

14 CFR Part 39

[Docket No. 80-WE-30-AD; Amdt. 39-4021]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection, replacement as necessary, lubrication, and sealing of cargo door attach hardware on McDonnell Douglas Model DC-10 series airplanes. This AD is needed to prevent stress corrosion cracking of the upper and lower cargo door spool fitting attach bolts, which could jeopardize the door latching/locking capability, resulting in a possible loss of cabin pressure.

DATE: Effective date February 19, 1981.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information and copies may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publication and Training C1750 (54 60). This information may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neill, Aerospace Engineer, Airframe Branch, ANW-120L, Federal Aviation Administration, Los Angeles Area Aircraft Certification Office, Northwest Region, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6356.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring inspection, lubrication, and sealing of cargo door attach hardware of McDonnell Douglas Model DC-10 series airplanes so equipped was published in the Federal Register on June 30, 1980 (45 FR 43791).

The proposal was prompted by reports of cargo door latch spool fitting attach bolt failures on McDonnell Douglas Model DC-10 series airplanes, which could jeopardize the door latching/locking capability. This has been attributed to stress corrosion produced by bolt preload and entrapped moisture in the void area between the

bolts and spool attach fittings. Since this condition is likely to exist or develop in other airplanes of the same type design, this AD requires inspection, lubrication and sealing, and bolt replacement, if required, of cargo door latch spool fitting attach bolts on McDonnell Douglas Model DC-10 series airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One commenter opposed the issuance of the AD, contending that voluntary operator compliance with applicable service bulletins would be sufficient. The FAA's position is that an unsafe condition exists for which mandatory airworthiness directive action is necessary in the interest of safety.

Subsequent to the issuance of the NPRM, the Douglas Aircraft Company released Douglas Aircraft Company Service Bulletin DC-10 SB 52-183, dated October 28, 1980, which includes the detailed instructions set forth in the NPRM. For purposes of simplicity, and to allow operators to use alternative methods of compliance with this AD when they are approved, the detailed instructions which were set forth in the NPRM have not been repeated in the rule as adopted. Rather, the rule as adopted permits compliance in accordance with any method approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region. Douglas Aircraft Company Service Bulletin DC-10 SB 52-183 is noted as an approved means of compliance.

It is estimated that 154 U.S. operated aircraft will be affected by this Airworthiness Directive, that it will take approximately 170 manhours per aircraft to accomplish the required actions, and that the average labor cost will be \$35 per hour. Based on these figures, the total cost impact of this amendment is estimated to be approximately \$916,300.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to all Model DC-10 series airplanes certificated in all categories. Compliance required as indicated, unless already accomplished. To prevent stress corrosion cracking of the upper and lower cargo door spool fitting attach bolts accomplish the following:

A. For fuselages 1-125, within 12 months after the effective date of this AD, inspect, lubricate, replace as necessary, and seal the

cargo door latch spool fitting attach bolts in accordance with a method approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

Note.—Accomplishment of the instructions set forth in Figure 1 of Douglas Aircraft Company Service Bulletin DC-10 SB 52-183, dated October 28, 1980, has been approved as a means of compliance with this requirement.

B. For fuselage 126 and subsequent, within 24 months after the effective date of this AD, inspect, lubricate, replace as necessary, and seal the cargo door latch spool fitting attach bolts in accordance with a method approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

Note.—Accomplishment of the instructions set forth in Part 2, Group II, Paragraph C of Douglas Aircraft Company Service Bulletin DC-10 SB 52-183, dated October 28, 1980, has been approved as a means of compliance with this AD.

C. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes unpressurized to a base for the accomplishment of inspections/modifications required by this AD.

D. Alternative inspections, modifications, and other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

This amendment becomes effective February 19, 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 11.69)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on January 6, 1981.

Charles R. Foster,
Director, Northwest Region.

[FR Doc. 81-1719 Filed 1-16-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-52]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of Offshore Transition Areas**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule, request for comments.

SUMMARY: This action revokes two 700-foot transition areas over the Gulf of

Mexico. These transition areas are no longer required for air traffic control purposes and their revocation reduces the burden on the public by eliminating flight operational requirements associated with controlled airspace.

DATES: Effective date February 19, 1981. Comments must be received by February 19, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 80-ASW-52, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Request for Comments

The purpose of this amendment is to revoke two 700-foot transition areas over the Gulf of Mexico. These transition areas were originally designated in 1976 for the use of IFR helicopters executing instrument approach procedures to offshore oil rigs. These oil rigs have been relocated and the airspace associated with their use are no longer required. Because this action removes a burden on the public by reducing the amount of controlled airspace, I find that notice and public procedure are unnecessary. However, comments are invited on the rule. When the comment period ends, the FAA will use the comments received and any other information available to review the regulation. Since this action involves, in part, the designation of

navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) revokes the Sabine Pass, Tex., and the Galveston, Tex., 700-foot offshore areas. Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was republished in the Federal Register on January 2, 1981, (46 FR 540).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, February 19, 1981, as follows:

In § 71.181: The title and text of the "Galveston, Tex., (Offshore)" and the "Sabine Pass, Tex., (Offshore)" transition areas are revoked in their entirety.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9585); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on January 13, 1981.

Shelomo Wugalter,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-1757 Filed 1-16-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Order of the Director, OPRP of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8500.

Order of the Director, OPRP

Issued: January 12, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of January 1981, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—Incremental Pricing Acquisition Cost Threshold Prices

	Calendar year 1980											
	January	February	March	April	May	June	July	August	September	October	November	December
Incremental Pricing Threshold.....	\$1.702	\$1.738	\$1.750	\$1.762	\$1.776	\$1.790	\$1.804	\$1.819	\$1.834	\$1.849	\$1.863	\$1.877
NGPA Section 102 Threshold.....	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold.....	1.788	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold.....	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580

Table L—Incremental Pricing Acquisition Cost Threshold Prices—Continued

Calendar Year 1981

	January	February	March	April	May	June	July	August	September	October	November	December
Incremental Pricing Threshold.....	\$1.891											
NGPA Section 102 Threshold.....	2.667											
NGPA Section 109 Threshold.....	1.957											
130% of No. 2 Fuel Oil in New York City Threshold.....	7.610											

[FR Doc. 81-1855 Filed 1-16-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY**Customs Service****19 CFR Part 4**

[T.D. 81-14]

**Vessels in Foreign and Domestic
Trades; Coastwise Transportation****AGENCY:** U.S. Customs Service,
Department of the Treasury.**ACTION:** Final rule.

SUMMARY: This document amends the Customs Regulations to add the Polish People's Republic and Kuwait to the lists of nations which permit vessels of the United States to transport certain articles specified in section 27, Merchant Marine Act of 1920, as amended, between their ports. The Department of State has received satisfactory evidence that both the Polish People's Republic and Kuwait place no restrictions on the transportation of the specified articles by vessels of the United States between ports in those countries. This amendment provides reciprocal privileges for vessels registered in the Polish People's Republic and Kuwait.

EFFECTIVE DATES: May 14, 1980, as to vessels of the Polish People's Republic and May 16, 1980, as to vessels of Kuwait.

FOR FURTHER INFORMATION CONTACT: Donald H. Reusch, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:**Background**

Section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883) (the "Act"), provides generally that no merchandise shall be transported by water, or by land and water, between points in the United States except in vessels built in and documented under the laws of the United States and owned by U.S. citizens. However, the Act, as amended by Pub. L. 90-474 (82 Stat. 700; T.D. 68-227), provides that if the Secretary of State advises the Secretary of the Treasury that a foreign nation does not restrict the transportation of

certain articles between its ports by vessels of the United States, reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the United States will not apply to its vessels.

Section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks. The Polish People's Republic is among the countries listed. Those nations found to grant reciprocal privileges to vessels of the United States for the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with such barges; certain empty instruments of international traffic; and certain stevedoring equipment and material are listed in section 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)).

On May 14, 1980, the Department of State advised the Secretary of the Treasury that the Polish People's Republic now places no restrictions on the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with such barges; certain empty instruments of international traffic; and certain stevedoring equipment and material by vessels of the United States between ports in that country. In addition, on May 16, 1980, the Department of State advised the Secretary of the Treasury that Kuwait places no restrictions on the transportation of any of the articles listed in the Act by vessels of the United States between ports in that country. Therefore, appropriate reciprocal privileges are to be accorded to vessels registered in the Polish People's Republic as of May 14, 1980, and to vessels registered in Kuwait as of May 16, 1980.

Finding

On the basis of the information received from the Secretary of State, as described above, I find that the Governments of the Polish People's Republic and Kuwait place no

restrictions on the transportation of the articles specified in section 27 of the Merchant Marine Act of 1920, as amended, by vessels of the United States between ports in those countries. Therefore, appropriate reciprocal privileges are accorded to vessels registered in the Polish People's Republic as of May 14, 1980, and to vessels registered in Kuwait as of May 16, 1980.

Amendments to the Regulations

To reflect the reciprocal privileges granted to vessels registered in the Polish People's Republic and Kuwait, section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), is amended by inserting "Kuwait" in appropriate alphabetical order in the list of nations under that section. Section 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)), is amended by inserting "Kuwait" and "Polish People's Republic" in appropriate alphabetical order in the list of nations under that section.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516, Pub. L. 90-474, 82 Stat. 700 (5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883)).

**Inapplicability of Public Notice and
Delayed Effective Date Requirements**

Because these are minor amendments in which the public is not particularly interested and there is a statutory basis for the described extension of reciprocal privileges, notice and public procedure pursuant to 5 U.S.C. 553(b)(3) are unnecessary. In accordance with 5 U.S.C. 553(d)(1), a delayed effective date is not required because these amendments grant an exemption.

**Regulation Determined To Be
Nonsignificant**

In a directive published in the Federal Register on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations," the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the Federal Register and codified in the Code of Federal Regulations to be significant. However, regulations which are nonsubstantive, are essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or

costs on, or substantially alter the legal rights or obligations of, those affected, with Secretarial approval may be determined not to be significant. Accordingly, it has been determined that this document does not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

The principal author of this document was James A. Seal, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and the Treasury participated in its development.

Dated: December 30, 1980.

Richard J. Davis,

Assistant Secretary of the Treasury.

FR Doc. 81-1923 Filed 1-16-81; 8:45 am

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

(Regulations Nos. 4, 16)

Determining Disability and Blindness Supplemental Security Income for the Aged, Blind, and Disabled; and Determining Disability and Blindness Substantial Gainful Activity Earnings Guidelines for 1980

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These regulations finalize the interim rules published on March 18, 1980 (45 FR 17131). Those rules increased the money amounts used as earnings guidelines to determine whether persons with impairments other than blindness are able to do substantial gainful activity.

DATES: The regulations are effective on January 1, 1980.

FOR FURTHER INFORMATION CONTACT:

David Smith, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7338.

SUPPLEMENTARY INFORMATION: These regulations increase the earnings guidelines we use to evaluate the work activity of claimants and beneficiaries with impairments other than blindness under titles II and XVI of the Social Security Act. We use these guidelines to determine whether an individual has

shown the ability to do substantial gainful activity (SGA).

Under the increased guideline amounts, we consider a person's earnings from work activity averaging more than \$300 a month in calendar year 1980 and later years as showing that he or she is able to do SGA, unless there is other evidence that the person is not able to do SGA.

Under the increased guideline amounts, we consider an employee's earnings from work activity averaging less than \$190 a month in calendar year 1980 and later years as showing he or she did not do SGA unless there is other evidence to the contrary.

The increased guideline amounts reflect the general rise in earnings levels of workers in the national economy. The new amounts also maintain the same relationship to earnings levels which has existed in the past. The upper level amount was determined by multiplying \$280 (the 1979 upper level amount) by 1.079410 (the ratio of the average of the total wages (as defined in § 404.1048(c)) reported for 1978 to those reported for 1977). This produced the amount of \$302.23, which was rounded to \$300, the nearest multiple of \$10. The 1980 lower level amount was determined by multiplying \$180 (the 1979 lower level amount) by the same ratio. This produced the amount of \$194.29, which was rounded to \$190. We published these rules as interim regulations on March 18, 1980 (45 FR 17131). Interested persons were given the opportunity to submit, within 60 days, comments on the changes. We received six comments. Five commenters felt the new guidelines were still too low. The other commenter was opposed to any increases which would correspondingly increase State Medicaid caseloads.

In response to comments that the increases are too low, we believe they fairly reflect the general rise in the earnings levels of workers in the national economy and maintain the same relationship to those earnings as have SGA increases in prior years. In response to the comment opposing the increase, were we not to raise the guidelines as we have it would impose an undue hardship on those who are attempting to work in an economy where each dollar of earnings has lost a significant amount of its purchasing power.

Section 302 of Pub. L. 96-265, effective December 1, 1980, enables disabled persons, in arriving at their earnings for SGA purposes, to deduct the costs they personally incur for drugs, services, and other items, in order to work. Under this provision a substantial number of disabled persons will be able to

increase their earnings and still receive benefits. That provision, however, does not affect this regulation. We will be publishing in the near future a notice of proposed rulemaking explaining how we propose to implement section 302 of Pub. L. 96-265.

These rules were recodified on August 20, 1980 (45 FR 55593 and 55632) but the amounts were not given final effect. What appeared as § 404.1534 in the interim regulations is now § 404.1574. What was § 416.934 in the interim regulations is now § 416.974. There were minor irregularities in the format of that part of the recodification which affect §§ 404.1574, 404.1575, 416.974, and 416.975. We are setting out the full text of these paragraphs as corrected.

The amendments to §§ 404.1574, 404.1575, 416.974, and 416.975 of Title 20 CFR Parts 404 and 416 are adopted as set forth below.

(Secs. 205, 223, 1102, 1614 and 1631 of the Social Security Act; 53 Stat. 1368, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended, and 86 Stat. 1471, 1475, as amended; 42 U.S.C. 405, 423, 1302, 1382c and 1383)

(Catalog of Federal Domestic Assistance Program No. 13.802 Disability Insurance; 13.807 Supplemental Security Income)

Dated: December 18, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: January 13, 1981.

Patricia Roberts Harris,

Secretary of Health and Human Services.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. §§ 404.1574 and 404.1575 are revised to read as follows:

§ 404.1574 Evaluation guides if you are an employee.

(a) *General.* We use several guides to decide whether you have done substantial gainful activity.

(1) *Your earnings may show you have done substantial gainful activity.* The amount of your earnings from work you have done may show that you have engaged in substantial gainful activity. Generally, if you worked for substantial earnings, this will show that you are able to do substantial gainful activity. On the other hand, the fact that your earnings are not substantial will not necessarily show that you are not able to do substantial gainful activity. Earnings from work that you were forced to stop after a short time because of your impairment will not show that you are able to do substantial gainful activity.

(2) *We consider only the amounts you earn.* We do not consider any income

not directly related to your productivity when we decide whether you have done substantial gainful activity. If your earnings are being subsidized, the amount of the subsidy is not counted when we determine whether or not your work is substantial gainful activity. Thus, where work is done under special conditions, we only consider the part of your pay which you actually "earn". For example, where a handicapped person does simple tasks under close and continuous supervision, we would not determine that the person worked at the substantial gainful activity level only on the basis of the amount of pay. An employer may set a specific amount as a subsidy after figuring the reasonable value of the employee's services. If your work is subsidized and your employer does not set the amount of the subsidy or does not adequately explain how the subsidy was figured, we will investigate to see how much your work is worth.

(3) *If you are working in a sheltered or special environment.* If you are working in a sheltered workshop, you may or may not be earning the amounts you are being paid. The fact that the sheltered workshop or similar facility is operating at a loss or is receiving some charitable contributions or governmental aid does not establish that you are not earning all you are being paid. Since persons in military service being treated for severe impairments usually continue to receive full pay, we evaluate work activity in a therapy program or while on limited duty by comparing it with similar work in the civilian work force or on the basis of reasonable worth of the work, rather than on the actual amount of the earnings.

(4) *If you have special work-related expenses.* If you have out-of-the-ordinary expenses in connection with your work and because of your impairment (for example, you may require special transportation), we will deduct these from your earnings if they exceeded the normal work-related expenses you would have if you were not impaired. When we decide if your work is substantial gainful activity, however, we do not deduct expenses for those things (e.g., medication or equipment) which you need even when you are not working.

(b) *Earnings guidelines.* (1) *General.* If you are an employee, we first consider the criteria in paragraph (a) of this section, and then the guides in paragraphs (b) (2), (3), (4), (5), and (6) of this section.

(2) *Earnings that will ordinarily show that you have engaged in substantial gainful activity.* We will consider that your earnings from your work activities

as an employee show that you have engaged in substantial gainful activity if—

- (i) Your earnings averaged more than \$200 a month in calendar years prior to 1976;
- (ii) Your earnings averaged more than \$230 a month in calendar year 1976;
- (iii) Your earnings averaged more than \$240 a month in calendar year 1977;
- (iv) Your earnings averaged more than \$260 a month in calendar year 1978;
- (v) Your earnings averaged more than \$280 a month in calendar year 1979; or
- (vi) Your earnings averaged more than \$300 a month in calendar years after 1979.

(3) *Earnings that will ordinarily show that you have not engaged in substantial gainful activity.* We will generally consider that the earnings from your work as an employee will show that you have not engaged in substantial gainful activity if—

- (i) Your earnings averaged less than \$130 a month in calendar years before 1976;
- (ii) Your earnings averaged less than \$150 a month in calendar year 1976;
- (iii) Your earnings averaged less than \$160 a month in calendar year 1977;
- (iv) Your earnings averaged less than \$170 a month in calendar year 1978;
- (v) Your earnings averaged less than \$180 a month in calendar year 1979; or
- (vi) Your earnings averaged less than \$190 a month in calendar years after 1979.

(4) *If you work in a sheltered workshop.* If you are working in a sheltered workshop or a comparable facility especially set up for severely impaired persons, your earnings and activities will ordinarily establish that you have not done substantial gainful activity if—

- (i) Your average earnings are not greater than \$200 a month in calendar years prior to 1976;
- (ii) Your average earnings are not greater than \$230 a month in calendar year 1976;
- (iii) Your average earnings are not greater than \$240 a month in calendar year 1977;
- (iv) Your average earnings are not greater than \$260 a month in calendar year 1978;
- (v) Your average earnings are not greater than \$280 a month in calendar year 1979; or
- (vi) Your average earnings are not greater than \$300 a month in calendar years after 1979.

(5) *If there is evidence showing that you may have done substantial gainful activity.* If there is evidence showing that you may have done substantial gainful activity, we will apply the

criteria in paragraph (b)(6) of this section regarding comparability and value of services.

(6) *Earnings that are not high of low enough to show whether you engaged in substantial gainful activity.* If your earnings, on the average, are between the amounts shown in paragraphs (b)(2) and (3) of this section, we will generally consider other information in addition to your earnings, such as whether—

(i) Your work is comparable to that of unimpaired people in your community who are doing the same or similar occupations as their means of livelihood, taking into account the time, energy, skill, and responsibility involved in the work, or

(ii) Your work, although significantly less than that done by unimpaired people, is clearly worth the amounts shown in paragraph (b)(2) of this section, according to pay scales in your community.

§ 404.1575 Evaluation guides if you are self-employed.

(a) *If you are a self-employed person.* We will consider your activities and their value to your business to decide whether you have engaged in substantial gainful activity if you are self-employed. We will not consider your income alone since the amount of income you actually receive may depend upon a number of different factors like capital investment, profit sharing agreements, etc. However, income from activities that you were forced to stop after a short time because of your impairment will not show that you are able to do substantial gainful activity. We will evaluate your work activity on the value to the business of your services regardless of whether you receive an immediate income for your services. We consider that you have engaged in substantial gainful activity if—

(1) Your work activity, in terms of factors such as hours, skills, energy output, efficiency, duties, and responsibilities, is comparable to that of unimpaired individuals in your community who are in the same or similar businesses as their means of livelihood;

(2) Your work activity, although not comparable to that of unimpaired individuals, is clearly worth the amount shown in § 404.1574(b)(2) when considered in terms of its value to the business, or when compared to the salary that an owner would pay to an employee to do the work you are doing; or

(3) You render services that are significant to the operation of the

business and receive a substantial income from the business.

(b) *What we mean by significant services.* (1) If you are not a farm landlord and you operate a business entirely by yourself, any services that you render are significant to the business. If your business involves the services of more than one person, we will consider you to be rendering significant services if you contribute more than half the total time required for the management of the business, or you render management services for more than 45 hours a month regardless of the total management time required by the business.

(2) If you are a farm landlord, that is, you rent farm land to another, we will consider you to be rendering significant services if you materially participate in the production or the management of the production of the things raised on the rented farm. (See § 404.1082 of this chapter for an explanation of "material participation".) If you were given social security earnings credits because you materially participated in the activities of the farm and you continue these same activities, we will consider you to be rendering significant services.

(c) *What we mean by substantial income.* We will consider the income you receive from a business, after we deduct from gross income the reasonable value of any significant amount of unpaid help and any soil bank payments that were included as farm income, as well as normal business expenses, to be substantial if—

(1) Your net income from the business averages more than the amounts described in § 404.1574(b)(2); or

(2) Your net income from the business averages less than the amounts described in § 404.1574(b)(2) but the livelihood which you get from the business is either comparable to what it was before you became disabled or is comparable to that of unimpaired self-employed persons in your community who are in the same or similar businesses as their means of livelihood.

2. §§ 416.974 and 416.975 are revised to read as follows:

§ 416.974 Evaluation guides if you are an employee.

(a) *General.* We use several guides to decide whether you have done substantial gainful activity.

(1) *Your earnings may show you have done substantial gainful activity.* The amount of your earnings from work you have done may show that you have engaged in substantial gainful activity. Generally, if you worked for substantial earnings, this will show that you are able to do substantial gainful activity.

On the other hand, the fact that your earnings are not substantial will not necessarily show that you are not able to do substantial gainful activity. Earnings from work that you were forced to stop after a short time because of your impairment will not show that you are able to do substantial gainful activity.

(2) *We consider only the amounts you earn.* We do not consider any income not directly related to your productivity when we decide whether you have done substantial gainful activity. If your earnings are being subsidized, the amount of the subsidy is not counted when we determine whether or not your work is substantial gainful activity. Thus, where work is done under special conditions, we only consider the part of your pay which you actually "earn". For example, where a handicapped person does simple tasks under close and continuous supervision, we would not determine that the person worked at the substantial gainful activity level only on the basis of the amount of pay. An employer may set a specific amount as a subsidy after figuring the reasonable value of the employee's services. If your work is subsidized and your employer does not set the amount of the subsidy or does not adequately explain how the subsidy was figured, we will investigate to see how much your work is worth.

(3) *If you are working in a sheltered or special environment.* If you are working in a sheltered workshop, you may or may not be earning the amounts you are being paid. The fact that the sheltered workshop or similar facility is operating at a loss or is receiving some charitable contributions or governmental aid does not establish that you are not earning all you are being paid. Since persons in military service being treated for severe impairments usually continue to receive full pay, we evaluate work activity in a therapy program or while on limited duty by comparing it with similar work in the civilian work force or on the basis of reasonable worth of the work, rather than on the actual amount of the earnings.

(4) *If you have special work-related expenses.* If you have out-of-the-ordinary expenses in connection with your work and because of your impairment (for example, you may require special transportation), we will deduct these from your earnings if they exceeded the normal work-related expenses you would have if you were not impaired. When we decide if your work is substantial gainful activity, however, we do not deduct expenses for those things (e.g., medication or

equipment) which you need even when you are not working.

(b) *Earnings guidelines.*—(1) *General.* If you are an employee, we first consider the criteria in paragraph (a) of this section, and then the guides in paragraphs (b) (2), (3), (4), (5), and (6) of this section.

(2) *Earnings that will ordinarily show that you have engaged in substantial gainful activity.* We will consider that your earnings from your work activities as an employee show that you have engaged in substantial gainful activity if—

(i) Your earnings averaged more than \$200 a month in calendar years prior to 1976;

(ii) Your earnings averaged more than \$230 a month in calendar year 1976;

(iii) Your earnings averaged more than \$240 a month in calendar year 1977;

(iv) Your earnings averaged more than \$260 a month in calendar year 1978; or

(v) Your earnings averaged more than \$280 a month in calendar year 1979; or

(vi) Your earnings averaged more than \$300 a month in calendar years after 1979.

(3) *Earnings that will ordinarily show that you have not engaged in substantial gainful activity.* We will generally consider that the earnings from your work as an employee will show that you have not engaged in substantial gainful activity if—

(i) Your earnings averaged less than \$130 a month in calendar years before 1976;

(ii) Your earnings averaged less than \$150 a month in calendar year 1976;

(iii) Your earnings averaged less than \$160 a month in calendar year 1977;

(iv) Your earnings averaged less than \$170 a month in calendar year 1978; or

(v) Your earnings averaged less than \$180 a month in calendar year 1979; or

(vi) Your earnings averaged less than \$190 a month in calendar years after 1979.

(4) *If you work in a sheltered workshop.* If you are working in a sheltered workshop or a comparable facility especially set up for severely impaired persons, your earnings and activities will ordinarily establish that you have not done substantial gainful activity if—

(i) Your average earnings are not greater than \$200 a month in calendar years prior to 1976;

(ii) Your average earnings are not greater than \$230 a month in calendar year 1976;

(iii) Your average earnings are not greater than \$240 a month in calendar year 1977;

(iv) Your average earnings are not greater than \$260 a month in calendar year 1978;

(v) Your average earnings are not greater than \$280 a month in calendar year 1979; or

(vi) Your average earnings are not greater than \$300 a month in calendar years after 1979.

(5) *If there is evidence showing that you may have done substantial gainful activity.* If there is evidence showing that you may have done substantial gainful activity, we will apply the criteria in paragraph (b)(6) of this section regarding comparability and value of services.

(6) *Earnings that are not high or low enough to show whether you engaged in substantial gainful activity.* If your earnings, on the average, are between the amounts shown in paragraphs (b)(2) and (3) of this section, we will generally consider other information in addition to your earnings, such as whether—

(i) Your work is comparable to that of unimpaired people in your community who are doing the same or similar occupations as their means of livelihood, taking into account the time, energy, skill, and responsibility involved in the work; or

(ii) Your work, although significantly less than that done by unimpaired people, is clearly worth the amounts shown in paragraph (b)(2) of this section, according to pay scales in your community.

§ 416.975 Evaluation guides if you are self-employed.

(a) *If you are a self-employed person.* We will consider your activities and their value to your business to decide whether you have engaged in substantial gainful activity if you are self-employed. We will not consider your income alone since the amount of income you actually receive may depend upon a number of different factors like capital investment, profit sharing agreements, etc. However, income from activities that you were forced to stop after a short time because of your impairment will not show that you are able to do substantial gainful activity. We will evaluate your work activity on the value to the business of your services regardless of whether you receive an immediate income for your services. We consider that you have engaged in substantial gainful activity if—

(1) Your work activity, in terms of factors such as hours, skills, energy output, efficiency, duties, and responsibilities, is comparable to that of unimpaired individuals in your community who are in the same or

similar businesses as their means of livelihood;

(2) Your work activity, although not comparable to that of unimpaired individuals, is clearly worth the amount shown in § 416.974(b)(2) when considered in terms of its value to the business, or when compared to the salary that an owner would pay to an employee to do the work you are doing; or

(3) You render services that are significant to the operation of the business and receive a substantial income from the business.

(b) *What we mean by significant services.* (1) If you are not a farm landlord and you operate a business entirely by yourself, any services that you render are significant to the business. If your business involves the services of more than one person, we will consider you to be rendering significant services if you contribute more than half the total time required for the management of the business, or you render management services for more than 45 hours a month regardless of the total management time required by the business.

(2) If you are a farm landlord, that is, you rent farm land to another, we will consider you to be rendering significant services if you materially participate in the production or the management of the production of the things raised on the rented farm. (See § 404.1082 of this chapter for an explanation of "material participation".) If you were given social security earnings credits because you materially participated in the activities of the farm and you continue these same activities, we will consider you to be rendering significant services.

(c) *What we mean by substantial income.* We will consider the income you receive from a business, after we deduct from gross income the reasonable value of any significant amount of unpaid help and any soil bank payments that were included as farm income, as well as normal business expenses, to be substantial if—

(1) Your net income from the business averages more than the amounts described in § 416.974(b)(2); or

(2) Your net income from the business averages less than the amounts described in § 416.974(b)(2) but the livelihood which you get from the business is either comparable to what it was before you became disabled or is comparable to that of unimpaired self-employed persons in your community

who are in the same or similar businesses as their means of livelihood.

[FR Doc. 81-1856 Filed 1-18-81; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-81-898]

Property Improvement and Manufactured (Mobile) Home Loans

AGENCY: Department of Housing and Urban Development (HUD)

ACTION: Final rule.

SUMMARY: This rule provides for increases in loan amounts for manufactured (mobile) home loans as authorized by Section 308 of the Housing and Community Development Act of 1980.

EFFECTIVE DATE: February 18, 1981.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9172, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755-6680 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 308 of the Housing and Community Development Act of 1980 amended Section 2(b) of the National Housing Act to authorize increases for manufactured (mobile) home loans in the following amounts: (1) On single-wide homes from \$18,000 to \$20,000; (2) on double-wide homes from \$27,000 to \$30,000.

The term, manufactured housing, has been used throughout this rule to reflect the new terminology of the 1980 Act. However, the word, mobile, is used parenthetically as a guide to persons familiar with the old terminology.

The Secretary has determined that the benefits afforded by these increases be made available as soon as possible. The rule removes a current restriction and the Secretary has therefore determined that public notice and procedure pursuant to 24 CFR Part 10 are unnecessary with regard to this rule.

The legislative review provisions of Section 7(o) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(o) have been met.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the

National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule is not listed in the Department's semi-annual agenda of Significant Rules pursuant to Executive Order 12044, as extended by Executive Order 12221.

The program number and title in the Catalog of Federal Domestic Assistance is 14.110, Manufactured (Mobile) Home Loan Insurance-Financing Purchase of Manufactured (Mobile) Homes as Principal Residences of Borrowers (Title I).

Accordingly, 24 CFR Part 201 is amended by amending the first sentence of paragraph (a) and by revising paragraph (c) to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The proceeds of a manufactured (mobile) home loan shall not exceed the lesser of \$20,000 (\$30,000 where the manufactured (mobile) home is composed of two or more modules) * * *

(b) * * *

(c) The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than \$20,000 (\$30,000 where the manufactured (mobile) home is composed of two or more modules).

(Sec. 7(d), Department of Housing and Urban Development Act 42 U.S.C. 3535(d) Title I, sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 as amended))

Issued at Washington, D.C., December 4, 1980.

Lawrence B. Simons,
Assistant Secretary for Housing—Federal
Housing Commissioner.

[FR Doc. 81-1532 Filed 1-16-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

Off-Reservation Treaty Fishing; Extension of Deadline for Issuance of Fishing Identification Cards

January 7, 1981.

AGENCY: Bureau of Indian Affairs (BIA).

ACTION: Final rule.

SUMMARY: Temporary off-reservation fishing identification cards may be issued to any member of a tribe whose tribal roll is not yet current and approved, providing the member submits appropriate evidence of entitlement to membership. Under the present regulations, the expiration date for issuance of identification cards is December 31, 1980. The BIA is amending its regulations to continue issuance of cards to members of tribes whose roll is not yet current and complete. This extension will allow the BIA to continue issuing the temporary identification fishing cards until December 31, 1982.

DATE: This regulation is effective January 19, 1981.

FOR FURTHER INFORMATION CONTACT:

Ulyses S. St. Arnold, Acting Chief, Division of Fish, Wildlife and Recreation, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

SUPPLEMENTARY INFORMATION: On page 4257 of February 1, 1978, *Federal Register* (43 FR 4257), there was published a notice of amendment to final rulemaking to extend the deadline for issuing temporary identification cards to tribal members in connection with treaty fishing rights. Since this revision extends a deadline for issuing temporary identification cards to tribal members to be used in connection with treaty fishing rights, advance notice and public procedure would delay issuance of the identification cards to those entitled to receive them and this delay is deemed contrary to the public interest; therefore, advance notice and public procedure are dispensed with under the exception provided in 5 U.S.C. 553(b)(B) (1970). Furthermore, the only change made by this amendment is to extend the date of expiration in § 256.3(b) from December 31, 1980, to December 31, 1982, for issuance of tribal identification cards concerning Indian treaty fishing. This change is deemed to be minor and technical in nature. For the above reasons, the Department has also determined that this amendment will be effective upon publication.

The authority for issuing this amendment is contained in 5 U.S.C. 301, and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 209 DM 8.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this document is Ulyses S. St. Arnold, Division of Fish, Wildlife and Recreation, Office of Trust

Responsibilities, Bureau of Indian Affairs, telephone: 202-343-6574.

Section 256.3(b) of Subchapter W of Chapter I of title 25 of the Code of Federal Regulations is hereby amended by revising § 256.3(b) to read as follows:

PART 256—OFF-RESERVATION TREATY FISHING

§ 256.3 Identification cards.

(b) No such card shall be issued to any Indian who is not on the official membership roll of the tribe which has been approved by the Secretary of the Interior. *Provided,* That until December 31, 1982, a temporary card may be issued to any member of a tribe not having an approved current membership roll who submits evidence of his entitlement thereto satisfactory to the issuing officer and, in the case of a tribally issued card, to the countersigning officer. Any Indian claiming to have been wrongfully denied a card may appeal the decision in accordance with Part 2 of this chapter.

Thomas W. Fredericks,
Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-1768 Filed 1-16-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 150

[T.D. 7755]

Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Windfall Profit Tax Administrative Provisions

AGENCY: Internal Revenue Service,
Treasury.

ACTION: Amendment of temporary
regulations.

SUMMARY: This document amends temporary excise tax regulations relating to the windfall profit tax on domestic crude oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The new temporary regulations relate primarily to administrative aspects of the tax. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the *Federal Register*.

DATE: These temporary regulations are effective with respect to oil removed