

91-175-

such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in East Point, Georgia, on March 2, 1981.

George R. LaCaille,  
Acting Director, Southern Region.

[FR Doc. 81-7806 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 80-WE-41-AD; Amdt. 39-4066]

### Airworthiness Directives; Puritan-Bennett Aero Systems Company; Deferral of Effective Date

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; deferral of effective date.

**SUMMARY:** Pursuant to the President's memorandum dated January 29, 1981, Amendment 39-4017, Airworthiness Directive AD 81-02-03, regarding the Puritan-Bennett Aero Systems Company, (46 FR 3495), published on January 15, 1981, is hereby delayed as to its effectivity until April 6, 1981.

**DATES:** Effective April 6, 1981. Compliance schedule—As prescribed in the body of the AD unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from:

Puritan-Bennett Aero Systems Company, 111 Penn Street, El Segundo, California 90245

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

**FOR FURTHER INFORMATION CONTACT:**

Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

**SUPPLEMENTARY INFORMATION:**

Amendment 39-4017, (46 FR 3495), AD 81-02-03, had an effective date of March 20, 1981. On January 29, 1981 the President issued a memorandum which directed that all agencies, by Notice in the *Federal Register*, postpone for 60 days from January 29, 1981, the effective date of all Regulations that had been

promulgated in final form and that were scheduled to become effective during the 60 day period. Amendment 39-4017, (AD 81-02-03), falls within the President's memorandum. The rule is being made effective April 6, 1981.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 60 days.

#### Adoption of the Amendment

Pursuant to the President's memorandum dated January 29, 1981, Amendment 39-4017, Airworthiness Directive AD 81-02-03, regarding the Puritan-Bennett Aero Systems Company, published on January 15, 1981 on page 3495, is hereby delayed as to its effectivity until April 6, 1981.

Accordingly, pursuant to the authority delegated to me by the Administrator, on page 3496, in the first column, under **DATES**, change "Effective March 20, 1981" to read "Effective April 6, 1981." Also, in the amendment to § 39.13 of Title 14 of the Code of Federal Regulations, in the line that is seventh from the top of the third column of page 3496, change "March 20, 1981" to read "April 6, 1981."

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

**Note.**—The Federal Aviation Administration has determined that this document involves a final regulation which is not considered to be significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This amendment is not a major rule under Sections 1.(b) and 8 of Executive Order 12291. The amendment to the AD only delays the effectivity of the rule until April 6, 1981. It is impracticable to delay this amendment to the AD, and the procedures of Executive Order 12291 are not followed.

It has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant impact on a substantial number of small entities.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on March 4, 1981.

John D. Mattson,  
Director, FAA Western Region.

[FR Doc. 81-8018 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 91

[Docket No. 21022; Amdt. No. 91-175]

### Use of FDC Notices to Airmen To Communicate Emergency Regulatory Information and Actions Relating to FAA's Ability To Operate the Air Traffic System

**Note.**—This document originally appeared in the *Federal Register* for Friday, March 13, 1981. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Federal Aviation Administration.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment updates and clarifies the air traffic flight rules. It adds a new section to expressly provide that FAA Notices to Airmen (NOTAMs) are an authorized means of advising pilots and aircraft operators of the issuance of certain emergency rules and regulations, which have been adopted in accordance with the Administrative Procedure Act, when such rules and regulations are needed to ensure the FAA's ability to operate the Air Traffic Control System. The existing regulatory provisions authorizing use of NOTAMs to communicate regulatorily significant information are limited to specific situations (such as §§ 91.91, 91.102, and 91.104 of the Federal Aviation Regulations). This amendment clarifies the current process of the FAA by providing that, when emergency conditions relating to the FAA's ability to operate the Air Traffic Control System exist and are not adequately covered by the existing rules and regulations, the FAA may use regulatory ("FDC" coded) NOTAMs to advise pilots and aircraft operators of air traffic rules which have been adopted by the Administrator. FDC NOTAMs provide a timely means for communicating the existence of immediately effective rules from shortly after those rules have been issued until the FAA is able to publish them in the *Federal Register*. Those emergency rules (including, as appropriate, air traffic requirements, restrictions, or conditions) remain in effect as specified in the rule for the duration of the emergency unless sooner modified or revoked by the

Administrator. This amendment does not address the issues raised by FAA Notice No. 80-19, which are being deferred pending further consideration.

**EFFECTIVE DATE:** March 13, 1981.

**FOR FURTHER INFORMATION CONTACT:**

B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3731.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On November 13, 1980, the FAA published Notice No. 80-19 proposing to provide in the air traffic flight rules a new section expressly indicating the current FAA process of issuing "regulatory" Notices to Airmen (FDC NOTAMs) to communicate information of regulatory significance to those directly affected (45 FR 75096). While the proposal dealt primarily with internal FAA procedure and management and did not itself propose to establish any new requirement or burden on pilots or aircraft operators, it was published in notice form to receive public comment on the matter in conjunction with the potential use of FDC NOTAMs in certain situations. Under the proposal in Notice No. 80-19, FDC NOTAMs would be used, for example, if the Administrator finds it necessary to activate the National Air Traffic Control Contingency Plan (which was also published in draft form for public comment at 45 FR 75100). The basic objective of the Contingency Plan is to maximize the number of aircraft, people, and cargo that can be safely accommodated with the reduced air traffic control work force. If the Contingency Plan is activated, in whole or part, the FAA will be making every effort to ensure the continued movement of aircraft to the fullest extent practicable consistent with maintaining flight safety in light of available resources to staff the Air Traffic Control System. However, the proposed rule was independent of the draft contingency plan and addressed other situations in which the adoption of immediately effective flight rules or critical flight information must be promptly communicated to pilots and aircraft operators in the interest of flight safety. Contrary to the views of many commenters, it did not propose to expand the authority of the Administrator in fulfilling the statutory responsibility to provide for the safe and efficient use of the navigable airspace and navigation facilities. The intent of the proposal was to update and clarify

the current practice and procedure for using FDC NOTAMs as an effective means of immediately communicating legally adopted emergency rules and regulations. FDC NOTAMs are used when the publication of the emergency rules in the Federal Register as a condition precedent to their becoming effective would unreasonably delay the effectivity of a safety requirement. The FDC NOTAMs are not themselves regulations; they merely communicate information, including essential information concerning regulations already adopted by competent FAA authority. However, in response to public comment on the notice and based on further consideration of the proposal, the FAA has concluded that the instant rule should be limited to emergency actions relating to the FAA's ability to operate the Air Traffic Control System safely and efficiently when existing rules are inadequate to respond to emergency conditions.

**Discussion of the Rule in Light of Comments on Notice No. 80-19**

For a better understanding of this rule, the following discussion summarizes a number of concerns expressed in response to Notice No. 80-19. Forty-nine public comments were received. The FAA's preliminary review of those comments identified considerable objection to the perceived nature and effect of the use of NOTAMs to advise the public of emergency rules. Those views and resulting suggestions indicate they may be based upon a misunderstanding of the intent and purpose of the proposal. Thus, they will require further review and evaluation to provide adequate and responsible disposition of them. Since the potential exists for disruption of the FAA's ability to operate the Air Traffic Control System at current levels, however, the FAA must be prepared to respond to conditions which might develop with appropriate administrative and regulatory action. Accordingly, it has been determined necessary to adopt a regulation to ensure that pilots and aircraft operators are provided timely notice of any emergency air traffic rules or regulations that may be issued in response to those conditions.

Almost all commenters felt that the FAA already has adequate authority to act in an emergency thereby making the proposed rule unnecessary. The FAA agrees that it has broad authority to respond to an emergency affecting flight safety; however, the adoption of regulatory provisions indicating how the FAA's authority will be exercised and how it will communicate its emergency actions to affected persons is necessary.

This amendment does not create or confer on the FAA any new substantive regulatory authority; instead, this amendment deals with process. That is, this amendment codifies in the air traffic rules a principal means by which the necessary regulatory actions are communicated to affected persons pending publication of the rules involved in the Federal Register. Any emergency procedures and resulting actions taken by the FAA will comply fully with the Federal Aviation Act of 1958, as amended (the "FA Act"), and the Administrative Procedure Act (5 U.S.C. 551-553). The FA Act gives the FAA Administrator the authority to respond to an emergency and to issue appropriate rules. The authority to prescribe air traffic rules and to designate that airspace in which those rules apply is governed by § 307 of the FA Act which also requires compliance with the Administrative Procedure Act in promulgating those rules. Notice No. 80-19 did not propose to deviate from the FAA's lawful process but simply proposed to codify in the regulations a means by which the FAA communicates emergency, immediately effective, regulatory requirements that will have already been issued by the Administrator. The NOTAM is not the regulation but its message would provide official notice of the adoption of an immediately effective, emergency rule or regulation and the essential information concerning the content of the regulation involved. Telegrams and telephone calls and other forms of nonregulatory communication may also be used to effect that communication; the proposal in Notice No. 80-19 and this rule concern only the NOTAM system of communication because it is used consistently, though not exclusively, by the FAA in emergencies under the current rules. Thus, any emergency rules so issued would, owing to the need for flexibility and for wide, reliable, and timely distribution, be communicated through the NOTAM system, in the manner currently described in Paragraph 294 of the current Airman's Information Manual (AIM).

The instant rule indicates the FAA's use of FDC NOTAMs as discussed in the AIM. Therefore, the FAA is not expanding its authority but is merely clarifying the regulatory status of FDC NOTAMs for the purposes covered by the rule and the distinction between them and other "informational" but nonregulatory NOTAMs carried in the NOTAM system. The rule is similar to the FAA's other expressed provisions for regulatory NOTAMs concerning

certain air traffic rules, such as §§ 91.91, 91.102, and 91.104 of the Federal Aviation Regulations.

Any NOTAM issued pursuant to § 91.100 will reference that section and provide information concerning the effect of the emergency regulation. Persons with knowledge of the regulatory requirements would be required to comply as provided by law. Subsequent publication of the regulation in the *Federal Register*, will provide constructive legal notice of the emergency regulation to all persons who may not have received the NOTAM or otherwise have legal notice of the adoption of that regulation.

Most commenters expressed concern about potential abuse of the proposed rule in its future application. They felt that the proposed rule could facilitate circumvention of the normal rulemaking process and its safeguards. As previously indicated, however, the FAA will comply fully with the FA Act and Administrative Procedure Act in taking the regulatory actions under the stated emergency conditions. Of course, notice and public procedure would not precede emergency actions because of the time needed to complete that process and because one or more of the exceptions to the requirement to propose rules for public comment before their adoption do not apply to such emergency rulemaking. With regard to the instant rule, it is the FAA's intent only to ensure the integrity of the operation of the Air Traffic Control System during emergency conditions. Thus, the commenters' concerns do not apply to it. However, to eliminate any misunderstanding concerning the purpose of the rule and its scope, it has been written to expressly limit its application to emergency conditions relating to the FAA's ability to operate the Air Traffic Control System and to clarify the effect of the NOTAM. The broader aspects of the rule proposed in Notice No. 80-19 will be considered in the disposition of that notice.

Accordingly, the rule being issued herein as a Federal Aviation Regulation is narrower in scope than that originally proposed in Notice No. 80-19. The instant rule also reflects the recommendation of commenters who advocated disassociation of the proposal in the notice from the National Air Traffic Control Contingency Plan.

Some commenters objected to the proposal on the basis that there is no documented need for such a rule. However, a specific emergency condition need not have previously occurred and be documented before rules are developed relating to how the

FAA will respond to such an emergency. A failure to anticipate the potential need for emergency actions would not be responsive to the FAA's responsibility to provide flight safety and operate the Air Traffic Control System. A need for contingency planning and providing the means for implementing those plans when necessary is clear. This amendment responds to that part of the need when the Administrator has cause to issue emergency rules concerning the FAA's ability to operate the Air Traffic Control System and, in accordance with the established practice and the proposed rule, communicates them through the NOTAM system. As with other rules providing for regulatory NOTAMs, the proposal recognizes the potential for unusual conditions or events wherein the existing rules do not provide adequate levels of safety in air transportation. In such events (or emergencies), the regulatory significance of such NOTAMs should be expressly provided in the rules.

Some commenters objected to the proposal in Notice No. 80-19 on the basis that the FAA's NOTAM system, to varying degrees, is either ineffective or inappropriate for conveying information of regulatory significance to affected persons. There may well be room for improving the effectiveness of the NOTAM system in particular situations but deficiencies have not been identified of a magnitude that render the system unusable for its intended purposes. Several commenters offered to work with the FAA to improve the NOTAM system's effectiveness for immediately disseminating regulatory information that requires timely, reliable, and wide distribution. However, as noted, the FAA will be reviewing the methods of communicating information of regulatory significance and how to provide the most expeditious and effective means to ensure that information is provided to those affected by it. If found appropriate, additional rulemaking proceedings will be initiated to ensure a thorough public discussion of the subjects and issues involved.

One commenter agreed with the stated intent of the rule proposed in the notice but offered recommended modifications to §§ 91.100 (b) and (c), and on procedural matters. That commenter recommended that proposed § 91.100(b) be revised by deleting reference to the "efficient" use of the navigable airspace because efficiency can be preserved by the normal rulemaking processes and does not warrant emergency action. While improving efficiency does not by itself normally justify emergency action,

ignoring efficiency under § 91.100 emergency rules would leave safety as the sole, not just a principal, objective of any rule or regulation issued pursuant to the new section. For example, the measures available to achieve simply the safety objectives could unnecessarily reduce efficiency in the Air Traffic Control System. However, safety, coupled with efficiency, promotes the most prudent and reasonable use of the airspace.

The commenter further recommended that § 91.100(c) be expanded to provide for annotation of NOTAMs issued under this section to reflect their authority. NOTAMs issued pursuant to § 91.100 will be identified as having been issued under that section. Under established practice, each rule, including rules communicated by NOTAM, provides a statement of its legal basis. However, the various means of communicating rules, such as NOTAMs, do not contain the authority statement published in the emergency rule. It is inappropriate to require that procedural matter in the instant § 91.100 rule.

The commenter also recommended publication of a NOTAM's substance as a notice of proposed rulemaking (NPRM) in the *Federal Register* within five working days after issuance of the NOTAM in order that it would be subjected to the normal rulemaking processes. As previously indicated, an FDC NOTAM is not a rule. It provides notice that a rule has been adopted. The FAA will publish the emergency rules, not an NPRM, in the *Federal Register*, as soon as practicable after their adoption. However, the FAA will not delay the issuance of a regulatory NOTAM under § 91.100 pending that publication. Under established procedures, the preamble to each rule not preceded by notice requests public comment on the rule and, to the extent practicable, the FAA will consider comments received in evaluating whether the rule should be modified. Further, the regulation will be published for public information even if the emergency conditions have ended and the NOTAM is cancelled before the rule is published. The timeliness of its publication must be reasonable as dictated by the prevailing conditions and publishing constraints which cannot be specified for all cases in new § 91.100. Accordingly, it would not be useful to submit to the "normal" rulemaking process an "emergency" rule that has been properly established under the unusual conditions anticipated by the laws and in accordance with those laws.

The commenter suggested the FAA publish a statement of its

responsibilities and liabilities for its actions taken under § 91.100, including any losses sustained during the emergency under the rule. Any NOTAM issued under § 91.100 would simply communicate emergency air traffic rules that have been established in accordance with the FA Act and the Administrative Procedures Act. Those rules will have been issued pursuant to those Acts in response to conditions which those Acts contemplated would necessitate foregoing prior notice and public participation and other routine processes suitable for nonemergency action. In such instances, the FAA, nonetheless, remains responsible for its action under established principles of law which the FAA cannot modify.

The commenter also recommended that the FAA take extraordinary measures to acquaint pilots and aircraft operators with the existence and content of § 91.100 NOTAMs. As relates to the instant rule, the FAA will make every reasonable effort to ensure availability for those FDC NOTAMs issued under the rule. The nature and extent of that effort will be tailored to the existing conditions but will not relieve pilots of their responsibilities prescribed under §§ 91.3, 91.5, and other applicable regulations.

Several commenters took exception to the FAA's determination that the proposal in Notice No. 80-19 was not significant under Executive Order 12044. The FAA continues to stand by that determination even though the Executive Order has since been revoked. It was made in accordance with established procedures and criteria to evaluate regulatory actions. The proposed action in Notice No. 80-19 involves agency procedure for communicating regulatory decisions when an emergency is found to exist. It was not an evaluation of the potential regulatory actions that may be taken in response to those emergency conditions, but an evaluation of the proposed rule which concerns one means by which emergency regulations would be communicated to those affected. Thus, the FAA considered the anticipated impact as so minimal that it did not warrant preparation of a regulatory evaluation under the Executive Order or implementing guidelines.

#### Synopsis of the Rule

This amendment establishes a new § 91.100 under the air traffic rules of Part 91, Subpart B. The rule does not itself create any new requirement for pilots or aircraft operators but establishes the FAA procedure for issuing regulatory (FDC) Notices to Airmen to provide information of regulatory significance

relating to its ability to operate the Air Traffic Control System during an emergency. The new section, like §§ 91.91, 91.102, and 91.104, is limited to particular situations. It concerns the possible situations where the Administrator determines that an emergency exists, or will exist, relating to the FAA's ability to operate the Air Traffic Control System (including the possible activation of the National Air Traffic Control Contingency Plan). It addresses those situations in which normal flight operations under existing rules and regulations cannot be conducted at the required levels of safety and efficiency. Whenever that occurs, the Administrator, pursuant to statutory authority, may prescribe appropriate rules and regulations that govern flight operations, the use of navigational facilities, and the designation of that airspace in which the rules and regulations apply. If those regulatory requirements must be given effect before they can be published in the *Federal Register*, the Administrator, or his designee (the Director of the Air Traffic Service), issues a regulatory (FDC) NOTAM to immediately advise pilots and aircraft operators of the existence and import of those requirements that have been issued in the emergency rule. The NOTAMs themselves are not regulations but are the means for immediately communicating to those affected the regulatory requirements already issued under competent authority. As soon as practicable, the Administrator publishes the emergency rules in the *Federal Register* to achieve the constructive legal notice provided by that publication. In some cases, however, the emergency may have concluded and the rules may have been rescinded before they can be published; in that case publication will simply provide public notice of the action previously taken. The final paragraph of § 91.100 indicates that, because of the regulatory requirements already adopted by competent authority in a regulation before issuance of the FDC NOTAM, no person may operate an aircraft, or other device subject to the regulation, except in accordance with the authorizations, terms, and conditions prescribed in the regulation communicated by the NOTAM. As previously noted, a further discussion of the FDC NOTAM is contained in paragraph 294 of the Airman's Information Manual (AIM); NOTAMs are also covered by FAA Order 7930.2.

#### Postponement/Effective Date

This amendment to FAR Part 91 involves a matter relating to agency

procedure and management of its programs and is needed to clarify the means for communicating certain emergency information of regulatory significance, including that needed in the event of the potential activation of the National Air Traffic Control Contingency Plan. Accordingly, I find that good cause exists for making it effective in less than 30 days after publication in the *Federal Register* and that it is excepted from postponement under the provisions of the President's Memorandum of January 29, 1981 (46 FR 11227; Feb. 6, 1981) for matters related to agency organization, management, or personnel and to emergency situations.

#### Adoption of the Amendment

Accordingly, Subpart B of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended effective March 13, 1981, by adding a new § 91.100 to read as follows:

#### § 91.100 Emergency air traffic rules.

(a) This section prescribes a process for utilizing Notices to Airmen (NOTAM) to advise of the issuance and operations under emergency air traffic rules and regulations and designates the official who is authorized to issue NOTAMs on behalf of the Administrator in certain matters under this section.

(b) Whenever the Administrator determines that an emergency condition exists, or will exist, relating to the FAA's ability to operate the Air Traffic Control System and during which normal flight operations under this chapter cannot be conducted consistent with the required levels of safety and efficiency—

(1) The Administrator issues an immediately effective Air Traffic rule or regulation in response to that emergency condition, and

(2) The Administrator, or the Director, Air Traffic Service, may utilize the Notice to Airmen (NOTAMs) system to provide notification of the issuance of the rule or regulation.

Those NOTAMs communicate information concerning the rules and regulations that govern flight operations, the use of navigation facilities, and designation of that airspace in which the rules and regulations apply.

(c) When a NOTAM has been issued under this section, no person may operate an aircraft, or other device governed by the regulation concerned, within the designated airspace, except in accordance with the authorizations, terms, and conditions prescribed in the regulation covered by the NOTAM.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as

amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

**Note.**—The FAA has determined that this document involves an emergency regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Further, in light of the potential disruption of the FAA's ability to operate the Air Traffic Control System, this amendment provides the procedural basis for timely communicating certain regulatory information and actions in the event of activation of the National Air Traffic Control Contingency Plan or the adoption of similar regulatory actions, which require immediate action. Thus, it is an emergency nonmajor regulation under Executive Order 12291 and the President's Memorandum of January 29, 1981. There are no cost impacts associated with this regulation since it is only procedural. Regulations which are distributed in accordance with the procedures in this amendment will be evaluated individually, as appropriate, to determine whether they have cost impacts.

Issued in Washington, DC, on March 9, 1981.

Charles E. Weithoner,  
Acting Administrator.

[FR Doc. 81-7898 Filed 3-12-81; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

#### 15 CFR Parts 804 and 805

#### Foreign Direct Investment in the United States Survey Regulations and Preliminary Survey of International Leasing Transactions in 1975

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Final rule; revocation.

**SUMMARY:** 15 CFR Parts 804 and 805 are hereby revoked. This action is taken to consolidate the regulations and to remove reporting requirements of the Bureau of Economic Analysis (BEA) that were for one-time surveys.

**EFFECTIVE DATE:** March 16, 1981.

**FOR FURTHER INFORMATION CONTACT:**

George R. Krueger, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230 (202-523-0657).

**SUPPLEMENTARY INFORMATION:** Because these parts, when in effect, imposed a burden on the public and provided for one-time surveys, it is not deemed necessary to seek comments from the public as to whether they should be revoked.

Part 804—*Foreign Direct Investment in the United States Survey Regulations,*

was issued pursuant to the Foreign Investment Study Act of 1974 (Public Law 93-479) which called for a study which was to be completed in 18 months, with no provision for a continuation.

Part 805—*Preliminary Survey of International Leasing Transactions in 1975,* was issued pursuant to the Bretton Woods Agreements Act (22 U.S.C. 286f) and Executive Order 10033. The rules provided for a preliminary survey of international leasing transactions to determine if they were of such a magnitude as to warrant a regular reporting program. The results indicated that they were not and no follow-on survey was initiated.

Notice of the intention of BEA to delete 15 CFR 804 and 805 has previously been published with the Department of Commerce Semiannual Agenda of Regulations required by Executive Order 12044.

The public should note that the revocation of the rules concerning foreign direct investment in the United States as contained in Part 804 in no way effects the regulations contained in 15 CFR Part 806 concerning direct investment surveys—of both U.S. direct investment abroad and foreign direct investment in the United States.

#### PARTS 804 AND 805 [REMOVED]

Therefore, Title 15 of the Code of Federal Regulations is amended by removing Parts 804 and 805.

The Authority citations for Parts 804 and 805 are: The Foreign Investment Study Act of 1974 (Pub. L. 93-479), and The Bretton Woods Agreements Act, (22 U.S.C. 286f), and E.O. 10033, respectively.

Dated: March 10, 1981.

George R. Krueger,  
Chief, International Investment Division.

[FR Doc. 81-8014 Filed 3-13-81; 8:45 am]

BILLING CODE 3510-06-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

[Dockets C-2868 and C-2869]

#### Revlon, Inc., et al. and Deluxol Laboratories, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Modifying order.

**SUMMARY:** This order, among other things, reopens the proceeding and modifies the Commission order issued on January 3, 1977, 42 FR 17108, 89 F.T.C. 1, by amending Paragraph IA4 to permit

conditioning and manageability claims with proper substantiation.

**DATES:** Decision issued Jan. 3, 1977. Modifying order issued Feb. 24, 1981.

**FOR FURTHER INFORMATION CONTACT:** FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523-3727.

**SUPPLEMENTARY INFORMATION:** In the Matters of Revlon, Inc., et al. and Deluxol Laboratories, Inc., et al. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

The Order Granting Request To Reopen the Proceeding and Modifying Order To Cease and Desist is as follows:

Revlon, Inc., on behalf of itself and its subsidiaries Revlon-Realistic Professional Products, Inc. and Deluxol Laboratories, Inc., having requested on December 4, 1980 that the Commission reopen the proceedings in Dockets C-2868 and C-2869 for the purpose of modifying the Order to Cease and Desist entered in those dockets; and

The Commission having placed such request, together with supporting documents attached thereto, upon the public record for a period of thirty (30) days, pursuant to Section 2.51 of its Rules; and

The Commission having duly considered the comments filed thereafter by interested persons; and

The Commission being of the opinion that the public interest would be served by such reopening of the proceedings;

Now, therefore, it is ordered that the proceedings in Dockets C-2868 and C-2869 be, and they hereby are, reopened; and

It is further ordered that the Order in Dockets C-2868 and C-2869 be modified by amending Paragraphs IA4 as follows:

"4. Any hair straightening product conditions or helps condition or improves condition of hair or makes or helps make hair more manageable, unless, at the time the representation is made, respondents have in their possession a reasonable basis, consisting of competent and reliable controlled tests, to support such representation."

It is further ordered that the foregoing modifications shall be effective upon service of this order.

Issued: February 24, 1981.