

Innovation, Room 3859, Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued, on December 31, 1980, Part 19 of Title 15, entitled "Federal Interaction With Voluntary Standards Bodies; Procedures". This Part appeared in the *Federal Register* for January 6, 1981 (46 FR 1574) with an effective date of February 5, 1981. These procedures were issued in response to Section 7a(1)(a) of OMB Circular A-119, entitled "Federal Participation in the Development and Use of Voluntary Standards".

In response to President Reagan's Memorandum of January 29, 1981 entitled, "Postponement of Pending Regulations", the first sentence of § 19.5 of Title 15, CFR, is being amended today to postpone the effective date to March 30, 1981.

EFFECTIVE DATE OF THIS AMENDMENT: February 4, 1981.

Issued: February 4, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

1. The preamble to FR Doc 81-254, published at 46 FR 1574, January 6, 1981 is amended by revising the effective date caption in the first column to read "Effective Date: March 30, 1981".

§ 19.5 [Amended]

2. The first sentence of § 19.5 of Title 15 of the Code of Federal Regulations (46 FR 1574, 1579) is amended to read as follows:

This subpart shall become effective on March 30, 1981.

[FR Doc. 81-4586 Filed 2-9-81; 8:45 am]

BILLING CODE 3510-13-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2652

Allocating Unfunded Vested Benefits; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Correction of interim rule.

SUMMARY: On January 19, 1981, the Pension Benefit Guaranty Corporation published in the *Federal Register* at 46 FR 4894, FR Doc. 81-2041, an interim regulation prescribing modifications to the statutory methods for allocating unfunded vested benefits in determining the withdrawal liability of an employer that withdraws from a multiemployer pension plan. The interim regulation

contained an erroneous date and certain other editorial and technical errors. This document corrects the date and other errors in the regulation and its preamble.

EFFECTIVE DATE: February 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Ellen A. Hennessy, Office of the Executive Director, Policy and Planning, Suite 7100, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254-4856 (not a toll-free number).

SUPPLEMENTARY INFORMATION: FR Doc. 81-2041, appearing at 46 FR 4894 (January 19, 1981) is corrected as follows:

1. On page 4895, column 1, lines 1 to 11 are changed to read as follows:

Under section 4220(a) of ERISA, no plan amendments relating to withdrawal liability may be adopted without PBGC approval more than 36 months after the effective date of part 1 of Subtitle E of ERISA (the withdrawal liability provisions). The withdrawal liability provisions are generally effective April 29, 1980. Section 2652.5 (a) and (b) of this regulation permits plans to adopt specified amendments without PBGC approval at any time before May 1, 1983 (36 whole calendar months after the effective date).

2. On page 4898, column 2, the citation of authority for Part 2652 is changed to read as follows:

Authority: Sections 4002(b)(3) and 4211(c)(1), (c)(2)(D), (c)(5)(A), and (c)(5)(D), Pub. L. 93-46, 88 Stat. 829, 1004 (1974), as amended by sections 403(1) and 104 (respectively), Pub. L. 96-364, 94 Stat. 1208, 1302, 1228-29, 1232 (1980) (29 U.S.C. 1302(b)(3) and 1391(c)(1), (c)(2)(D), (c)(5)(A) and (c)(5)(D)).

§ 2652.5 [Corrected]

3. On page 4899, column 1, § 2652.5(b) is changed to read as follows:

(b) *Modifications to the statutory methods.* Before May 1, 1983, a plan may be amended to adopt any of the modifications set forth in §§ 2652.6 and 2652.7 without the approval of the PBGC.

§ 2652.6 [Corrected]

4. On page 4899, column 1, the following new sentence is added at the end of § 2652.6(a): "Employee contributions, if any, should be excluded from the totals."

5. On page 4899, column 3, in the third line of *Example (2)* under § 2652.6(d), the word "the" is inserted before the word "denominator".

§ 2652.13 [Corrected]

6. On page 4900, column 3, in the last sentence of § 2652.13(d)(3), the word "an" is inserted before "EIN-PIN".

Issued in Washington, D.C., this 5th day of February, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-4627 Filed 2-9-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

National Security Agency

32 CFR Part 2200

Availability of Information

AGENCY: National Security Agency, DOD.

ACTION: Removal.

SUMMARY: Part 2200 of this title is a verbatim repetition of §§ 299.2-299.5 of Part 299 of this title. Part 2200 of Title 32 is therefore redundant and requires removal.

EFFECTIVE DATE: February 10, 1981.

FOR FURTHER INFORMATION CONTACT: LCDR M. E. Bowman, JAGC, USN, Office of General Counsel, (301) 688-6054.

SUPPLEMENTARY INFORMATION: **PART 2200—AVAILABILITY OF INFORMATION—[REMOVED]**

Under the authority of the Director, National Security Agency, contained in 44 U.S.C. 3101, 32 CFR Part 2200, is hereby removed.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

February 4, 1981.

[FR Doc. 81-4617 Filed 2-9-81; 8:45 am]

BILLING CODE 3810-70-M

Corps of Engineers, Department of the Army

33 CFR Part 209

Administrative Procedures; Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which establish shipping safety fairways in the Gulf of Mexico to allow the Corps of Engineers to permit certain temporary structures within the boundaries of fairways.

DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles Decker, (504) 838-2255, Chief, Regulatory Functions Branch, U.S. Army Engineer District, New Orleans, Prytania Street, New Orleans, Louisiana 70160;

Mr. Ralph T. Eppard, (202) 272-0200, Regulatory Functions Branch, Construction-Operations Division, Office of the Chief of Engineers, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION:

Department of the Army permits are required for the construction of any structure in or over any navigable water of the United States pursuant to Section 10 of the River and Harbor Act of 1899. This authority was extended to artificial islands and fixed structures located on the Outer Continental Shelf (OCS) by the OCS Lands Act as amended September 18, 1978 (92 Stat. 635; 43 U.S.C. 1333(e)). Pursuant to these authorities shipping safety fairways were established in the Gulf of Mexico under 33 CFR 209.135. The Corps, in effect, established the fairways by denying permits for structures within certain designated lanes. In accordance with this position on structures within a fairway, the Corps has traditionally prohibited placing cables, chains and anchors used by drilling rigs from extending into a fairway. Recent leases issued for oil and gas activities on the OCS are located in greater depths than earlier lease areas and, in some cases, are within fairways. Production of oil and gas on the OCS is normally accomplished by drilling multiple wells directionally from strategically located platforms. Due to the cost to design, fabricate, and install these structures, companies normally drill several wells using floating or semisubmersible drilling rigs to determine whether there are sufficient hydrocarbons to justify installation of a platform and to select the optimum locations for platforms and production facilities. Though companies drilling exploratory wells from floating or semisubmersible rigs in these lease areas are not allowed to place any structure within the fairways, occasionally they do need to place the rig as close as possible to the fairway boundaries to allow directional drilling to areas under the fairway. Several oil companies have now expressed their interest in placing semisubmersible or floating rigs close to the fairway boundaries.

On August 18, 1980, the U.S. Army Corps of Engineers published a notice of proposed rulemaking in the *Federal Register* (45 FR 54770-54771), soliciting comments on the proposal to amend 33 CFR 209.135 to allow certain temporary

structures within the shipping safety fairways.

The Corps received comments from the following named organizations and agencies:

TransOcean Oil, Inc.
The Louisiana Land and Exploration Company
ANR Production Company
Texas Gulf Oil and Gas Company
Cities Service Company
Ocean Drilling and Exploration Company
Shell Oil Company
U.S. Coast Guard
Texaco, U.S.A.
Chevron, U.S.A., Inc.
West Gulf Maritime Association.
Sonoco, Inc.
Sungas Company
Tenneco Oil Exploration and Production
Pacific Merchant Shipping Association
Jacksonville District Engineer
Savannah District Engineer
Missouri River Division Engineer
South Pacific Division Engineer
New Orleans Steamship Association
Marathon Oil Company
Offshore Operators Committee
Sohio Petroleum Company
Gulf Oil Exploration and Production Company
Mitchell Energy Offshore Corporation
Mesa Petroleum Company
EXXON Company, U.S.A.
Murphy Oil Corporation
Getty Oil Company
Oxy Petroleum, Inc.

Three of the comments objected to the proposed rule change based on concerns for navigation safety. Two of these comments recommended that no obstruction be allowed within 3,000 feet of any fairway or anchorage area. Another comment stressed the need to minimize potential hazards and stated that:

1. No structure be allowed within 500 feet of a fairway boundary while insuring 250 feet clearance over an anchor line within a fairway;

2. Local conditions must be considered in any permit and;

3. Notification of commencement as in (b)(2) be made prior to placement of the structure on the site.

The remainder of the comments were in favor of a rule change to accommodate temporary structures within fairway boundaries. However, 16 of the organizations submitted that temporary permits valid for 90 days should be extended and most favored giving the district engineer some flexibility in making decisions on duration of time. Twelve of the comments recommended the 250 feet minimum clearance over an anchor line be reduced. Several comments questioned the need for 250 feet clearance over anchor buoys or floats and recommended this be reduced to 85 or 100 or 150 feet. The

recommendation was received to clarify the term "drilling rig" by stating "floating or semisubmersible drilling rig" because certain other type rigs are not subject to these restrictions. Most comments requested that notification to all concerned Federal agencies of commencement and completion dates be changed to specify which agencies should receive notification. The U.S. Coast Guard provided a letter stating that Agency does not object to the proposed change. We have reviewed all of the comments received and have coordinated the proposal and comments with the affected district engineers. Based on this review we have determined that it is in the National interest to allow temporary structures to be placed within shipping safety fairway boundaries as proposed, provided the decision of whether or not to permit these structures is determined by the district engineer on a case-by-case basis. We have also determined that the proposed rules were in some cases overly restrictive and accordingly we are incorporating the following changes to the proposed rules. These changes were coordinated with the U.S. Coast Guard. Our rationale for each change is included.

1. Section 209.135(b)(2)(i): Change to read: "The installation of anchors to stabilize semisubmersible drilling rigs within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer, provided reasonable cause for such extension can be shown and the extension is otherwise justified."

Rationale: Safety is a primary concern. Time should be available in the event of unforeseen complications. Limiting the permit to 90 days would hamper and/or exclude a considerable amount of deep water or deep well exploration activity. As water depth increases, drilling time naturally increases.

2. Section 209.135(b)(2) (ii) and (iii): Change "250 feet" to read "125 feet."

Rationale: 250 feet is excessive in view of maximum draft of vessels navigating in the Gulf of Mexico.

3. Section 209.135(b)(2)(iv): Change "5 nautical miles" to "3 nautical miles."

Rationale: Minimum distance of 5 nautical miles between drilling rigs was determined to be excessive and could prevent competitive operators from simultaneously drilling in adjoining lease areas. The 3 mile minimum spacing should reduce these situations while not compromising navigational safety.

4. Section 209.135(b)(2)(v): Change to read: "The permittee must notify the

District Engineer, U.S. Geological Survey, Bureau of Land Management, U.S. Coast Guard, National Oceanic and Atmospheric Administration and the U.S. Navy Hydrographic Office of the approximate dates (commencement and completion) the anchors will be in place to insure maximum notification of mariners."

Rationale: Determining the identity of "concerned Federal agencies" for notification of mariners should not be the responsibility of the permittee. The District Engineer can provide addresses.

Accordingly, the Department of the Army is amending 33 CFR 209.135(b) as set forth below. We are making an editorial change to paragraph (b) to form subparagraphs (1), (2), and (3). The contents of subparagraphs (1) and (3) remain unchanged except for a change to subparagraph (1) which notes the exception to the prohibition of any structures within a fairway allowed by subparagraph (2). Subparagraph (b)(3) is reprinted only for clarity. Therefore, we are amending 33 CFR 209.135 by revising paragraph (b) to read as follows:

§ 209.135 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(b) Permits. (1) Department of the Army permits are required pursuant to law (30 Stat. 1151; 33 U.S.C. 403) and (92 Stat. 635; 43 U.S.C. 1333(e)) for work or structures in the Gulf of Mexico in coastal waters and the waters covering the Outer Continental Shelf. The Department of the Army will grant no permits for the erection of structures in the area designated as fairways, since structures located therein would constitute obstructions to navigation. Exception: The temporary placement of anchors may be allowed by these regulations.

(2) The Department of the Army may permit temporary anchors and attendant cables or chains for floating or semisubmersible drilling rigs to be placed within a fairway provided the following conditions are met.

(i) The installation of anchors to stabilize semisubmersible drilling rigs within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer provided reasonable cause for such extension can be shown and the extension is otherwise justified.

(ii) Drilling rigs must be at least 500 feet from any fairway boundary or whatever distance necessary to insure that minimum clearance over an anchor line within a fairway will be 125 feet.

(iii) No anchor buoys or floats or related rigging will be allowed on the

surface of the water or to a depth of 125 feet from the surface, within the fairway.

(iv) Drilling rigs may not be placed closer than 2 nautical miles of any other drilling rig situated along a fairway boundary, and not closer than 3 nautical miles to any drilling rig located on the opposite side of the fairway.

(v) The permittee must notify the District Engineer, U.S. Geological Survey, Bureau of Land Management, U.S. Coast Guard, National Oceanic and Atmospheric Administration and the U.S. Navy Hydrographic Office of the approximate dates (commencement and completion) the anchors will be in place to insure maximum notification to mariners.

(vi) Navigation aids or danger markings must be installed as required by the U.S. Coast Guard.

(3) The Department of the Army may grant permits for the erection of structures within an area designated as an anchorage area, but the number of structures will be limited by spacing, as follows: The center of a structure to be erected shall be not less than two (2) nautical miles from the center of any existing structure. In a drilling or production complex, associated structures shall be as close together as practicable having due consideration for the safety factors involved. A complex of associated structures, when connected by walkways, shall be considered one structure for the purposes of spacing. A vessel fixed in place by moorings and used in conjunction with the associated structures of a drilling or production complex, shall be considered an attendant vessel and its extent shall include its moorings. When a drilling or production complex includes an attendant vessel and the complex extends more than five hundred (500) yards from the center of the complex, a structure to be erected shall be not closer than two (2) nautical miles from the near outer limit of the complex. An underwater completion installation in an anchorage area shall be considered a structure and shall be marked with a lighted buoy as approved by the United States Coast Guard.

(30 Stat. 1151, 33 U.S.C. 403, and 92 Stat. 635; 43 U.S.C. 1333(e))

Note.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under EO 12044. Improving Government Regulations (43 FR 12861, 24 March 1978), or an environmental impact statement under the National Environmental Policy Act.

Dated: February 2, 1981.

Approved:

Edward Lee Rogers,

Acting Assistant Secretary of the Army (Civil Works).

[FR Doc. 81-4622 Filed 2-9-81; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF EDUCATION

34 CFR Parts 605, 606, 642, 643, 644, 645, 646, 668, 674, 675, 676, 682, 683, 690, and 692

Public Meetings on Proposed and Final Regulation Implementing the Higher Education Amendments of 1980

Cross Reference: For a document cancelling public meetings scheduled for final regulations implementing the Higher Education Amendments of 1980, see FR Doc. 81-4861 published in the Proposed Rule section of this issue. Refer to the table contents at the front of this issue under Department of Education for the correct page number.

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Disaffirmation of Election of Improved Pension by Certain Medicaid Recipients

AGENCY: Veterans Administration.

ACTION: Final Regulations.

SUMMARY: The Veterans Administration has amended its regulations to implement the Adoption Assistance and Child Welfare Act of 1980. This law provides that certain persons in receipt of Veterans Administration pension for December 1978, may disaffirm an election of improved pension and be restored to the rolls of the pension program that they received benefits under in December 1978.

EFFECTIVE DATE: This change is effective January 1, 1979, the date specified in the law designated as Pub. L. No. 96-272, Section 310.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: On pages 68403-05 of the Federal Register of October 15, 1980, the Veterans Administration published proposed amendments and additions to its regulations to implement provisions of Pub. L. No. 96-272, Section 310.

Interested persons were given until November 14, 1980, to submit comments, objections, or suggestions to the proposal. We did not receive any and, consequently, the proposed regulation

amendments and additions are adopted without change.

Approved: January 28, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. Section 3.711 is revised to read as follows:

§ 3.711 Improved pension elections.

Except as otherwise provided by this section and § 3.712, a person entitled to receive section 306 or old-law pension on December 31, 1978, may elect to receive improved pension under the provisions of 38 U.S.C. 521, 541, or 542 as in effect on January 1, 1979. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right to reelection. Any veteran eligible to make an election under this section who is married to a veteran who is also eligible to make such an election may not receive improved pension unless the veteran's spouse also elects to receive improved pension. (Section 306(a)(1) of Pub. L. 95-588, 92 Stat. 2497)

2. In § 3.712, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 3.712 Improved pension elections—Spanish-American War pensioners.

(a) *Veterans*—(1) *General.* A veteran of the Spanish-American War who meets the service requirements of 38 U.S.C. 512(a) may elect to receive improved pension under 38 U.S.C. 521. A Spanish-American War veteran who elects to receive improved pension is not entitled to the additional rate authorized by 38 U.S.C. 521(g), however. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right of reelection.

(b) *Surviving spouses*—(1) *General.* A surviving spouse of a Spanish-American War veteran eligible for pension under 38 U.S.C. 536 may elect to receive improved pension under 38 U.S.C. 541. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right of reelection.

3. Section 3.714 is added to read as follows:

§ 3.714 Improved pension elections—public assistance beneficiaries.

(a) *Definitions.* The following definitions are applicable to this section.

(1) *Pensioner.* This means a person who was entitled to section 306 or old-law pension, or a dependent of such a person for the purposes of chapter 15 of title 38, United States Code as in effect on December 31, 1978.

(2) *Public assistance.* This means payments under the following titles of the Social Security Act:

(i) Title I (Grants to States for Old Age Assistance and Medical Assistance to the Aged).

(ii) Title X (Grants to States for Aid to the Blind).

(iii) Title XIV (Grants to States for Aid to the Permanently and Totally Disabled).

(iv) Part A of title IV (Aid to Families with Dependent Children).

(v) Title XVI (Supplemental Security Income for the Aged, Blind and Disabled).

(3) *Medicaid.* This means a State plan for medical assistance under title XIX of the Social Security Act.

(4) *Informed election.* The term "informed election" means an election of improved pension (or a reaffirmation of a previous election of improved pension) after the Veterans Administration has complied with the requirements of paragraph (e) of this section.

(b) *General.* In some States only a person in receipt of public assistance is eligible for medicaid. When this is the case the following applies effective January 1, 1979:

(1) A pensioner may not be required to elect improved pension to receive, or to continue to receive, public assistance; or

(2) A pensioner may not be denied (or suffer a reduction in the amount of) public assistance by reason of failure or refusal to elect improved pension.

(c) *Public assistance deemed to continue.* Public assistance (or a supplementary payment under Pub. L. No. 93-233, § 13(c)) payable to a pensioner may have been terminated because the pensioner's income increased as a result of electing improved pension. In this instance public assistance (or a supplementary payment under Pub. L. No. 93-233, § 13(c)) shall be deemed to have remained payable to a pensioner for each month after December 1978 when the following conditions are met:

(1) The pensioner was in receipt of pension for the month of December 1978; and

(2) The pensioner was in receipt of public assistance (or a supplementary

payment under Pub. L. No. 93-233, § 13(c)) prior to June 17, 1980 and for the month of December 1978, and

(3) The pensioner's public assistance payments (or a supplementary payment under Pub. L. No. 93-233, § 13(c)) were discontinued because of an increase in income resulting from an election of improved pension.

(d) *End of the deemed period of entitlement to public assistance.* The deemed period of entitlement to public assistance (or a supplementary payment under Pub. L. No. 93-233, § 13(c)) ends the first calendar month that begins more than 10 days after a pensioner makes an informed election of improved pension. (If the pensioner is unable to make an informed election the informed election may be made by a member of the pensioner's family.) A pensioner who fails to disaffirm a previously made election of improved pension within the time limits set forth in paragraph (e) of this section shall be deemed to have reaffirmed the previous election. This will also end the deemed period of entitlement to public assistance.

(e) *Notice of right to make informed election or disaffirm election previously made.* The Veterans Administration shall send a written notice to each pensioner to whom paragraph (b) of this section applies and who is eligible to elect or who has elected improved pension. The notice shall be in clear and understandable language. It shall include the following:

(1) A description of the consequences to the pensioner (and the pensioner's family if applicable) of losing medicaid eligibility because of an increase in income resulting from electing improved pension; and

(2) A description of the provisions of paragraph (b) of this section; and

(3) In the case of a pensioner who has previously elected improved pension, a form for the purpose of enabling the pensioner to disaffirm the previous election of improved pensions; and

(4) The following provisions of Pub. L. No. 96-272, § 310(b)(2)(B):

(i) That a pensioner has 90 days from the date the notice is mailed to the pensioner to disaffirm a previous election by completing the disaffirmation form and mailing it to the Veterans Administration.

(ii) That a pensioner who disaffirms a previous election shall receive, beginning the calendar month after the calendar month in which the Veterans Administration receives the disaffirmation, the amount of pension payable if improved pension had not been elected.

(iii) That a pensioner who disaffirms a previous election may again elect

improved pension but without a right to disaffirm the subsequent election.

(iv) That a pensioner who disaffirms an election of improved pension shall not be indebted to the United States for the period in which the pensioner received improved pension. Pub. L. No. 96-272, § 310; 94 Stat. 500.

(f) *Notification to the Department of Health and Human Services.* The Veterans Administration shall promptly furnish the Department of Health and Human Services the following information:

(1) The name and identifying information of each pensioner who disaffirms his or her election of improved pension.

(2) The name and identifying information of each pensioner who fails to disaffirm and election of improved pension within the 90-day period described in paragraph (e)(4)(i) of this section.

(3) The name and identifying information of each pensioner who after disaffirming his or her election of improved pension, subsequently reelected improved pension.

(38 U.S.C. 210(c))

[FR Doc. 81-4657 Filed 2-9-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 7

[AS-FRL 1749-6]

Notice to All Recipients of Federal Financial Assistance; Nondiscrimination on the Basis of Handicap

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Policy statement.

SUMMARY: The United States District Court, Central District of California, Case No. 70-1979 WPG, has ordered the Environmental Protection Agency to give notice to future recipients of EPA financial assistance that they are required to comply with Section 504 of the Rehabilitation Act of 1973 even though it has not yet published its final regulations implementing Section 504. Section 504 provides that recipients of Federal financial assistance will not discriminate against persons because of their handicap. Appendix A of the Court Order is set forth below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Downes, External Programs Compliance Staff, Office of Civil Rights (A-105), USEPA, 401 M Street, S.W., Washington, D.C. 20460, Telephone (202) 755-0540.

SUPPLEMENTARY INFORMATION:

Notice to All Recipients of Federal Financial Assistance From the Environmental Protection Agency

In the Case of Paralyzed Veterans of America, et al., Plaintiffs, v. Benjamin R. Civiletti, et al., Defendants, United States District Court, Central District of California No. 79-1979 WPG the Honorable William P. Gray ordered the Environmental Protection Agency to notify all future recipients of federal financial assistance from the Environmental Protection Agency that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. S. 794) even though the Environmental Protection Agency has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education, and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency (45 CFR Part 84). Recipients of federal financial assistance from the Environmental Protection Agency may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Dated: February 4, 1981.
Eduardo Terrones,
Director, Office of Civil Rights.

[FR Doc. 81-4662 Filed 2-9-81; 9:47 am]

BILLING CODE 6560-36-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1254

[Ex Parte No. 289]

Remittance of Demurrage Charges by Common Carriers of Property by Rail

Decided January 12, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Removal of final rules.