P, Y or Z (excluding Cuba) provided such commodities are—

* * * * *

(4) Shipped as cargo for which a Shipper's Export Declaration (SED) is filed with the carrier, except that an SED is *not* required when any of these commodities is exported by *U.S. airlines* to their own installations and agents abroad for use in their aircraft operations.

* * * * *

(d) *Applicable Commodities.* This general license applies to the commodities listed below, subject to the provision in paragraphs (b) and (c) of this section—

(1) Fuel, except crude petroleum and blends of unrefined crude petroleum with petroleum products, which is of non-Naval Petroleum Reserves origin or derivation;

* * * * *

(e) *Crude Petroleum.* Crude petroleum and blends of unrefined crude petroleum with petroleum products may not be exported under this general license. Export of any petroleum product listed in Supplement No. 3 to Part 377 may be made under this general license provided the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377, that was made under General License *RCS*. Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1). Any other petroleum commodity listed in Supplement No. 3 to Part 377, which does not meet the conditions for export under General License *RCS*, may be exported only under a validated license issued pursuant to § 377.6(d)(6).

[2] See § 370.2 for definition of United States and Canadian airlines.

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

5. In § 377.6, paragraphs (e)(1)(iv), (2), (3), and (9), and paragraph (g) are revised to read as follows:

§ 377.6 Petroleum and petroleum products.

* * * * *

(e) * * *

(1) * * *

(iv) A sworn affidavit, signed by an authorized representative of the exporter, reading as follows (insert paragraph a or b, as appropriate):

Affidavit

I (name) _____
(Title) _____
of (company) _____
hereby certify that the (quantity) _____
bbls. of (commodity) _____

(a) I propose to export from the United States were *not* produced from a Naval Petroleum Reserve nor were they derived from any crude oil, gases of all kinds (including natural gas, hydrogen, carbon dioxide, helium, etc.), natural gasoline, and other related hydrocarbons (tar sands, asphalt, propane, butane, etc.) or oil shale produced from a Naval Petroleum Reserve. Or—

(b) I propose to export from the United States, if they are the product of a refinery or petrochemical plant utilizing as raw material any resource produced from a Naval Petroleum Reserve, the quantity of the products from that refinery or petrochemical plant which are to be exported during the next 180 days, do *not* exceed that portion of the total products of that refinery or petrochemical plant attributable to the non-Naval Petroleum Reserve raw materials used in that plant during the preceding 180 days.

The petroleum commodities that I propose to export did not become available for export

as a result of an exchange for a Naval Petroleum Reserves—produced resource or a product(s) derived therefrom.

To the extent that I do not have personal knowledge of the foregoing, I have addressed appropriate inquiries to the refiner or producer of the commodity(ies) to be exported, and have been assured by him that these statements are correct.

The Individual who made these representations to me is:

I (name)_____

Of (Title) _____

(company)_____

And he communicated these assurances to me on (date)_____

(Signature) _____

(2) Groups B, C, D, E, F, G, K, L, M, N–1, N–2, Q, and R. An application for a validated license to export a commodity from Petroleum Commodity Group B, C, D, E, F, G, K, L, M, N–1, N–2, Q, or R, must be accompanied by the same documentation required by § 377.6(e)(1), except that the affidavit described in paragraph (e)(1)(iii) of this section is not required.

(3) Exception for established trade practices. A special rule is established for the documentation of export orders for which no contract is entered into pursuant to a well-established and consistently maintained trade practice. With respect to such orders, in lieu of the copy of the contract and the affidavit required by paragraph (e)(1) of this section as to the amount previously exported against such contract, the exporter may submit an affidavit describing his exporting arrangement and the shipments made under that arrangement.

* * * * *

(9) Groups N–1 and N–2. An application for a validated license to export a commodity from Petroleum Commodity Group N–1 must be submitted with the same documentation required by § 377.6(e)(1), except the affidavit described in paragraph (e)(1)(iii) of this section is not required. An application for a validated license to export a commodity from Petroleum Commodity Group N–2 must be submitted with the same documentation required for Petroleum Commodity Group N–1, and:

(i) An end-use statement by the applicant in affidavit format indicating the name, location and type of business of the end-user, the nature of the end-use, and stating that, to the best of his knowledge and belief, the commodity will not be used as a fuel either alone or when blended with other petroleum products, nor will it be used as a refinery feedstock or for synthetic natural gas production, nor will it be substituted for a commodity which will be so used, and

(ii) A published technical data sheet (unless one has previously been submitted) or independent inspector's certificate of analysis of the product to be exported which clearly indicates that the commodity is properly classifiable under Petroleum Commodity Group N–2.

* * * * *

(g) *Validity Period.* Unless otherwise specified, a license issued pursuant to this section will expire no later than 30 days from the end of the calendar quarter in which it is issued. A longer validity period may be authorized if found to be consistent with the national interest and the purposes of this short supply control program. Requests for extension of the validity period of any license issued under this section will normally not be entertained.

* * * * *

6. Supplement No. 2 to Part 377 is amended by revising Group Q to read as follows:

Supplement No. 2 to Part 377—Petroleum and Petroleum Products Subject to Short Supply Licensing Controls

* * * * *

Schedule B No.[1]	Commodity description[2]	Unit of quantity[3]
Petroleum Products Subject to Provisions of Either § 371.16 or § 377.6(d)(6)		
Group Q		
401.0110	Benzene	Gallon.
401.0120	Toluene	Do.
401.0132	Ortho-xylene	Do.
401.0134	Para-xylene	Do.
401.0139	Other xylene	Do.
415.2400	Helium	Million cubic feet.
415.2900	Hydrogen	X.
417.2000	Ammonia, aqueous	Cnt. ton.
423.1010	Carbon dioxide and carbon monoxide.	X.
431.0210	Butadiene	Pound.
431.0220	Butylene	Do.
431.0230	Ethylene	Do.
431.0240	Isoprene	Do.
431.0250	Propylene	Do.
431.0260	Tetrapropylene	Do.

Supplement No. 2 to Part 377—Petroleum and Petroleum Products Subject to Short Supply Licensing Controls—Continued

* * * * *

Schedule B No.[1]	Commodity description[2]	Unit of quantity[3]
431.0290	Acetylene	Do.
431.0290 475.2520 475.2560	High purity hydrocarbons, and blends of hydrocarbons used for engine calibration, fuel certification and other laboratory applications in quantities of 10,000 gallons or less.[4]	Do.
475.3500	Specialty naphthas, mineral spirits, solvents and other finished light petroleum products, n.s.p.f., which are packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container.	Barrel.
475.4510	Aviation engine lubricating oil, except jet engine lubricating oil.	Do.
475.4515	Jet engine lubricating oil	Do.
475.4520	Automotive, diesel, and marine engine lubricating oil.	Do.
475.4525	Turbine lubricating oil, including marine.	Do.
475.4530	Automotive gear oils	Do.
475.4550	Steam cylinder oils	Do.
475.4555	Insulating or transformer oils	Do.
475.4560	Quenching or cutting oils	Do.
475.4565	Other petroleum lubricating oils, including red and pale oils, bright stock, black oils, white mineral oils, and lubricants, n.s.p.f.	Do.
475.5700	Greases	Pound.
475.6740	Petroleum jelly, and petrolatum, all grades.	Do.
475.6760	Hydraulic fluids, including automatic transmission fluids.	Barrel.
475.6781	Other non-lubricating and non-fuel petroleum oils, n.s.p.f.	X.
480.6540	Ammonia, anhydrous	Short ton.
492.5210	Paraffin wax, crystalline, fully refined.	Pound.
492.5220	Paraffin wax, crystalline, except fully refined.	Do.
492.5240	Paraffin wax, all others (including microcrystalline wax).	Do.
517.5120	Petroleum coke, calcined	Short ton.
521.3150	Petroleum coke, except calcined	Do

* * * * *

[1] See Supplement No. 3 to Part 377 for correlation of old Schedule B Numbers. Schedule B Numbers are provided only as a guide to proper completion of the Shipper's Export Declaration, Form No. 7525 V.

[2] Commodity description determines the product under control.

[3] Report commodities in units of quantity indicated.

[4] Such as for reference standards, certified iso-octane, certified normal heptane, or certified fuels used for emission control standard tests, and for comparative laboratory testing.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

7. The Commodity Control List, Supplement No. 1 to § 399.1, is amended by revising the following entries to read as follows:

Export control commodity number and commodity description	Unit	Validated license required	GLV dollar value limits T&V	Processing code	Reason for control
4782B Other petroleum products listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G-NNR* and *GLV*.)		PQSTVWYZ and Canada	[5] [7]1,000	SS	2
4783B Natural gas liquids and other natural gas derivatives listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G-NNR* and *GLV*.)[4]	Barrel	PQSTVWYZ and Canada	[6] 1,000	SS	2
4784B Manufactured gas and synthetic natural gas (except when commingled with natural gas and thus subject to export authorization from the Department of Energy) listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses G-NNR and GLV.)	Mcf	PQSTVWYZ and Canada	[6] 1,000	SS	2

[5] * * *

[6] GLV $ value limit for exports to Canada and Country Group Q is $1,000.

[7] GLV $ value limit for petroleum asphalt and paving mixtures is $5,000.

[4] * * *

* * * * * * *

Drafting Information: The principal author of these rules is Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration.

Authority: Sections. 7, 12, 13, 15, and 21, Pub. L. 96-72, 50 U.S.C. App. 2401 *et seq.*; E.O. 12214, (45 FR 29783, May 6, 1980); Department Organization Order 10-3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980).

Dated: June 1, 1981.

William V. Skidmore,

Director, Office of Export Administration.

[FR Doc. 81-18470 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Ex Parte Communications in Adjudicative Proceedings

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends Rule 4.7(e) to define when an order of remand by a U.S. court of appeals shall be deemed to become effective for purposes of applying the prohibitions of Rule 4.7(b), and to make clear that those prohibitions apply during the period within which a petition for reconsideration under Rule 3.55 may be filed.

EFFECTIVE DATE: The rule is effective on June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Jerome Tintle (202) 523-3487, Office of General Counsel, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

Cases on Remand from the Courts of Appeals

Rule 4.7(b) prohibits *ex parte* communications by, among others, any employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings while a proceeding is in adjudicative status within the Commission, except to the extent required for the disposition of *ex parte* matters as authorized by law. Rule 4.7(e), among other things, extends these prohibitions to an adjudicative proceeding "from the time an order by a U.S. court of appeals remanding a Commission decision and order for further proceedings becomes effective, until the time the Commission votes to enter its decision in the proceeding." Rule 4.7(e), however, does not define when a court of appeals' order "becomes effective" for purposes of applying the restrictions imposed by Rule 4.7(b).

When a court of appeals remands a Commission decision and order for further proceedings, the Commission resumes jurisdiction over the case when the court's remand is issued as its mandate pursuant to Rule 41 of the Federal Rules of Appellate Procedure, generally 21 days after entry of judgment. Regardless of when the mandate issues, the Commission may petition the Supreme Court for a writ of *certiorari* from a court of appeals' adverse judgment within 90 days from the date the court of appeals enters its judgment or enters an order disposing of a timely filed petition for rehearing going to the substance of the judgment. 28 U.S.C. 2101(c).

Rule 4.7(e) as presently worded could be construed to mean that a court of appeals' order of remand "becomes effective" from the date that the Commission resumes jurisdiction over the case, *i.e.*, when the court's mandate issues. This construction would, practically speaking, preclude the Commission from consulting *ex parte* with its prosecuting staff on whether Supreme Court review of the judgment should be sought. In adopting present Rule 4.7(e), the Commission did not intend this construction. On the contrary, before and since adoption of the Rule, the Commission has regularly received the views of its prosecuting staff on the question of *certiorari* without regard to whether the court of appeal's mandate has been issued. A matter on remand is not returned to adjudicative status until the Commission has determined not to seek Supreme Court review, or until the time for seeking such review has expired without a petition for *certiorari* having been filed, or until such a petition has been denied. The Commission has, therefore, amended Rule 4.7(e) to reflect its regular practice. The amendment adds a provision defining when a court of appeals' judgment "becomes effective" for purposes of the Rule.

Prohibition of ex Parte Communications During the Period Within Which a Petition for Reconsideration May Be Filed

Under present Rule 4.7(e) the ban on *ex parte* communications in an adjudicative proceeding ends when the Commission "votes to enter its decision in the proceeding." The ban is not reinstated unless a petition for reconsideration under Rule 3.55 is filed, in which event Rule 4.7(e) provides that the *ex parte* restrictions shall apply "from the time the petition is filed * * *." Thus, the Rule implicitly sanctions *ex parte* contacts in the interim between the Commission's vote on a final decision and the deadline for filing a Rule 3.55 petition. It has not been the Commission's policy to permit such contacts in the past, and the Rule is being amended so as to eliminate any possible ambiguity on the question.

Accordingly, 16 CFR 4.7(e) is revised to read as follows:

§ 4.7 Ex parte communications.

* * * * * *

(e) The prohibitions of this section shall apply in an adjudicative proceeding from the time the Commission votes to issue a complaint pursuant to § 3.11, to conduct adjudicative hearings pursuant to § 3.13, or to issue an order to show cause pursuant to § 3.72(b), or from the time an order by a U.S. court of appeals remanding a Commission decision and order for further proceedings becomes effective, until the time the Commission votes to enter its decision in the proceeding and the time permitted by § 3.55 to seek rehearing of that decision has elapsed. For purposes of this section, an order of remand by a U.S. court of appeals shall be deemed to become effective when the Commission determines not to file a petition for a writ of *certiorari*, or when the time for filing such a petition has expired without a petition having been filed, or when such a petition has been denied. If a petition for reconsideration of a

Commission decision is filed pursuant to § 3.55, the provisions of this section shall apply until the time the Commission votes to enter an order disposing of the petition.

(Sec. 6(g), 38 Stat. 721 (15 U.S.C. 46); 80 Stat. 383, as amended (5 U.S.C. 552))

Carol M. Thomas,

Secretary.

[FR Doc. 81-18546 Filed 6-22-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 81-170]

Field Organization of the Customs Service; Amendments

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This notice changes the field organization of the Customs Service by establishing a new port of entry at Austin, Texas, in the Dallas/Fort Worth, Texas Customs district (Region VI). To accommodate the new Austin port, this notice also revises the Dallas/Fort Worth district limits. The changes will enable Customs to keep pace with the significant increase in Customs-related activities which has occurred in central Texas during the past decade.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Austin, the State Capital of Texas, rapidly is becoming the center of international trade in central Texas. During the last decade, the area attracted many new manufacturing companies, including major electronics firms, high technology businesses, and other leading corporations producing a variety of products for distribution in markets in Europe, the Middle East, and Central and South America. In the last 5 years, the volume of merchandise imported into Austin quadrupled; the volume of merchandise exported more than tripled.

Presently, approximately 42 percent of imported merchandise destined for Austin is entered through the Customs port of entry at Houston, Texas, 162 miles away. Another 20 percent is entered through the Customs port of entry at San Antonio, Texas, 77 miles away. Transporting merchandise from these locations to Austin substantially increases distribution and transportation costs and delays delivery of the merchandise to its ultimate destination.

Following a review of Customs activity in the area, Customs determined that establishing a Customs port of entry at Austin would: (1) reduce distribution and transportation costs and reduce the travel time for imported goods destined for Austin; (2) provide the basis for initiating scheduled international flights between Austin and foreign cities; and (3) enable Customs to obtain more efficient use of its personnel, facilities, and resources in providing service to importers in the Austin area.

Accordingly, to keep pace with the expanding needs of Customs-related activities in central Texas and to provide better service to carriers, importers, and the public, Customs published a notice in the **Federal Register** on March 18, 1981 (46 FR 17228), proposing to establish a new port of entry at Austin, Texas, in the Dallas/Fort Worth, Texas, Customs district (Region VI).

To accommodate the new Austin port of entry in the Dallas/Fort Worth district, the notice also proposed to revise the Dallas/Fort Worth district limits to include the State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long. and east of 99° W. long.

Only one comment was received in response to the notice. The commenter opposes the change because he believes that Customs should not be establishing new ports of entry anywhere at this time because it would increase operational costs to the Customs Service at a time when governmental spending restraints are required. He also suggests that Customs set forth minimum criteria for the establishment and maintenance of ports of entry.

One aspect of Customs mission is to provide service to the public when and where it is required. The establishment of new ports of entry in various locations throughout the country is a necessary response to the public demand for increased Customs service. Further, Customs does have minimum workload and facility standards for the establishment of new ports of entry which are applied to prevent the unjustified proliferation of new ports. Prior to establishing ports of entry, Customs carefully reviews the data submitted in support of each application to verify that it meets the criteria. The Austin application was scrutinized and an independent Customs analysis of the potential Customs workload at Austin verified that it met Customs standards for the establishment of a new port of entry.

Accordingly, Customs has determined to adopt the changes as proposed.

Changes in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (46 FR 9336), a new Customs port of entry is established at Austin, Texas, in the Dallas/Fort Worth, Texas, Customs district. The geographical boundaries of the Austin port of entry encompass all of the territory within the corporate boundaries of the city of Austin, Texas. In addition, the limits of the Dallas/Fort Worth district are revised to include the State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long. and east of 99° W. long.

Amendments to the Regulations

§ 101.3 [Amended]

To reflect these changes, § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by: (1) adding "Austin, Texas (T.D. 81-170)" following Amarillo, Texas (T.D. 75-129)" in the list of ports of entry in the Dallas/Fort Worth district, and (2) changing the description of the Dallas/Fort Worth district limits to read "The State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long. and east of 99° W. long."

Executive Order 12291

Because this will not result in a "major rule" as defined in section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 et. seq.), the Secretary of the Treasury has determined that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or